

21 GEO. V. No. 11, 1930. *Art Union Regulation Act.*

EMPLOYMENT.

See LABOUR.

FEDERAL AID ROADS.

See ROADS.

FENCING.

See DINGOES AND MARSUPIALS ; *See also* LAND, CROWN.

FINANCE ACT.

See TAXATION.

FIRES, INQUESTS ON.

See JUSTICES.

FRUIT MARKETING ORGANISATION.

See PRIMARY PRODUCE.

GAMING.

See also TAXATION (FINANCE ACT OF 1930, PART IV.).

GAMING.

Art Union Regulation Act of 1930 21 *Geo. V. No. 11*
Racing Regulation Act of 1930 21 *Geo. V. No. 27*

An Act to make better provision in relation to Lotteries and Art Unions, Raffles, and Drawings of a like nature, and for other purposes.

21 *Geo. V.*
 No. 11.
 THE
 ART UNION
 REGULATION
 ACT OF 1930.

[ASSENTED TO 2ND OCTOBER, 1930.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The Art Union Regulation Act of 1930*," and shall come into operation on a date to be proclaimed by the Governor in Council by Proclamation published in the *Gazette*, which date shall be referred to as the commencement of this Act.

Short title
 and
 construction

(2.) This Act shall be read and construed with **The Criminal Code*” and the Gaming Acts.

(3.) The provisions of this Act shall not apply to any art union, raffle, or guessing competition which was sanctioned by the Minister prior to the commencement of this Act.

Interpreta-
tion.

2. In this Act, unless the context otherwise indicates or requires, the following terms have the meanings set against them respectively, that is to say :—

Gaming
Acts.

“Gaming Acts”—The term “Gaming Acts” shall include sections two hundred and thirty-four and two hundred and thirty-five of **The Criminal Code*,” †*The Gaming Act of 1850*,” ‡*The Suppression of Gambling Act of 1895*,” §*The Totalisator Restriction Act of 1889*,” ||*The Totalisator Tax Act, 1892*,” ¶*The Totalisator Tax Amendment Act of 1902*,” ***The Racecourses Act of 1923*,” and any Act or Acts amending or in substitution of all or any of such Acts ;

Lottery.

“Lottery”—The term “lottery” shall mean any lottery as defined in section two hundred and thirty-four of **The Criminal Code*” :

The term shall also mean and include any lottery as defined in “ ‡*The Suppression of Gambling Act of 1895* ” (or in any Act amending or in substitution of that Act) :

For the purposes of this Act, the term “lottery” shall also include any drawing known as an art union, raffle, guessing competition, or drawings of a like nature ;

Minister.

“Minister”—The Attorney-General or other Minister of the Crown for the time being charged with the administration of this Act ;

Person.

“Person” includes any partnership or firm and any body of persons corporate or unincorporate ;

* 63 Vic. No. 9, Schedule I., *supra*, page 344.

† 14 Vic. No. 9, *supra*, page 802.

‡ 59 Vic. No. 9, *supra*, page 808.

§ 53 Vic. No. 2, *supra*, page 815.

|| 56 Vic. No. 15, *supra*, page 816.

¶ 2 Edw. VII. No. 4, *supra*, page 818.

** 14 Geo. V. No. 23, *supra*, page 10526.

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- “ Prescribed ”—Prescribed by this Act ; Prescribed.
- “ Regulations ”—Regulations made under the authority of this Act ; Regulations.
- “ This Act ”—This Act and all Proclamations, regulations, and notifications made thereunder. This Act.

3. The following provision is inserted in section two hundred and thirty-four of **“The Criminal Code,”* namely :—

Amendment
of s. 234 of
the Schedule
to 63 Vic.
No. 9.

“ Provided that where any lottery has obtained the sanction of a Crown Law Officer, and such sanction has been granted provided certain prescribed regulations, conditions, provisions, and/or stipulations are observed and obeyed by the person or persons having the management or conduct of such lottery, the exemption in respect of such lottery shall not apply in any case where the said regulations, conditions, provisions, and stipulations are not observed and obeyed by the person or persons having the management or conduct of such lottery.”

4. Subject to this Act, nothing in this Act shall be construed to limit or in anywise affect the provisions of **“The Criminal Code”* or the Gaming Acts.

Saving of
Gaming
Acts.

5. (1.) Notwithstanding the provisions of the Gaming Acts as hereinbefore defined, it shall be lawful for the Minister, subject to such conditions as may be prescribed, either generally or in any particular case, to grant a permit on application being made in the prescribed manner to conduct a lottery, art union, or raffle, or guessing competition, or drawing—

Lotteries,
raffles, &c.,
for
charitable,
&c. purposes.

- (i.) In respect of a carnival, bazaar, or fancy fair being held, and complying with the prescribed conditions, for the purpose of raising funds, not for private gain, but in aid of—
- (a) Any religious or charitable institution, hospital, or ambulance ;
- (b) Any school of arts or library, or educational institution ;
- (c) Any returned sailors' and/or soldiers' institution ;

* 63 Vic. No. 9, Schedule I., *supra*, page 344.

- (d) Any institution or voluntary association for the encouragement of the fine arts ;
- (e) Any institution or association of like or similar objects as may from time to time be prescribed ;
- (ii.) To raise funds, by means of art unions, raffles, or other approved means—
 - (a) For religious, charitable, or educational purposes, or for aiding any hospital or ambulance, and not for private gain ;
 - (b) For the purpose of aiding returned sailors and soldiers, and not for private gain ;
 - (c) For the purpose of affording aid to persons in necessitous circumstances ;
 - (d) For any purpose which in the discretion of the Minister it is considered desirable, subject to such conditions as may be prescribed, either generally or in any particular case, that a permit should be granted.

Provided always that it shall be a condition of any permit herein referred to that money, cash, open orders, orders for goods, bonds, or the like security, land, buildings, shares in companies, spirituous or fermented liquors, or tobacco in any form shall not be disposed of by lottery, whether by art union or raffle, guessing competition, or otherwise howsoever.

Permit.

(2.) Every person who desires to conduct any lottery under the provisions of this section shall make application to the Minister in the prescribed form.

Such application shall contain such particulars as may be prescribed, and moreover the Minister may require such further particulars as he may deem necessary or expedient in any particular case, and may cause such inquiry to be made into any application as he may think fit.

Power of
Minister.

(3.) Such application shall be submitted to the Minister accordingly. The Minister in his discretion may grant any such application or may refuse such application, or may grant such application subject to any prescribed conditions or any further terms or conditions or stipulations which may be prescribed or which he may deem necessary or desirable, either generally or in any particular case.

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The decision of the Minister in respect of any such application shall be a decision in his absolute discretion, and shall be final and binding and without appeal.

(4.) On the granting by the Minister of any permit under this Act, none of the provisions of the Gaming Acts shall be deemed or construed to extend or relate to any such lottery, art union, or raffle, guessing competition, or drawing if the lottery, art union, raffle, guessing competition, or drawing is conducted in accordance with this Act, the prescribed permit, and in accordance with the conditions prescribed in the regulations or in the permit: Provided always that any person who contravenes or neglects or fails to comply with any of the terms, conditions, or stipulations in respect of any such permit shall also be guilty of an offence against this Act.

Effect of
grant of
permit.

(5.) Notwithstanding anything to the contrary contained in this Act, it shall be lawful for the Minister if he thinks it fit and proper so to do, in his discretion, to cancel, by notification in writing under his hand, any permit granted by him under the provisions of this section, and any such notification shall have the force of law and be obeyed by all persons concerned, and such permit shall be void and of no effect accordingly.

Power of
cancellation
of permit.

Any decision of the Minister in respect of any cancellation as aforesaid shall be a decision in his absolute discretion, and shall be final and binding and without appeal.

6. The Minister may at any time by notice in writing under his hand or the hand of the Under Secretary, Department of Justice, call upon the promoter, secretary, treasurer, or any one of the committee (or any person who purported to act in such capacity) of any carnival, bazaar or fancy fair, or of any association or institution, or any applicant in respect whereof a permit has been granted under this Act, to lodge with him a balance-sheet showing the whole of the receipts and disbursements in connection with the bazaar or fancy fair, or with any lottery conducted at the carnival, bazaar or fancy fair, or with any lottery, art union, raffle, or guessing competition conducted in respect of any permit aforesaid within a time to be specified in the notice, and to produce to such person and at such time and place as is set out in the notice any books, tickets, butts of tickets,

Balance-
sheet of
art unions,

documents, and vouchers relating to the bazaar or fancy fair, or to any lottery, art union, raffle, or guessing competition concerned.

Audit, &c.

7. When any such balance-sheet, books, tickets, butts of tickets, documents, or vouchers have in any way been available to him, the Minister may direct that the same shall be handed to the Auditor-General, who is hereby authorised and directed to receive, examine, and audit the same, and for that purpose to make such inquiries as to him shall seem proper and necessary, and to report the result of the audit to the Minister.

Penalties
for non-
compliance

8. (1.) Whosoever is required to lodge a balance-sheet or to produce any books, documents, tickets, butts of tickets, or vouchers in accordance with section six of this Act, and who fails to do so within the time specified in that behalf in the notice given to him, shall be liable to a penalty not exceeding fifty pounds.

(2.) Whosoever refuses to answer the inquiries made by the Auditor-General shall be liable to a penalty not exceeding fifty pounds.

Falsification
of books.

9. Whosoever with intent to defraud or deceive any other person—

- (a) Alters or falsifies any books, documents, or vouchers relating to a lottery, art union, or raffle ;
- (b) Makes or concurs in the making of any false or fraudulent entry in any book, document, or voucher relating to a lottery, art union, or raffle ; or
- (c) Omits or concurs in omitting any material particular from any book, document, voucher, or balance-sheet relating to a lottery or raffle,

shall be guilty of a crime and shall be liable to imprisonment with hard labour for a period not exceeding three years, or at the discretion of the court to a penalty not exceeding five hundred pounds.

Unclaimed
prizes.

10. Any prize unclaimed by the person holding the ticket entitling him thereto, or by some person duly authorised in that behalf, for a period of three months or such extended time as may be prescribed after the

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drawing of the lottery, art union, raffle, or guessing competition, shall be sold by public auction under the direction of the Minister, and the proceeds of the sale paid into the fund for which the association was formed, or to the institution in aid of which the bazaar or fancy fair or lottery, art union, raffle, or guessing competition was held, or to the person being in necessitous circumstances for whom the lottery, art union, raffle, or guessing competition was promoted, as the case may be.

11. Whosoever is concerned in the conducting of a lottery, art union, raffle, or guessing competition in respect of which a permit has been granted under this Act and unlawfully converts to his own use any of the prizes or any part of the moneys raised by means of such lottery, art union, raffle, or guessing competition shall be guilty of a crime, and shall be liable to imprisonment for a term not exceeding five years, or at the discretion of the court to a penalty not exceeding five hundred pounds.

12. Whosoever with intent to defraud conducts or concurs in conducting the drawing of any lottery, art union, raffle, or guessing competition in such a manner or under such conditions that all persons who have purchased tickets or shares in the lottery, art union, raffle, or guessing competition have not an equal chance of drawing a prize shall be guilty of a crime, and shall be liable to imprisonment for a term not exceeding five years or, at the discretion of the court, to a penalty not exceeding five hundred pounds.

13. Any person who uses or diverts the funds raised by any lottery, art union, raffle, or guessing competition (in respect of which a permit has been granted for a specific purpose) for any purpose other than the purpose for which the permit has been granted, without the express permission of the Minister, signified in writing in that behalf, shall be guilty of a crime and shall be liable to imprisonment for a term not exceeding five years, or, at the discretion of the court, to a penalty not exceeding five hundred pounds.

14. Any person who shall conduct or assist or take part in the conduct of any lottery, art union, raffle, guessing competition, or drawing of a like nature without

Misappropriation of funds or prizes.

Fraudulent drawing.

Using funds otherwise than as prescribed by the permit.

Penalty for conduct of unauthorised lottery, &c.

having obtained the prescribed permit in that behalf from the Minister shall be guilty of an offence, and shall be liable to a penalty not exceeding one hundred pounds.

General
penalty.

15. Any person who is guilty of an offence or of a contravention of this Act for which no specific penalty is in this Act provided shall be liable to a penalty not exceeding fifty pounds.

Offences.

16. All proceedings in respect of offences against this Act, except such offences as are by this Act declared to be crimes, shall be heard and determined in a summary way on complaint under **“ The Justices Acts, 1886 to 1929.”*

Minister to
have power
to issue
permit for
carnivals,
&c.

17. (1.) Notwithstanding anything contained in †*“ The Local Authorities Acts, 1902 to 1929,”* or ‡*“ The City of Brisbane Act of 1924.”* or any Act amending the said Acts or either of them, or any ordinances, by-laws, or regulations made under the said Acts or either of them, no person shall conduct a carnival, bazaar, fair (other than a carnival, bazaar, or fair at which no lottery, art union, raffle, guessing competition, or drawing of a like nature or any game of chance or any game of mixed chance and skill will be conducted thereat), side-show, game of chance or game of mixed chance and skill, bowling alley, skittle alley, shooting gallery, merry-go-round, whirligig, razzle-dazzle, swing-boats, or any mechanical structure or contrivance for public amusement or entertainment, hereinafter referred to generally as “the said show,” unless he shall have first obtained from the Minister a permit enabling him so to do.

Applications for such permits shall be made to the Minister in the prescribed form.

The Minister in his sole discretion may, subject to the by-laws, ordinances, and regulations of the Local Authorities or of the Brisbane City Council within whose area the said show so proposed to be conducted, and subject to such reasonable conditions as such Local Authority or the Brisbane City Council may impose on any license or permit granted by it as hereinafter mentioned, grant or refuse any such application, or

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

† 2 Edw. VII. No. 19 and amending Acts, *supra*, pages 1360 *et seq.*

‡ 15 Geo. V. No. 32, *supra*, page 11140.

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grant the same subject to any conditions or stipulations which he may deem necessary or desirable, either generally or in any particular case.

The fee payable for any such permit shall be as prescribed.

No license or permit shall be issued to any person in respect of the matters or things above referred to, by any Local Authority or by the Brisbane City Council, unless or until a permit of the Minister as herein provided is produced to the Local Authority or the Brisbane City Council, as the case may be.

Nothing herein contained shall be deemed to relieve the Local Authority or Brisbane City Council, as the case may be, of any of the powers, authorities, or duties which it is by law required to exercise for the safety and health of the public at any such show.

(2.) Any person to whom a permit has been issued ^{Penalty.} by the Minister as aforesaid who neglects or fails to carry out or observe the conditions and stipulations of such permit, or in any manner contravenes any of the conditions and stipulations of such permit, shall be guilty of an offence and shall be liable to a penalty not exceeding five hundred pounds, or to imprisonment for any period not exceeding one year.

Any person who shall conduct or assist or take ^{Unauthorised show.} part in the conduct of any show, defined in subsection one of this section as "the said show," without having obtained the prescribed permit in that behalf from the Minister, shall be guilty of an offence, and shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for any period not exceeding one year.

(3.) Notwithstanding anything to the contrary con- ^{Power of cancellation.} tained in this Act, it shall be lawful for the Minister if he thinks it fit and proper so to do, in his discretion, to cancel, by notification in writing under his hand, any permit granted by him under the provisions of this section, and any such notification shall have the force of law and be obeyed by all persons concerned, and such permit shall be void and of no effect accordingly; moreover, any permit or license granted by the Local Authority or the Brisbane City Council, as the case may be, on the production of the notification of the Minister as aforesaid, shall also be and be deemed to be cancelled and to be void and of no effect accordingly.

Any decision of the Minister in respect of any cancellation as aforesaid shall be a decision in his absolute discretion, and shall be final and binding and without appeal.

Traffic Acts. 18. Nothing in this Act shall be deemed to prejudice or in any wise affect the powers and authorities of the police under and pursuant to the Traffic Acts and Regulations.

Fees for permits. 19. There shall be payable to the Minister, in respect of any permit granted by him to any person to conduct any art union, raffle, guessing competition, or drawing of a like nature in accordance with this Act, or in respect of any permit granted by the Minister pursuant to the provisions of section seventeen of this Act, such fee in respect of such permit as may be prescribed.

The regulations may prescribe a minimum fee and may also prescribe such fees varying in amounts and the basis or bases on which such fees shall be payable.

Any person to whom a permit has been granted failing or neglecting to pay to the Minister the prescribed fee in respect of any permit shall be guilty of an offence against this Act.

Moreover, the payment of such fee shall be deemed to be a condition to be observed in the granting of such permit.

Such fees shall be paid by the Minister into the Consolidated Revenue.

Power of delegation. 20. The Governor in Council on the recommendation of the Minister may, by Order in Council, from time to time delegate to any officer designated in such Order in Council all or any of the powers or duties of the Minister, and such delegation may be either for a specified time or without limit of time, and the Governor in Council may, at any time, on the recommendation of the Minister, by Order in Council, cancel such delegation.

The officer to whom such powers or duties are delegated shall, to the extent of such delegation and while the same subsists, have all the powers and perform all the duties of the Minister; but no such delegation shall be construed so as to prevent the Minister from also exercising any of such powers or performing any of such duties.

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21. Until otherwise amended or repealed in accordance with the provisions of this Act, the conditions governing the granting by the Minister of permits to conduct art unions, appearing in the *Gazette* of the twenty-fifth day of July, one thousand nine hundred and twenty-five, and as amended by subsequent notifications in the *Gazette* of the thirty-first day of July, one thousand nine hundred and twenty-six, and by subsequent direction of the Minister are, subject to this Act, hereby approved, ratified, and confirmed, and shall have the force of law and be observed and obeyed by all persons concerned, and shall be deemed to be regulations made under the authority of this Act. Ratification
of existing
regulations.

The provisions of this section shall take effect on and after the passing of this Act.

22. (1.) The Governor in Council may from time to time make regulations providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act, or that may be necessary or expedient to carry out the objects and purposes of this Act. Regulations.

Without limiting the generality of the foregoing provisions, such regulations may provide for all or any of the following matters:—

- (a) The forms of application to be made for any approval, sanction, or permit required to be obtained under this Act ;
- (b) The persons by whom such applications must be made and to whom such approval, sanction, or permit shall be issued ;
- (c) The terms and conditions subject to which such approval, sanction, or permit will be granted, and in particular, including the time allowable for the conduct of the lottery art union, raffle, or guessing competition, and the printing and issue and sale of tickets ;
- (d) The conduct and management of any art union, carnival, bazaar or fancy fair, or of any entertainment or device or scheme used in conjunction therewith, including the books of account and records to be kept, and the inspection or audit at any stage by the Auditor-General or authorised persons of such conduct or management, or any such books

- of account or records ; also the prevention of the destruction of any such books of account or records ;
- (e) The collection and audit of any funds derived from such art union, raffle, guessing competition, carnival, bazaar or fancy fair, or of any entertainment, or the use of such device or scheme or any matter relating thereto ;
 - (f) The advertisement of winning numbers and the notification to the winner of any prizes ;
 - (g) The fees to be paid for any permit under this Act and the basis or bases on which such fees shall be payable, and any further powers for the recovery of any such fees ;
 - (h) The amount to be paid as salary, commission, or wages, or in connection with the organisation, conduct, or management of any art union, raffle, or guessing competition, carnival, bazaar or fancy fair, or any entertainment or device or scheme used in conjunction therewith ;
 - (i) The amount paid for rent or hire of any chocolate wheel or device used in connection with a lottery ;
 - (j) The proportion of the gross takings to be paid to the institution or object in aid or in support of which the art union is formed or the carnival, bazaar or fancy fair is conducted ;
 - (k) The terms of agreement between persons promoting art unions, carnivals, bazaars or fancy fairs, in aid of any religious, educational, or charitable institution, or any hospital or ambulance, or school of arts or returned sailors' and/or soldiers' institution, or other approved institution, and the persons controlling such institution ;
 - (l) The terms upon which persons may be allowed to act as agents for the sale of tickets in any art union ;
 - (m) Prescribing the forms of any instrument, together with the necessary terms, provisions, conditions, and stipulations of any institution or voluntary association for the encouragement of fine arts ;

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- (n) Requiring entry by prescribed persons into a bond in such amount and in the prescribed form for the due observance of any permit ;
- (o) Prescribing returns and statements to be furnished to the Minister, and the contents thereof, by any person, and the time and mode of making and furnishing the same ;
- (p) All matters required or permitted by this Act to be prescribed ;
- (q) Generally for carrying this Act into effect.

(2.) Regulations may be made on the passing of this Act. May be made on passing of Act.

(3.) The regulations may fix a penalty not exceeding one hundred pounds for the breach of any of the provisions and requirements thereof. May fix penalty.

23. All Proclamations and regulations made or purporting to have been made under this Act shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were enacted in this Act, and shall be judicially noticed, and shall not be questioned in any proceedings whatsoever. Proclamations and regulations to form part of this Act.

The production of a copy of the *Gazette* purporting to contain any such Proclamation or regulation shall be conclusive evidence of the matters contained therein and of the power and authority to make such Proclamation or regulation.

All Proclamations and regulations shall be laid before the Legislative Assembly within fourteen days after such publication if Parliament is in session, or, if not, then within fourteen days after the commencement of the next session.

If Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

For the purposes of this section, the term "sitting days" shall mean days on which the House actually sits for the despatch of business.