

Queensland



*Art Unions and Public Amusements Act 1992*

# ART UNIONS AND PUBLIC AMUSEMENTS REGULATION 1992

**Reprinted as in force on 22 June 1993  
(includes amendments up to SL No. 75 of 1993)**

**Reprint No. 2**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This regulation is reprinted as at 22 June 1993. As required by section 5 of the *Reprints Act 1992*, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the *Reprints Act 1992*, the reprint includes, in a suitable place, a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- use expressions consistent with current legislative drafting practice as permitted by section 29 of that Act;
- use the numbering of provisions and references permitted by section 43 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.**

**See previous reprint for information about earlier changes made to this regulation under the *Reprints Act 1992*.**

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AMUSEMENTS REGULATION 1992**

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# ART UNIONS AND PUBLIC AMUSEMENTS REGULATION 1992

[as amended by all amendments that commenced on or before 22 June 1993<sup>2</sup>]

## PART 1—PRELIMINARY

### Short title

1. This regulation may be cited as the *Art Unions and Public Amusements Regulation 1992*<sup>3-5</sup>.

### Commencement

2. This regulation commences on 24 July 1992.

### Definitions

3. In this regulation—

“**accountant**” means a person who is—

- (a) a member of The Institute of Chartered Accountants in Australia or the Australian Society of Certified Practising Accountants; or
- (b) a registered company auditor within the meaning of the ASC Law; or
- (c) approved in writing by the chief executive as an accountant for the purposes of this regulation;

“**allowable expenses**” in relation to an art union means the percentage of the estimated gross proceeds of a proposed art union that may be allocated or paid towards the costs of conducting the particular type of art union mentioned in clause 11 of Schedule 3 (Value of prizes, expenses and net proceeds—minor art unions), clause 12 of Schedule 3 (Value of prizes, expenses and net proceeds—major art unions), clause 13 of Schedule 3 (Value of prizes, expenses and net

proceeds—minor bingo and major bingo) and clause 15 of Schedule 3 (Value of prizes and expenses—calcutta sweeps);

**“approved form”** means a form approved by the chief executive under section 4 (Forms);

**“estimated gross proceeds”** of an art union means the estimate made by the applicant for, or the holder of, an authority to conduct a non-exempt art union of the gross proceeds of the art union;

**“estimated net proceeds”** of an art union means the estimate made by the applicant for, or the holder of, an authority to conduct a non-exempt art union of the net proceeds of the art union;

**“immediate family”**, in relation to a person, means the person’s spouse and family members residing at the same premises as the person;

**“liable person”**, in relation to an art union, means a person who must discharge the duties mentioned in section 75 of the Act in relation to the art union;

**“net proceeds”** of an art union means the gross proceeds of the art union after deducting allowable expenses including costs of prizes in the art union;

**“organiser”**, in relation to a calcutta sweep, means the individual appointed—

- (a) under section 12 (Organiser of calcutta sweep) as the organiser of the calcutta sweep; or
- (b) under section 14 (Vacancy in appointment to be filled) to fill a vacancy in an appointment as organiser;

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

**“rules”**, in relation to an eligible association that is the holder of an authority under Part 3 of the Act, means the rules (whatever called) of the association;

**“spouse”** means either one of a man and a woman—

- (a) who are married to each other; or
- (b) who, although not married to each other, are residing together as

husband and wife;

“winner” means a person who wins a prize in an art union.

### **Forms**

4. The forms to be used for the purpose of this regulation are the forms approved by the chief executive.

### **Fees etc.**

5. The fees, costs, charges and taxes payable for the purposes of the Act are the fees, costs, charges and taxes set out in Schedule 1.

### **Refund of fees etc.**

6. If an application for an authority is refused, the chief executive must refund the fees, costs, charges and taxes that accompanied the application after deducting from them such amount as the chief executive considers reasonable to cover the administration costs of dealing with the application.

### **Categorisation of eligible associations**

7. For the purposes of determining the amount of the fees, costs, charges and taxes payable under section 5 (Fees etc.) in relation to a minor art union, a major art union and minor bingo, eligible associations are categorised as follows—

- (a) an eligible association is in category A if it is—
  - (i) formed, and is operated, principally for—
    - (A) a charitable purpose; or
    - (B) a religious purpose; or
    - (C) an educational purpose; or
    - (D) a patriotic purpose; or
    - (E) a community purpose; or
  - (ii) a parents and citizens association formed under the

*Education (General Provisions) Act 1989*; and

- (b) an eligible association is in category B if it is—
  - (i) an eligible association that is formed, and is operated, principally for a sporting purpose; or
  - (ii) a registered political party within the meaning of the *Electoral Act 1992*.

## **PART 2—EXEMPT ART UNIONS**

### **Conduct of exempt art unions**

**8.** A person who conducts an exempt art union must ensure that the conditions in Schedule 2 relating to the conduct of the art union are observed.

Maximum penalty—20 penalty units.

### **Trade promotion art unions—notices or advertisements**

**8A.** A person who conducts a trade promotion art union must ensure that every notice or advertisement issued in relation to the trade promotion art union states the day on which, and the name of the newspaper in which, the names and addresses of the prize winners will be published.

### **Trade promotion art unions—delivery of prizes**

**9.(1)** A person who conducts a trade promotion art union must ensure that a prize in the art union is delivered to the winner of the prize within 1 month of the drawing of the art union.

**(2)** Subsection (1) does not apply if the winner of the prize—

- (a) agrees in writing that the prize be delivered in a time longer than 1 month; or
- (b) cannot be located after making a reasonable effort to do so.

### **Trade promotion art unions—unclaimed prizes**

**10.(1)** If despite reasonable effort to find a winner of a prize in a trade promotion art union, the winner cannot be found and the prize is unclaimed, the person who conducts the art union must ensure that the prize is retained for 3 months from the drawing.

**(2)** After 3 months the person conducting the art union must notify the chief executive that the prize is unclaimed and of the steps taken to find the prize winner.

**(3)** The chief executive may give a written direction to the person that—

- (a)** if the value of the prize is \$1 000 or less and the prize is able to be redrawn—the prize be redrawn; or
- (b)** the prize be sold or otherwise disposed of in a way that will bring a reasonable price for the prize and the proceeds, after deducting the reasonable costs of the sale or disposal, be paid to the Public Trustee.

**(4)** A person to whom a written direction is given under subsection (3) must comply with the direction.

**(5)** Despite subsection (1), if the prize is perishable and it is not claimed by the winner on the day that the art union is drawn, the person who conducts the art union may sell or otherwise dispose of the prize in a way that the person considers will bring a reasonable amount.

**(6)** The moneys realised after the prize has been sold or disposed of, after deducting the reasonable costs of sale or disposal, must be held in trust by the person who conducts the art union for the winner of the prize.

**(7)** If the moneys remain unclaimed after 3 months, the person who conducts the art union must ensure that they are paid to the Public Trustee within 14 days of the end of the 3 months.

**(8)** Moneys paid to the Public Trustee under subsection (3)(b) or (7) must be kept in trust for the winner of the prize that was sold, or disposed of, and if they are unclaimed for 6 years they become unclaimed moneys and must be dealt with under Part 8 of the *Public Trustee Act 1978*.

Maximum penalty other than for subsection (8)—10 penalty units.

## **PART 3—NON-EXEMPT ART UNIONS**

### **Chief executive to be notified of certain events**

**11.(1)** The management committee of an eligible association that holds an authority to conduct a non-exempt art union must ensure that the chief executive is notified in writing of any of the following within 14 days of their happening—

- (a) the association changes its address or postal address; or
- (b) an amendment relating to the objects of the association is made to the rules of the association; or
- (c) a vote is passed under the rules of the association that it be wound up or dissolved or a court orders that the association be wound up; or
- (d) the association ceases to carry out its objects.

**(2)** In the case of an amendment mentioned in subsection (1)(b), the management committee must also lodge with the chief executive, within 14 days of the amendment, a copy of the amended rules.

**(3)** A person who holds an authority, other than a permit or licence to conduct a non-exempt art union, must notify the chief executive in writing of a change of address or postal address of the person within 14 days of the change.

### **Chief executive to be notified of loss or theft of lucky envelopes etc.**

**11A.** If the management committee of an eligible association that holds a licence to sell lucky envelopes finds out that the association's lucky envelopes, or the proceeds arising from the sale of those lucky envelopes, have been—

- (a) lost or misplaced by the association or by one of its employees or agents; or
- (b) stolen from the association or from one of its employees or agents;

the management committee must ensure that the chief executive is notified in writing of the relevant event within 7 days after it finds out about it.

### **Organiser of calcutta sweep**

**12.** Before applying for a permit to conduct a calcutta sweep, the management committee of an eligible association must appoint at least 1 individual as the organiser of the sweep.

### **Function of organiser**

**13.(1)** The function of the organiser is to conduct the calcutta sweep.

**(2)** In conducting the sweep, the organiser is subject to a lawful direction relating to the conduct of the sweep given by the management committee of the eligible association that holds the permit to conduct the sweep.

### **Vacancy in appointment to be filled**

**14.** The management committee of an eligible association that has applied for, or holds, a permit to conduct a calcutta sweep must ensure that a vacancy in an appointment as organiser of the sweep, is filled within 7 days of the appointment becoming vacant.

### **Application of net proceeds of non-exempt art union**

**15.** The management committee of an eligible association that holds an authority to conduct a non-exempt art union must not use or apply the net proceeds of the art union for a purpose other than in promoting the objects set out in the rules of the association.

### **Conduct of non-exempt art unions**

**16.** A liable person in relation to the conduct of a non-exempt art union must ensure that the conditions set out in Schedule 3 are observed.

**Records and accounts to be kept**

**17.(1)** A liable person in relation to the conduct of a non-exempt art union must keep and retain in a safe place the records, documents and accounts relating to it.

**(2)** Without limiting subsection (1), records, documents and accounts include the following—

- (a) copies of advertisements and notices including transcripts of electronic advertisements and telemarketing scripts;
- (b) correspondence, contracts and agreements;
- (c) records and forms of account that correctly record and explain financial operations and enable the conduct of the art union to be properly and conveniently audited, including—
  - (i) a cash book; and
  - (ii) a record of receipt books and receipts used; and
  - (iii) a bank book and bank deposit records; and
  - (iv) a postage and petty cash book; and
  - (v) a master register of art unions in the approved form; and
  - (vi) such other books and forms of accounts as may be directed in writing to the association by the chief executive.

**(3)** In addition to the items set out in subsection (2), records, documents and accounts include—

- (a) if the art union is a major art union or a calcutta sweep—
  - (i) a record of the total amount of money received from persons who wished to take part in the art union but did not do so because tickets were not issued to them, or if tickets were issued, because the tickets were not included in the drawing, the amount received in each case and the names and addresses of the persons by whom that money was paid; and
  - (ii) a description of the prizes, numbers of prize winning tickets and the full names and addresses of prize winners; and
- (b) if the art union is bingo—an accurate record, in the approved



form, of each game of bingo conducted during a bingo session.

### **Keeping of accounts**

**18.(1)** A liable person in relation to the conduct of a non-exempt art union must ensure that—

- (a) all transactions are properly recorded and accounted for; and
- (b) the proceeds of ticket sales in the art union are banked into a bank account, opened by the management committee in the name of the eligible association, after deducting—
  - (i) in the case of a major art union (if authorised on the permit)—commission payments to authorised agents; and
  - (ii) in the case of minor and major bingo—cash prize payouts; and
- (c) the proceeds mentioned in paragraph (b) are banked, in the nature in which they have been received, as soon as practicable but not later than 2 business days after receipt; and
- (d) an acknowledgment from the bank of all deposits made and a record kept of the nature of the deposit are retained; and
- (e) particulars of collections are entered daily in the cash book; and
- (f) all payments, other than for prizes, of \$100 or more are made by cheque; and
- (g) cheques are crossed, marked ‘not negotiable, account payee only’ and signed by at least 2 persons authorised in writing by the management committee; and
- (h) all payments are supported by vouchers or other source transaction records; and
- (i) if the art union is a major art union—
  - (i) receipts are obtained from agents and ticket sellers for tickets allotted to them; and
  - (ii) the receipts are filed in order of ticket book numbers; and
  - (iii) when ticket books are returned, they are examined for

correctness; and

- (j) any written directions given to the eligible association by the chief executive, that relate to the keeping of accounts, are complied with.

(2) Unsold tickets in a major art union, that are returned, may be reissued and subsection (1)(i) applies in relation to the reissue of the tickets.

### **Exemption from section 17 (Records and accounts to be kept) and section 18 (Keeping of accounts)**

**19.(1)** Subject to subsection (2), on a written application from an eligible association that holds an authority to conduct an art union the chief executive may, if satisfied that exceptional circumstances exist, by writing exempt the eligible association from the requirements of section 17 (Records and accounts to be kept) or section 18 (Keeping of accounts) or both sections in relation to the eligible association, subject to the conditions (if any) specified in the writing.

(2) The chief executive must not vary requirements or exempt an association under subsection (1) unless the chief executive is satisfied that the association's system of management and accounts ensure full disclosure of financial transactions relating to the art union and that the association is accountable for its actions relating to the art union.

### **Retention of records and accounts**

**20.(1)** The management committee of an eligible association that holds, or has held, an authority to conduct an art union must retain the records and accounts mentioned in section 17 (Records and accounts to be kept) and section 18 (Keeping of accounts) for 2 years, or such further term as the chief executive notifies the association in writing, from the day mentioned in subsection (2).

(2) The term for which the records and accounts specified in subsection (1) are to be retained begins on the day of lodgment with the chief executive of the matters required to be lodged with the chief executive relating to the art union under section 21 (Audits—major art unions, major bingo and certain calcutta sweeps), section 22 (Statements etc. to be

lodged—minor art union and minor bingo) and section 23 (Statements and returns—association holding licence to conduct minor art unions).

**Audits—major art unions, major bingo and certain calcutta sweeps**

**21.(1)** The—

- (a) management committee of an eligible association that holds a permit to conduct a major art union, major bingo or a calcutta sweep; and
- (b) special committee and promoter; and
- (c) organiser;

must, within 2 months after the permit is cancelled or expires, whichever occurs first, ensure that—

- (d) the accounts; and
- (e) the moneys; and
- (f) the statement of receipts and payments and application of the proceeds in the approved form;

relating to the major art union, major bingo, or calcutta sweep are audited by an accountant.

**(2)** The management committee, special committee, promoter and organiser must ensure that—

- (a) the audited statement of receipts and payments and application of proceeds; and
- (b) a statutory declaration in the approved form; and
- (c) such other information as may be required by the chief executive in writing to the eligible association;

are lodged with the chief executive within 14 days of the completion of the audit.

**Statements etc. to be lodged—minor art union and minor bingo**

**22.** The management committee of an eligible association that holds a

permit to conduct a minor art union or minor bingo must ensure that—

- (a) a statement of receipts and payments and application of the proceeds; and
- (b) a statutory declaration in the approved form; and
- (c) a statement containing such other information as may be required by the chief executive in writing;

is prepared and lodged with the chief executive within 1 month after the permit is cancelled or expires, whichever occurs first.

### **Statements and returns—association holding licence to conduct minor art unions**

**23.** The management committee of an eligible association that holds a licence to conduct minor art unions must—

- (a) within 3 months of the end of the association's financial year, prepare or cause to be prepared, a statement in the approved form of all art unions conducted under the licence in the previous financial year; and
- (b) present the statement to the next annual general meeting of the association for adoption; and
- (c) submit a financial return to the chief executive in the approved form—
  - (i) if an application is made to renew the licence—with the application; or
  - (ii) if the licence expires or is cancelled—within 7 days of the expiry or cancellation of the licence, whichever occurs first.

### **Returns—association holding licence to sell lucky envelopes**

**23A.** The management committee of an eligible association that holds a licence to sell lucky envelopes must, within 1 month of each 30 June and 31 December that happens during the term of the licence, submit a return relating to the sale of lucky envelopes to the chief executive in the approved form.

**Delivery of prizes—all non-exempt art unions other than minor bingo or major bingo**

**24.(1)** A liable person in relation to the conduct of a non-exempt art union must ensure that a prize in the art union is delivered to the winner of the prize within 1 month of the drawing of the art union.

**(2)** Subsection (1) does not apply if the winner of the prize—

- (a) agrees in writing that the prize be delivered in a time longer than 1 month; or
- (b) cannot be located after making a reasonable effort to do so.

**Delivery of prizes—minor bingo and major bingo**

**25.(1)** An eligible association that holds an authority to conduct minor bingo or major bingo must deliver the prize to the winner immediately after the game in which the prize was won.

**(2)** A money prize of more than \$500 must be paid by cheque.

**Unclaimed prizes to be retained for 3 months—all non-exempt art unions**

**26.(1)** If an eligible association that conducts a non-exempt art union cannot, despite reasonable effort to do so, find a winner of a prize in the art union or a winner does not claim the prize, the eligible association that conducts the art union must ensure that the prize is retained for 3 months after the drawing.

**(2)** Despite subsection (1), if a prize in a minor art union is perishable, the association may sell or otherwise dispose of the prize in a way that the association considers will bring a reasonable price.

**(3)** The money realised after the prize has been sold or otherwise disposed of under subsection (2) (after deducting the reasonable costs of sale or disposal) must be held in trust by the association for the winner of the prize.

**Disposal of unclaimed prizes—minor art unions**

27. If an eligible association that conducts a minor art union cannot find a winner of a prize in the art union or a winner does not claim a prize within 3 months of the drawing of the art union, the winner's right to the prize (or if the prize was perishable and has been sold or disposed of—the right to the money held by the association under section 26(3) (Unclaimed prizes to be retained for 3 months—all non-exempt art unions) ceases and the association must apply the prize or the money (in the way it considers best) towards furthering its objects.

**Disposal of unclaimed prizes—major art unions and calcutta sweeps**

28.(1) If an eligible association that conducts a major art union or a calcutta sweep cannot find a winner of a prize in the art union or sweep or a winner does not claim the prize within 3 months of the drawing of the art union or sweep, the eligible association must notify the chief executive in writing that the prize is unclaimed and of the steps taken to find the winner.

(2) The chief executive may, by writing to the association, direct—

- (a) that further reasonable steps (that may be specified in the writing) be taken to locate the winner; or
- (b) the prize be sold or otherwise disposed of in a way (that may be specified in the writing) that will bring a reasonable amount.

(3) The association must comply with a direction given under subsection (2) within a reasonable time.

(4) The association must ensure that the moneys realised after the sale or disposal of the prize (after deducting the reasonable costs of the sale or disposal) are paid to the Public Trustee within 1 month, or such further time as may be approved in writing by the chief executive, of the sale or disposal.

(5) Moneys paid to the Public Trustee under subsection (4) must be kept in trust for the winner of the prize that was sold or disposed of and if they are unclaimed for 6 years, they become unclaimed moneys and must be dealt with under Part 8 of the *Public Trustee Act 1978*.

### **Safe custody of lucky envelopes**

**28A.** The management committee of an eligible association that holds a licence to sell lucky envelopes must ensure that—

- (a) all stocks of lucky envelopes held by the association are kept in a secure, locked place; and
- (b) adequate security arrangements exist to prevent access to the place by persons who are not authorised by the management committee to have access to the place.

### **Requirements for approval of lucky envelope vending machine**

**28B.** The requirements for the purposes of section 66(2)(b) (Approval of lucky envelope vending machines) of the Act in relation to a lucky envelope vending machine, or a make and model of a lucky envelope vending machine, are that the machine must—

- (a) incorporate—
  - (i) a coin rejection and return facility if the machine fails to operate; and
  - (ii) a lockable money box accessible only to a person authorised by the eligible association that sells lucky envelopes through the machine; and
  - (iii) an adequate system of accounting and audit controls to enable all sales of lucky envelopes through the machine to be reconciled and accounted for; and
  - (iv) adequate locking devices to prevent vandalism, and the theft of lucky envelopes and money in the machine; and
- (b) not be capable of accruing playing credits.

### **Certain persons not eligible to win a prize in a non-exempt art union**

**29.** The following persons and associations are not eligible to win a prize in an art union—

- (a) if the art union is a non-exempt art union—the eligible association that holds an authority to conduct it;

- (b) if the art union is a major art union or major bingo—a person appointed to the special committee or as promoter;
- (c) if the art union is a calcutta sweep—the organiser;
- (d) a person directly engaged in the drawing of the art union;
- (e) the immediate family of a person mentioned in paragraph (b), (c) or (d).

### **Restriction on sporting events—calcutta sweeps**

**30.** An eligible association must not conduct a calcutta sweep on a sporting event other than—

- (a) a race or sporting contingency authorised under the *Racing and Betting Act 1980*; or
- (b) a sporting event recognised by the state or national body controlling the sport in the State.

## **PART 3A—PRINTING AND SUPPLYING LUCKY ENVELOPES**

### **Conditions to be observed in printing and supplying lucky envelopes**

**30A.** A person who holds a licence to print and supply lucky envelopes must ensure that the conditions in Schedule 4 are observed.

Maximum penalty—25 penalty units.

### **Returns—person holding a licence to print and supply, or supply, lucky envelopes**

**30B.** A person who holds a licence to—

- (a) print and supply lucky envelopes; or
- (b) supply lucky envelopes;



must, within 1 month of each 30 June and 31 December that happens during the term of the licence, submit a return of lucky envelopes printed and supplied, or supplied, under the licence to the chief executive in the approved form.

Maximum penalty—10 penalty units.

### **Records to be kept by person who holds licence to print and supply lucky envelopes**

**30C.** A person who holds a licence to print and supply lucky envelopes must keep and maintain in a safe place written records showing the following information relating to the printing and supplying of the lucky envelopes—

- (a) the day of production of each game of lucky envelopes;
- (b) a description of each game including the number and price of the lucky envelopes in the game;
- (c) the serial number of each game;
- (d) the day of sale of each game;
- (e) the sale price of each game;
- (f) the name of the eligible association that holds a licence to sell lucky envelopes, or the name of the person that holds a licence to supply lucky envelopes, that purchased the lucky envelopes;
- (g) the licence number of the eligible association or person mentioned in paragraph (f).

Maximum penalty—10 penalty units.

### **Records to be kept by person who holds licence to supply lucky envelopes**

**30D.** A person (the ‘supplier’) who holds a licence to supply lucky envelopes must keep and maintain, in a safe place, written records showing the following information relating to the supplying of the lucky envelopes—

- (a) the day on which the supplier purchased each game of lucky envelopes;

- (b) the name and the licence number of the person from whom the supplier purchased each game;
- (c) a description of each game purchased by the supplier, including the number of envelopes in the game and the price of an envelope;
- (d) the serial number of each game purchased by the supplier;
- (e) the day of sale of each game by the supplier;
- (f) the sale price of each game;
- (g) the name and the licence number of each eligible association that is licensed to sell lucky envelopes that purchased lucky envelopes from the supplier.

Maximum penalty—10 units.

**Person who prints and supplies, or supplies, lucky envelopes to notify chief executive of loss or theft of lucky envelopes**

**30E.** If a person who holds a licence—

- (a) to print and supply lucky envelopes; or
- (b) to supply lucky envelopes;

finds out that lucky envelopes are lost, misplaced or stolen from—

- (c) stocks of lucky envelopes held by the person; or
- (d) a consignment of lucky envelopes sent by the person to a consignee before the consignment reaches the consignee;

the person must notify the chief executive in writing of the relevant event within 7 days after the person finds out about it.

Maximum penalty—5 penalty units.

**Information prescribed under s.71 of the Act (Lucky envelopes printed by unlicensed person etc. not to be supplied)**

**30F.** For the purposes of section 71(b) of the Act, the prescribed information is—

- (a) the licence number of the person who printed and supplied the lucky envelopes; and
- (b) the serial number of the game of lucky envelopes; and
- (c) the price of each lucky envelope.

## **PART 3B—CONDITIONS TO BE OBSERVED IN THE CONDUCT OF PUBLIC AMUSEMENTS**

### **Conditions to be observed in the conduct of public amusements**

**30G.** A person who is licensed to conduct a public amusement must, in conducting the amusement, ensure that the conditions in Schedule 5 are observed.

Maximum penalty—25 penalty units.

## **PART 4—MISCELLANEOUS**

### **Appeals**

**31.(1)** A person who is aggrieved by a decision of the chief executive under this regulation may appeal to a Magistrates Court against the decision.

**(2)** Section 101(2) to (9) (Appeals) of the Act applies, with all necessary modifications, to the conduct of an appeal under this section as if an appeal under this section were an appeal under section 101 (Appeals) of the Act.

### **Prescribed eligible associations**

**32.** For the purpose of section 23(c) (Who may apply for licence to conduct minor art unions) of the Act, the following associations are prescribed eligible associations—

- (a) an association that is a registered political party within the meaning of the *Electoral Act 1992*;
- (b) Girl Guides Association (Queensland), Australia;
- (c) Queensland Country Women's Association;
- (d) Queensland Police—Citizens Youth Welfare Association;
- (e) an association that is formed, and is operated principally for—
  - (i) a religious purpose; or
  - (ii) an educational purpose.

## **PART 5—SAVINGS AND TRANSITIONAL**

### **Site approval under repealed Act**

**33.(1)** A site approval where 2 or more entertainment machines may be provided or conducted, given under the repealed Act after 24 July 1992 and in force immediately before the commencement of section 81 (Issue and renewal of public amusement place licences) of the Act, is taken to be a public amusement place licence issued under that section.

**(2)** A public amusement place licence mentioned in subsection (1) continues in force until 31 December 1993, unless it is sooner cancelled or suspended under the Act.

### **Permits and approvals etc. mentioned in s.130 of Act**

**34.(1)** A permit, registration, approval or other authority to which section 130 (Permits and approvals etc.) of the Act applies that is in force on 31 December 1992 continues in force until—

- (a) it is terminated in accordance with its terms; or
- (b) 31 March 1993;

whichever is the earlier.

(2) A licence to use premises as bingo premises, issued under section 47C of the *Art Unions and Amusements Act 1976*, that is in force on 31 March 1993, continues in force until the earlier of the following—

- (a) the day it is terminated in accordance with its terms;
- (b) 31 December 1993.

(3) If a lucky envelope in a game of lucky envelopes—

- (a) was printed before 1 January 1993; and
- (b) complied with the printing requirements under the repealed Act;

the lucky envelope is taken to comply with section 9A of Schedule 3.

**SCHEDULE 1**

**FEES, COSTS, CHARGES AND TAXES**

section 5

**FEES**

- 1. Permit to conduct a major art union—
  - (a) category A eligible association—
    - (i) up to \$2 million estimated gross proceeds . . . . . 1.65% of estimated gross proceeds
    - (ii) up to \$3 million estimated gross proceeds . . . . . 1.65% of estimated gross proceeds up to \$2 million plus 1% of estimated gross proceeds in excess of \$2 million
    - (iii) over \$3 million estimated gross proceeds . . . . . 1.65% of estimated gross proceeds up to \$2 million plus 1% of estimated gross proceeds in excess of \$2 million and up \$3 million plus .5% of estimated gross proceeds in excess of \$3 million
  - (b) category B eligible association—

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SCHEDULE 1 (continued)

(i) up to \$2 million estimated gross proceeds .....	2.65% of estimated gross proceeds
(ii) up to \$3 million estimated gross proceeds .....	2.65% of estimated gross proceeds up to \$2 million plus 2% of estimated gross proceeds in excess of \$2 million
(iii) over \$3 million estimated gross proceed .....	2.65% of estimated gross proceeds up to \$2 million plus 2% of estimated gross proceeds in excess of \$2 million and up to \$3 million plus 1.5% of estimated gross proceeds in excess of \$3 million
2. Licence to conduct minor art unions (applications and renewal)—	
(a) category A eligible association .....	\$50 each year or \$130 for 3 years
(b) category B eligible association .....	\$50 each year plus 1% of gross proceeds or \$130 for 3 years plus 1% of gross proceeds payable each year
3. Permit to conduct a minor art union—	
(a) category A eligible association .....	\$20
(b) category B eligible association .....	\$20 plus 1% of gross proceeds

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SCHEDULE 1 (continued)

4.	Permit to conduct minor bingo—	
	(a) category A eligible association . . . . .	\$5 each session or 50 each year
	(b) category B eligible association . . . . .	\$5 each session or 50 each year plus, in both cases, 1% of gross proceeds
5.	Endorsement of a minor art union licence to conduct minor bingo—	
	categories A and B eligible associations . . . .	\$20
6.	Permit to conduct a major bingo session . . . .	\$22 per session
7.	Bingo centre licence (application and renewal)	\$165
8.	Permit to conduct a calcutta sweep—	
	(a) application fee . . . . .	\$25
	(b) permit fee . . . . .	2% of the sum of the gross proceeds and the auction proceeds
9.	For a request to amend an authority under section 91 (Amendment of authority) of the Act	\$25
10.	Application for lifting of suspension of authority under section 98 (Application for lifting suspension of authority) of the Act . . .	\$25
11.	Application for exemption under section 19 (Exemption from section 17 (Records and accounts to be kept) and section 18 (Keeping of accounts))	\$25
12.	Licence to print and supply lucky envelopes—	
	(a) application and licence fee . . . . .	\$1000
	(b) renewal of licence . . . . .	\$500
13.	Licence to supply lucky envelopes—	
	(a) application and licence fee . . . . .	\$600
	(b) renewal of licence . . . . .	\$350



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SCHEDULE 1 (continued)

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14. Licence to sell lucky envelopes—                                                                                                                                         |                                                                                                                                                                                            |
| (a) application fee—                                                                                                                                                         |                                                                                                                                                                                            |
| (i) if applicant is the holder of a current<br>minor art union licence . . . . .                                                                                             | \$10                                                                                                                                                                                       |
| (ii) all others . . . . .                                                                                                                                                    | \$50                                                                                                                                                                                       |
| (b) licence and renewal fee—                                                                                                                                                 |                                                                                                                                                                                            |
| (i) Category A eligible associations . . . .                                                                                                                                 | \$25                                                                                                                                                                                       |
| (ii) Category B eligible associations . . . .                                                                                                                                | \$25 plus 1% of the<br>gross proceeds<br>arising from the<br>sale of lucky<br>envelopes sold<br>under the licence<br>during the term of<br>the licence<br>immediately before<br>its expiry |
| 15. Application to approve a lucky envelope<br>vending machine . . . . .                                                                                                     | \$50                                                                                                                                                                                       |
| 16. Licence to conduct public amusements—                                                                                                                                    |                                                                                                                                                                                            |
| (a) application fee (other than for a person who<br>holds a permit to conduct an entertainment<br>machine, that was in force on<br>31 December 1992, under the repealed Act) | \$200                                                                                                                                                                                      |
| (b) licence and renewal fee—                                                                                                                                                 |                                                                                                                                                                                            |
| (i) up to 5 public amusements . . . . .                                                                                                                                      | \$250                                                                                                                                                                                      |
| (ii) up to 10 public amusements . . . . .                                                                                                                                    | \$500                                                                                                                                                                                      |
| (iii) up to 25 public amusements . . . . .                                                                                                                                   | \$1500                                                                                                                                                                                     |
| (iv) over 25 public amusements . . . . .                                                                                                                                     | \$1500 for each 25<br>public amusements<br>or number of public<br>amusements fewer<br>than 25                                                                                              |
| 17. Public amusement place licence—                                                                                                                                          |                                                                                                                                                                                            |
| (a) application fee—                                                                                                                                                         |                                                                                                                                                                                            |
| (i) up to 15 public amusements . . . . .                                                                                                                                     | \$50                                                                                                                                                                                       |

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## SCHEDULE 1 (continued)

(ii) over 15 public amusements . . . . .	\$100
(b) renewal of licence . . . . .	\$25
18. Application to approve a public amusement and the game to be played on it . . . . .	\$25

## **SCHEDULE 2**

### **CONDITIONS TO BE OBSERVED IN THE CONDUCT OF EXEMPT ART UNIONS**

section 8

#### **Tickets—all exempt art unions**

1. Every person who has a ticket in an exempt art union must have a fair and equal chance of winning every prize in the art union at its drawing.

#### **Order of drawing**

2. If more than 1 prize is being offered in an exempt art union the first prize must be drawn first and the other prizes then drawn in descending order of number and value.

#### **Trade promotion art unions—mode of entry and restriction**

3.(1) If it is necessary, to take part in a trade promotion art union, that a person must—

- (a) forward an entry form or other document; or
- (b) telephone a specified number;

the cost incurred by the person in forwarding the entry form or other document or telephoning the number must not be more than 50c.

(2) The person conducting the trade promotion art union must not receive (whether directly or indirectly) any of the amount mentioned in subclause (1).

#### **Trade promotion art unions—prohibited prizes**

4. A prize in a trade promotion art union must not be—

SCHEDULE 2 (continued)

- (a) bonds, stock, debentures, shares in a body corporate or other securities; or
- (b) a ticket or chance in an art union except a ticket in an art union conducted under the *Golden Casket Art Union Act 1978*; or
- (c) an interest in land (with or without improvements) other than an estate in fee simple; or
- (d) ammunition or a weapon within the meaning of the *Weapons Act 1990*; or
- (e) tobacco in any form.

**Trade promotion art unions—name and address of prize winner to be published**

5. The name and address (as provided by a person who takes part in the trade promotion art union) of each person who wins a prize in the art union must be published in a newspaper circulating in the locality where the art union is conducted.

**Trade promotion art unions—ticket must state certain information**

5A. Every ticket in a trade promotion art union must state—

- (a) the name of the newspaper in which the name and address of each person who wins a prize in the art union is to be published; and
- (b) the day that the name and address is to be published in the newspaper.

**Specific forms of trade promotion art unions**

6.(1) In this clause—

“lucky envelopes” is—

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

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**SCHEDULE 2 (continued)**

**(2)** If a trade promotion art union is lucky envelopes, a ticket in the art union must—

- (a) be continuously and securely sealed on all sides; and
- (b) be produced or manufactured using base materials of sufficient opacity and thickness so that the contents of the playing panel cannot be seen except by breaking completely the tab securing the playing panel.

**(3)** If a trade promotion art union is bingo, it may be conducted only in a newspaper or magazine, or on premises that are licensed as a bingo centre under section 49 of the Act.

### **SCHEDULE 3**

## **CONDITIONS TO BE OBSERVED IN THE CONDUCT OF NON-EXEMPT ART UNIONS**

section 16

#### **Advertisements—all non-exempt art unions**

**1.(1)** An advertisement published by, or on behalf of an association, in relation to a non-exempt art union—

- (a) must specify—
  - (i) the name of the association; and
  - (ii) the number of the permit or licence under which the art union is conducted; and
- (b) must not state, suggest or imply that the art union is drawn under the supervision of—
  - (i) the Crown; or
  - (ii) a representative of the Crown; or
  - (iii) an officer of the public service.

#### **Advertisements—major art unions**

**2.** An advertisement published by or on behalf of an association in relation to a major art union must specify—

- (a) the closing day of the art union; and
- (b) the time, day, and place of the drawing of the art union; and
- (c) the name and business address of the promoter.

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**SCHEDULE 3 (continued)****Advertisements—major bingo**

**3.(1)** An advertisement published by or on behalf of an association in relation to a major bingo session must specify—

- (a) the name and business address of the promoter; and
- (b) the time, date and place of the major bingo session.

**(2)** An advertisement in relation to a major bingo session must not state, suggest, or imply the prizes that may be won at the major bingo session.

**(3)** Subclause (2) does not apply to an advertisement that refers to—

- (a) jackpot prizes that are authorised under clause 14 (Jackpot prizes minor bingo and major bingo); and
- (b) prizes in exempt art unions and other non-exempt art unions authorised under the Act.

**Advertisements—calcutta sweeps**

**4.** A calcutta sweep must not be advertised other than by way of—

- (a) an advertisement or notice displayed inside the premises of the association or at another venue that may be approved by the chief executive; and
- (b) a circular given or sent to members of the association.

**Tickets—all non-exempt art unions**

**5.(1)** Each ticket in a non-exempt art union must be sold at the same price.

**(2)** Every person who has a ticket in a non-exempt art union must have a fair and equal chance of winning every prize in the art union at its drawing.

**(3)** A ticket in an art union must—

- (a) be issued only on payment of the full price of the ticket, except in the case of a multiple drawing art union, when only an amount that is sufficient to entitle the ticket to be entered in the next draw need be paid; and

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**SCHEDULE 3 (continued)**

- (b) be issued or allotted to each person who takes part in the art union; and
- (c) not be issued or allotted after the closing date of the art union; and
- (d) not be sent or delivered by post to a person unless—
  - (i) the person has requested and paid for the ticket before it is sent or delivered; or
  - (ii) the person is the association's agent or ticket seller.

**Tickets—minor art unions****6. Tickets in a minor art union must—**

- (a) be numbered consecutively; and
- (b) if more than 1 series is used for the one art union—be identifiable by colour, series or other distinguishable characteristics; and
- (c) if more than 1 art union is conducted on the same day—be identifiable by colour, series, or other distinguishable characteristic; and
- (d) if the art union is not conducted and drawn on the same day and its gross proceeds are estimated to exceed \$2 000, specify—
  - (i) the name and address of the association and the number of the permit or licence under which the art union is conducted; and
  - (ii) the time, day and place of the drawing of the art union; and
  - (iii) the day and way in which the names of the prize winners are to be published; and
  - (iv) the price of the ticket; and
  - (v) the number of the ticket; and
  - (vi) each prize provided in the art union and its retail value;
  - (vii) the words 'winners notified by mail'; and
- (e) if the art union is not conducted and drawn on the same day and



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**SCHEDULE 3 (continued)**

paragraph (d) does not apply—

- (i) have the name and address of the purchaser legibly written on the butt of the ticket; and
- (ii) in the case of a guessing competition—have the name and address of the participant legibly recorded in a manner to enable identification of every prize winner.

**Tickets—major art unions**

7. Tickets in a major art union must—

- (a) be in the form of the printed specimen previously approved by the chief executive; and
- (b) be numbered consecutively commencing with the number ‘1’ in 1 series only; and
- (c) correspond to the number and value specified in the permit or in an amendment to the permit granted under section 91 of the Act; and
- (d) specify—
  - (i) the name of the association conducting the art union; and
  - (ii) the closing day of the art union; and
  - (iii) the time, day and place of drawing; and
  - (iv) the title and day of publication in which the prize winners must be advertised; and
  - (v) the name and business address of the promoter; and
  - (vi) the price of the ticket; and
  - (vii) the words ‘winners notified by certified mail’; and
  - (viii) the number of the ticket; and
  - (ix) the number of the permit under which the art union is conducted and the words ‘Authorised by the Art Unions Division, Queensland Treasury’; and

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**SCHEDULE 3 (continued)**

- (x) each major prize and its retail value and such details in relation to the other prizes on offer as may be specified in the permit; and
- (xi) any other details that the chief executive has reasonably directed as a condition of the permit.

**Tickets or cards—minor bingo and major bingo**

**8.** Tickets or cards in a minor bingo or major bingo game must—

- (a) be numbered consecutively in each series and a maximum of 2 series numbers may be used in each game; and
- (b) not be sold at a price that exceeds 40c for each ticket or card.

**Tickets—calcutta sweeps**

**9.** Tickets in a calcutta sweep must—

- (a) be numbered consecutively commencing with the number ‘1’ in 1 series only and the number of tickets printed must correspond in value to the gross proceeds for which the permit was issued; and
- (b) specify—
  - (i) the name of the sporting event on which the calcutta sweep is conducted; and
  - (ii) the closing day of the calcutta sweep; and
  - (iii) the time, day and place of the drawing of the calcutta sweep and the auction; and
  - (iv) the name and address of the organiser of the calcutta sweep; and
  - (v) the price of the ticket; and
  - (vi) the number of the ticket; and
  - (vii) the number of the permit and the words ‘Authorised by the Art Unions Division, Queensland Treasury’; and

SCHEDULE 3 (continued)

- (c) have the name and address of the persons taking part in the calcutta sweep legibly recorded on the butt of the ticket.

**Name of licence holder and licence number to be printed or displayed on lucky envelopes**

**9A.** Every lucky envelope in a game of lucky envelopes must have printed or displayed on it—

- (a) the name of the eligible association that holds the licence to sell lucky envelopes under which the lucky envelope is sold; and
- (b) the number of the licence.

**Price**

**9B.(1)** Every lucky envelope in a game of lucky envelopes must be sold at the same price.

- (2) The price must not be more than 50c.

**Substitution etc. of prizes not allowed—all non-exempt art unions**

**10.(1)** Subject to subclause (2), prize winners in a non-exempt art union must be given the prizes they have won and a promise, representation or statement must not be made that the prize may be exchanged for something else.

(2) If a prize in a major art union is not available for delivery within 1 month of the date of the drawing of the art union because of circumstances beyond the control of the management committee concerned, a similar prize of equal or greater value may be substituted if—

- (a) the prize winner agrees in writing to the substitution; and
- (b) the chief executive gives written consent to the substitution.

**Value of prizes, expenses and net proceeds—minor art unions**

**11.** In a minor art union—

SCHEDULE 3 (continued)

- (a) the total value of prizes in the art union must be an amount that is at least 20% of the estimated gross proceeds of the art union; and
- (b) the allowable expenses (excluding costs of prizes) in the art union must not be more than the amount that is 15% of the estimated gross proceeds of the art union; and
- (c) the estimated net proceeds from the conduct of the art union must be an amount that is at least 35% of the estimated gross proceeds of the art union.

**Value of prizes, expenses and net proceeds—major art unions**

**12.** In a major art union—

- (a) the total value of prizes in the art union must be an amount that is at least 20% of the estimated gross proceeds of the art union; and
- (b) the allowable expenses (excluding costs of prizes) in the art union must not be more than the amount that is the amount specified in the permit to conduct the art union (or the permit as amended) of the estimated gross proceeds of the art union; and
- (c) the estimated net proceeds from the conduct of the art union must be an amount that is at least 30% of the estimated gross proceeds of the art union or such lesser amount as may be approved by the chief executive in the permit.

**Value of prizes, expenses and net proceeds—minor bingo and major bingo**

**13.** In a minor bingo session and a major bingo session—

- (a) the total value of prizes in a session (exclusive of jackpot prizes for the session and provision for future jackpot prizes) must be an amount that is at least 50% of the gross proceeds of the session, excluding the gross proceeds of any jackpot game; and
- (b) the sum of the amount paid in prizes, excluding jackpot prizes, in the session and the amount (if any) that is set aside as a provision for future jackpot prizes at subsequent sessions must not be more

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**SCHEDULE 3 (continued)**

than the amount that is 75% of the gross proceeds of the session; and

- (c) the allowable expenses in a session must not be more than—
  - (i) the expenses actually incurred; or
  - (ii) the amount that is 12.5% of the gross proceeds of the session; or
  - (iii) \$1 000;whichever is the less.

**Jackpot prizes—minor bingo and major bingo**

**14.(1)** Except in the case of the first jackpot prize that is offered under an authority to conduct minor bingo or major bingo (whenever obtained) a jackpot prize must be paid from provisions set aside by the association for that purpose from the proceeds of earlier minor and major bingo sessions conducted by the association.

- (2) The total value of jackpot prizes offered in—
  - (a) a minor bingo session must not be more than \$1 000; and
  - (b) a major bingo session must not be more than \$2 000; and
  - (c) a high roller session must not be more than \$4 000.

**Value of prizes and expenses—calcutta sweeps**

- 15.** In a calcutta sweep—
- (a) the total value of prizes in the sweep must be an amount that is at least 80% of the sum of the gross proceeds of the sweep and the total proceeds of the auction relating to the sweep; and
  - (b) the allowable expenses must not be more than—
    - (i) the amount that is 5% of the gross proceeds of the sweep and the auction; or
    - (ii) \$500;

SCHEDULE 3 (continued)

whichever is the lesser.

**Value of prizes and expenses—lucky envelopes**

**15A.** In a game of lucky envelopes—

- (a) the total value of prizes must be an amount that is at least 40% of the gross proceeds of the game; and
- (b) the allowable expenses must not be more than the amount that is 15% of the estimated gross proceeds of the game; and
- (c) the estimated net proceeds of the game must be an amount that is at least 20% of the estimated gross proceeds of the game.

**Prohibited prizes—all non-exempt art unions**

**16.(1)** Subject to subclauses (2) and (3), a prize in a non-exempt art union must not be—

- (a) bonds, stock, debentures, shares in a body corporate or other securities; or
- (b) a ticket or chance in an art union except a ticket in an art union conducted under the *Golden Casket Art Union Act 1978*; or
- (c) an interest in land (with or without improvements) other than an estate in fee simple; or
- (d) ammunition or a weapon within the meaning of the *Weapons Act 1990*; or
- (e) tobacco in any form; or
- (f) spirituous or fermented alcohol.

**(2)** If the art union is a major art union, a money prize may only be offered—

- (a) as part of a holiday or trip package if approved by the chief executive in the permit and the amount is not more than \$10 000; or
- (b) as an intermediate prize in multiple drawing art unions—if the

SCHEDULE 3 (continued)

total value of intermediate money prizes does not exceed 10% of the estimated gross proceeds of the art union, or \$3 000, whichever is the less.

(3) If the art union is a minor art union or lucky envelopes, spirituous or fermented alcohol with a retail value of \$100 or less may be offered as a prize in the art union.

(4) In this clause—

“**money**” includes cash, bank draft, travellers cheque, cheques, payment orders and any other authority for the payment of money.

**Order of drawing—minor art unions and major art unions**

17. If more than 1 prize is being offered in a non-exempt art union the first prize must be drawn first and the other prizes then drawn in descending order of number and value.

**Drawing—minor art unions conducted under licence to conduct minor art unions**

18.(1) A minor art union (other than a multiple drawing minor art union) conducted under a licence to conduct minor art unions must be drawn within 4 months of the start of the minor art union.

(2) A multiple drawing minor art union conducted under a licence to conduct minor art unions must be drawn within 10 months of the start of the minor art union.

**Bingo sessions playing times etc.—minor bingo and major bingo**

19.(1) A minor bingo or major bingo session may be conducted only between 9 a.m. and 10.30 p.m.

(2) The maximum number of games that may be conducted in a minor or major bingo session is 40 games.

(3) A minor bingo or major bingo session must not be longer than 4 hours.

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**SCHEDULE 3 (continued)****Restriction on number of sessions—minor bingo**

**20.** Not more than 1 minor bingo session in a week may be conducted under a permit to conduct minor bingo or an endorsement of a minor art union licence to permit the conduct of minor bingo.

**Restriction on number of session—major bingo**

**21.** Not more than 2 major bingo sessions in a week may be conducted under a permit to conduct major bingo.

**Determining the winner—minor bingo and major bingo**

**22.(1)** The winner of a prize in a game of minor or major bingo is the person—

- (a) who claims the prize; and
- (b) whose card is checked by a spotter and found to have all the numbers that—
  - (i) have been properly drawn and called; and
  - (ii) are necessary to claim the prize.

**(2)** A person who claims a prize in a particular game during a call-back of a card that is claimed as a winning card in the game must be recognised as a claimant of the prize.

**(3)** A claim to a prize in a game cannot be recognised after the game is finished.

**(4)** A game is finished when the last number of the last winning card of a claimant under subclause (2) in that game has been called back.

**Time in which calcutta sweep to be completed**

**23.** A calcutta sweep must be completed within 1 month of the day specified in the permit to conduct the sweep as the day on which the sweep is to start.



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**SCHEDULE 3 (continued)****Where lucky envelopes may be sold**

**24.(1)** Subject to subclause (2), all the lucky envelopes in a game of lucky envelopes must be sold by the same seller or from the same lucky envelope vending machine.

**(2)** More than 1 seller may sell the lucky envelopes in a game of lucky envelopes if all the lucky envelopes in the game are to be sold on the same premises.

**Operation of lucky envelope vending machine**

**25.(1)** This clause applies if an eligible association, that holds a licence to sell lucky envelopes, arranges with the occupier of premises for the installation of a lucky envelope vending machine at the premises, for the sale of the association's lucky envelopes.

**(2)** After the machine is installed and subject to subclause (4), the eligible association must ensure that the occupier, or an employee or agent of the occupier, does not, in any way assist, or become involved with, the eligible association in the operation of the machine or the sale of lucky envelopes from the machine.

**(3)** Subject to subclause (5), the eligible association must not pay or give the occupier or the occupier's employee or agent any money or other consideration in relation to the installation or operation of the machine.

**(4)** Subclause (2) does not prevent the occupier, or the occupier's employee or agent, from—

- (a)** paying to a winner, on behalf of the association, a prize won in a lucky envelope from the machine if the eligible association has authorised the occupier or the occupier's employee or agent in writing to pay prizes won in lucky envelopes from the machine; or
- (b)** telling the eligible association about difficulties and faults in the operation of the machine or that it has been tampered with in any way; or
- (c)** if the machine is electrically operated—ensuring that the supply of electricity to the machine is connected and turned on.

## SCHEDULE 3 (continued)

- (5) Subclause (3) does not prevent the eligible association from—
- (a) reimbursing an occupier or an occupier's employee or agent for the amount of a prize paid by the occupier or the occupier's employee or agent under subclause (4)(a); or
  - (b) paying to the occupier an amount from the gross proceeds of each game of lucky envelopes sold from the machine that is not more than 5% of the gross proceeds of the game.

## **SCHEDULE 4**

### **CONDITIONS TO BE OBSERVED IN PRINTING AND SUPPLYING LUCKY ENVELOPES**

section 30A

#### **What must be printed or displayed on lucky envelopes**

1. Every lucky envelope in a game of lucky envelopes printed by a person who holds a licence to print and supply lucky envelopes must have printed or displayed on it the following information—

- (a) the licence number of the person;
- (b) the serial number of the game;
- (c) the price of the lucky envelope.

#### **Price of lucky envelope**

2. The price of every lucky envelope in a game of lucky envelopes must be the same and must not be more than 50c.

#### **Serial numbers**

3.(1) The serial number of a game of lucky envelopes must be a serial number from the sequence of serial numbers that is allocated by the chief executive to the person who holds the licence to print and supply the lucky envelopes.

(2) A serial number may be used only once.

#### **Game requirements**

4.(1) The number of lucky envelopes in each game that win a prize must not be less than 6% of the total number of lucky envelopes in the game.

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**SCHEDULE 4 (continued)**

(2) The total value of all the prizes in a game of lucky envelopes must not be less than 40% of the gross proceeds that would arise if all the envelopes in the game were sold at the price on the envelopes.

**Maximum prize**

5. A prize in a game of lucky envelopes must not be more than \$250.

## **SCHEDULE 5**

### **CONDITIONS TO BE OBSERVED IN THE CONDUCT OF PUBLIC AMUSEMENTS**

section 30G

#### **Supervision of public amusement**

**1.(1)** A public amusement must be supervised by a fit and proper person when the public amusement is operating.

**(2)** A person is not a fit and proper person for the purpose of subclause (1) if the person is disqualified under section 85 (Disqualification from holding licence) of the Act from holding a licence under Part 4 (PUBLIC AMUSEMENTS) of the Act.

#### **Disturbance not allowed**

**2.** Undue offence, annoyance, disturbance or inconvenience must not happen or be allowed to continue to happen to persons living, working or doing business in the neighbourhood of the place where the public amusement is conducted.

## ENDNOTES

### 1 Index to Endnotes

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2	Date to which amendments incorporated . . . . .	52
3	List of legislation . . . . .	52
4	List of annotations . . . . .	53
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### 2 Date to which amendments incorporated

This is the day mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation on or before 22 June 1993. Future amendments of the *Art Unions and Public Amusements Regulation 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 Regulation 1992 SL No. 232**

notfd Gaz 24 July 1992 p 2423–4  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 24 July 1992 (see s 2)  
 as amended by—

#### **Art Unions and Public Amusements Amendment Regulation (No. 2) 1992 SL No. 420**

notfd Gaz 18 December 1992 pp 1988–96  
 ss 1–2 commenced on date of notification  
 remaining provisions commenced 1 January 1993 (see s 2)

#### **Art Unions and Public Amusements Amendment Regulation (No. 1) 1993 SL No. 75**

notfd Gaz 26 March 1993 pp 1580–3  
 commenced on date of notification

## 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

### Definitions

- s 3 def “**approved form**” ins 1992 SL No. 420 s 4  
 def “**liable person**” ins 1993 SL No. 75 s 3  
 def “**repealed Act**” ins 1992 SL No. 420 s 4

### Trade promotion art unions—notices or advertisements

- s 8A ins 1992 SL No. 420 s 5

### Chief executive to be notified of loss or theft of lucky envelopes etc.

- s 11A ins 1992 SL No. 420 s 6

### Conduct of non-exempt art unions

- s 16 sub 1993 SL No. 75 s 4

### Records and accounts to be kept

- s 17 amd 1992 SL No. 420 s 7  
 sub 1993 SL No. 75 s 4

### Keeping of accounts

- s 18 amd 1992 SL No. 420 s 8  
 sub 1993 SL No. 75 s 4

### Retention of records and accounts

- s 20 sub 1992 SL No. 420 s 9

### Statements and returns—association holding licence to conduct minor art unions

- s 23 amd 1992 SL No. 420 s 10

### Returns—association holding licence to sell lucky envelopes

- s 23A ins 1992 SL No. 420 s 11

**Delivery of prizes—all non-exempt art unions other than minor bingo or major bingo**

s 24 sub 1993 SL No. 75 s 5

**Delivery of prizes—minor bingo and major bingo**

s 25 amd 1992 SL No. 420 s 12

**Safe custody of lucky envelopes**

s 28A ins 1992 SL No. 420 s 13

**Requirements for approval of lucky envelope vending machine**

s 28B ins 1992 SL No. 420 s 13

**Certain persons not eligible to win a prize in a non-exempt art union**

s 29 sub 1993 SL No. 75 s 6

**PART 3A—PRINTING AND SUPPLYING LUCKY ENVELOPES**

Pt hdg ins 1992 SL No. 420 s 14

**Conditions to be observed in printing and supplying lucky envelopes**

s 30A ins 1992 SL No. 420 s 14

**Returns—person holding a licence to print and supply, or supply, lucky envelopes**

s 30B ins 1992 SL No. 420 s 14

**Records to be kept by person who holds licence to print and supply lucky envelopes**

s 30C ins 1992 SL No. 420 s 14

**Records to be kept by person who holds licence to supply lucky envelopes**

s 30D ins 1992 SL No. 420 s 14

**Person who prints and supplies, or supplies, lucky envelopes to notify chief executive of loss or theft of lucky envelopes**

s 30E ins 1992 SL No. 420 s 14

**Information prescribed under s.71 of the Act (Lucky envelopes printed by unlicensed person etc. not to be supplied)**

s 30F ins 1992 SL No. 420 s 14  
sub 1993 SL No. 75 s 7

**PART 3B—CONDITIONS TO BE OBSERVED IN THE CONDUCT OF PUBLIC AMUSEMENTS**

Pt hdg ins 1992 SL No. 420 s 14

**Conditions to be observed in conduct of public amusements**

30G ins 1992 SL No. 420 s 14

**PART 5—SAVING AND TRANSITIONAL**

Pt hdg ins 1992 SL No. 420 s 15

**Site approval under repealed Act**

s 33 ins 1992 SL No. 420 s 15



**Permits and approvals etc. mentioned in s.130 of Act**

**s 34** ins 1992 SL No. 420 s 15  
amd 1993 SL No. 75 s 8

**SCHEDULE 1—FEES, COSTS, CHARGES AND TAXES**

amd 1992 SL No. 420 s 16

**SCHEDULE 2—CONDITIONS TO BE OBSERVED IN THE CONDUCT OF EXEMPT ART UNIONS**

amd 1992 SL No. 420 s 17

**SCHEDULE 3—CONDITIONS TO BE OBSERVED IN THE CONDUCT OF NON-EXEMPT ART UNIONS**

amd 1992 SL No. 420 s 18; 1993 SL No. 75 s 9

**SCHEDULE 4—CONDITIONS TO BE OBSERVED IN PRINTING AND SUPPLYING LUCKY ENVELOPES**

ins 1992 SL No. 420 s 19  
amd 1993 SL No. 75 s 10

**SCHEDULE 5—CONDITIONS TO BE OBSERVED IN THE CONDUCT OF PUBLIC AMUSEMENTS**

ins 1992 SL No. 420 s 19

## **5 Table of renumbered provisions**

TABLE OF RENUMBERED PROVISIONS  
under section 43 of *Reprints Act 1992*

Original	Renumbered as
Sch 1 item 1 (1st unnum para)	1(a)
Sch 1 item 1 (1st unnum para 1st unnum subpara)	1(a)(i)
Sch 1 item 1 (1st unnum para 2nd unnum subpara)	1(a)(ii)
Sch 1 item 1 (1st unnum para 3rd unnum subpara)	1(a)(iii)
Sch 1 item 1 (2nd unnum para)	1(b)
Sch 1 item 1 (2nd unnum para 1st unnum subpara)	1(b)(i)
Sch 1 item 1 (2nd unnum para 2nd unnum subpara)	1(b)(ii)
Sch 1 item 1 (2nd unnum para 3rd unnum subpara)	1(b)(iii)
Sch 1 item 2 (1st unnum para)	2(a)
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Sch 1 item 3 (1st unnum para)	3(a)

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Sch 1 item 3 (2nd unnum para)	3(b)
Sch 1 item 4 (1st unnum para)	4(a)
Sch 1 item 4 (2nd unnum para)	4(b)
Sch 1 item 8 (1st unnum para)	8(a)
Sch 1 item 8 (2nd unnum para)	8(b)
Sch 1 item 12 (1st unnum para)	12(a)
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Sch 1 item 13 (1st unnum para)	13(a)
Sch 1 item 13 (2nd unnum para)	13(b)
Sch 1 item 14 (1st unnum para)	14(a)
Sch 1 item 14 (1st unnum para 1st unnum subpara)	14(a)(i)
Sch 1 item 14 (1st unnum para 2nd unnum subpara)	14(a)(ii)
Sch 1 item 14 (1st unnum para 3rd unnum subpara)	14(a)(iii)
Sch 1 item 14 (2nd unnum para)	14(b)
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