

Queensland



ANNO VICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE

No. 72 of 1973

**An Act to amend The Art Union Regulation Acts 1964 to
1965 in certain particulars and to repeal section
33 of The Collections Act of 1966**

[ASSENTED TO 19TH DECEMBER, 1973]

BE IT ENACTED by the Queen'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. Short title and citation. (1) This Act may be cited as the *Art Union Regulation Act Amendment Act 1973*.

(2) *The Art Union Regulation Act of 1964* as subsequently amended is in this Act referred to as the *Principal Act*.

(3) The *Principal Act* as amended by this Act may be cited as the *Art Union Regulation Act 1964–1973*.

2. Commencement. This Act shall come into operation on a date to be appointed by Proclamation.

3. Amendment of s. 2. Section 2 of the Principal Act is amended by, under the reference "PART III—ART UNIONS", inserting after the reference "*Division IV—Conduct of Art Unions by Approved Associations;*" the following references:—

- " *Division IVA—Games of Housie;*
- Division IVB—Sweeps on Sporting Events;*
- Division IVC—Art Unions to promote Trade;*
- Division IVD—Art Unions Conducted in Newspapers;*"

4. Amendment of s. 5. Section 5 of the Principal Act is amended by—

(a) omitting from the definition "drawing", the words "decide the result or" and inserting in their stead the words "decides any result or any";

(b) inserting after the definition "foreign art union" the following definitions:—

" "Game of housie"—The art union variously called housie-housie, bingo, wog, hoy, tombola, and lotto; the term includes any art union of a similar kind by whatever name called;

" Housie session"—Any period during which one or more games of housie is or are played;";

(c) in the definition "lottery", inserting after the words "to be determined" the words "wholly or partly";

(d) inserting after the definition "money" the following definition:—

" "Multiple drawing art union"—Any art union conducted over a period of time in the determination of which there occurs two or more drawings between each consecutive two of which there is an interval of time;";

(e) in the definition "promoter", inserting after the word "includes" the words "the applicant for a permit;";

(f) omitting the definition "ticket" and inserting in its stead the following definition:—

" "Ticket"—In relation to any art union or proposed art union, includes any document, marble, or thing that evidences the claim of a person to participate in the chances of the art union and, in relation to any art union of the kind known as lucky envelopes or of a similar kind, by whatever name called, includes any envelope or other container in which the ticket is contained;";

(g) in subsection (2), omitting paragraph (d).

5. Repeal of and new s. 9. The Principal Act is amended by repealing section 9 and inserting in its stead the following section:—

" **9. Classification and status in law of art unions.** (1) For the purposes of this Act all art unions shall be divided into two classes, namely major art unions and minor art unions.

(2) The power conferred by section 41 to make regulations includes power to make regulations, not inconsistent with this Act, prescribing the classification of art unions or descriptions of art unions generally or of a particular art union or description of art union.

The classification prescribed may be based upon the amount of the whole proceeds permitted under this Act to the art union or description of art union in question or on such other basis as the Governor in Council thinks fit.

(3) Save as is prescribed by this Act, all art unions are unlawful.”.

6. Repeal of and new s. 13. The Principal Act is amended by repealing section 13 and inserting in its stead the following section:—

“**13. Permits to conduct single art unions.** (1) There may be granted or issued under and in accordance with this Act permits that authorize the conduct of single art unions for raising money for any of the following purposes:—

- (a) charitable, religious, or educational purposes;
- (b) patriotic, cultural or sporting purposes;
- (c) any other purposes, being neither a purpose of private gain nor a purpose of any commercial undertaking for the time being specified by Order in Council.

(2) If in respect of a particular art union a question arises as to whether its purpose is such that a permit may properly be granted or issued to authorize its conduct the question shall be determined by the Minister whose decision thereon shall be final and conclusive.

(3) Applications for the grant or issue of permits that authorize the conduct of single art unions may be made by any person or on behalf of any association.”.

7. New s. 13A. The Principal Act is amended by inserting after section 13 the following section:—

“**13A. Single art unions, lawful if permitted.** Notwithstanding any other provision of law, for as long as a permit granted or issued under section 13 remains in force, it shall be lawful for any person who is a promoter of the art union described in the permit to promote and conduct the art union for raising money for the purpose or purposes specified in the permit and in accordance with—

- (a) the conditions prescribed by this Division;
- (b) the conditions (if any) applicable thereto prescribed by the regulations; and
- (c) the conditions (if any) imposed in relation to the permit by the Minister or other person duly authorised in that behalf,

and the art union so promoted and conducted shall be lawful.”.

8. Repeal of and new s. 14. The Principal Act is amended by repealing section 14 and inserting in its stead the following section:—

“**14. Restriction on permissible prizes in art unions.** (1) It shall be a condition to be observed in connexion with the promotion and conduct of every art union permitted under this Division that no prize in the art union shall be any of the following:—

- (a) open orders;

- (b) bonds, stock, debentures, shares in companies, or other documents or securities;
- (c) tickets or chances in another art union, whether conducted in the State or elsewhere, save tickets in the "Golden Casket" conducted under the *Vagrants, Gaming, and Other Offences Act 1931-1971* or in any art union approved by the Minister and specified in the permit in question;
- (d) interests in land or improvements on land, save an estate in fee simple in land (including any improvements thereon) when that prize is specially permitted under section 19 (2).

(2) It shall be a condition to be observed in connexion with the promotion and conduct of every art union permitted under this Division that no prize in the art union shall be any of the following:—

- (a) money;
- (b) spirituous or fermented liquors;
- (c) tobacco in any form,

save where the art union so permitted is a minor art union and it is authorized to the contrary by the permit granted or issued under section 13 in respect of that art union or, where the art union is one of a series of minor art unions to which this section applies by reason of section 17 (1) (k), it is authorized to the contrary by the permit granted or issued under section 16 in respect of that series of art unions or, where the art union is conducted under the authority of the registration of an association as an approved association and is one to which this section applies by reason of section 18 (4) (xiv), it is authorized to the contrary by a condition of the registration of that association under section 18.

(3) Where any property to be disposed of as a prize in an art union is insured against loss, injury or damage and the same is lost, injured or damaged before it is delivered to the winner of that prize, the payment to the prizewinner of money received by way of indemnity on account of such loss, injury or damage in lieu of delivery to him of the property in question shall not be a contravention of this section."

9. Amendment of s. 15. Section 15 of the Principal Act is amended by, in subsection (1),

(a) inserting in the general words preceding provision (a) after the words "every art union" the words ", other than a multiple drawing art union,";

(b) omitting from provision (b) the words "thirty per centum" and the words "thirty-three and one third per centum" and inserting in their stead respectively the words "thirty-three and one third per centum" and the words "thirty per centum";

(c) omitting provision (i) and inserting in its stead the following provision:—

"(i) if the mode of drawing the art union is specified in the permit that authorizes the art union, each prize winner in the art union shall be ascertained by that mode;"

10. **New s. 15A.** The Principal Act is amended by inserting in Division II of Part III after section 15 the following section:—

“ **15A. Multiple drawing art unions.** (1) An art union shall not be excluded from the description “ single art union ” by reason only of its being within the description “ multiple drawing art union ” as defined by this Act.

(2) The rules to be observed in connexion with the promotion and conduct of a multiple drawing art union shall be set out in the permit that authorizes the art union.

(3) The rules set out in a permit that authorizes a multiple drawing art union—

(a) shall in every case include the following rules:—

(i) each winner of any drawing in the art union shall be ascertained by reference to no more than three determining factors, each of those factors being either the result of a draw or other determination or the outcome of one or more events;

(ii) a drawing in the art union shall not depend on any event or contingency being or connected with any horse racing or coursing or any football game or other sporting event;

(b) shall not be inconsistent with any provision of this Act but otherwise may vary as between one multiple drawing art union and any other such art union.

(4) The rules set out in a permit that authorizes a multiple drawing art union as the rules to be observed in connexion with the promotion and conduct of the art union shall be observed and the provisions of subsection (3) of section 15 shall apply in respect of a contravention of any of those rules as if they were conditions required to be observed in respect of an art union permitted under or for the purposes of this Division.”

11. **New s. 15B.** The Principal Act is amended by inserting in Division II of Part III after section 15A the following section:—

“ **15B. Refusal of permit when application inappropriate.** Without limiting any power, conferred by this Act, to refuse an application for a permit, the Minister or other person duly exercising the power may refuse to grant a permit that would authorize a single minor art union if in his opinion the applicant therefor should have made application for a permit that would authorize a series of minor art unions.”

12. **Amendment of heading to Division III.** The Principal Act is amended by, in the heading immediately preceding section 16, omitting the word “ small ” and inserting in its stead the word “ minor ”.

13. **Repeal of and new s. 16.** The Principal Act is amended by repealing section 16 and inserting in its stead the following section:—

“ **16. Permits to conduct series of minor art unions.** (1) There may be granted or issued under and in accordance with this Act permits that authorize the conduct, during the period for which the permit remains in force, of a series of minor art unions of a

kind described in section 16A (2) for raising money for any of the purposes prescribed by section 13 or duly specified for the purposes of that section.

(2) If in respect of a particular series of minor art unions a question arises as to whether its purpose is such that a permit may properly be granted or issued to authorize its conduct the question shall be determined by the Minister whose decision thereon shall be final and conclusive.

(3) Applications for the grant or issue of permits that authorize the conduct of a series of minor art unions may be made by any person or on behalf of any association.

(4) Save where it is otherwise prescribed, a series of minor art unions includes, for the purposes of this Act—

- (a) a number of minor art unions conducted successively;
- (b) two or more minor art unions conducted at the same time and drawn either simultaneously or successively.”.

14. **New ss. 16A and 16B.** The Principal Act is amended by inserting after section 16 the following sections:—

“**16A. Series of minor art unions lawful if permitted.** (1) Notwithstanding any other provision of law, for as long as a permit granted or issued under section 16 remains in force it shall be lawful for any person who is a promoter of the art union to promote and conduct an art union of a kind described in subsection (2) to raise money for the purpose or purposes specified in the permit during the period that the permit is expressed to cover, on the days (if any) specified in the permit and in accordance with—

- (a) the conditions prescribed by this Division;
- (b) the conditions (if any) applicable thereto prescribed by the regulations; and
- (c) the conditions (if any) imposed in relation to the permit by the Minister or other person duly authorized in that behalf,

and the art union so promoted and conducted shall be lawful.

(2) Art unions that may lawfully be promoted and conducted under the authority of a permit granted or issued under section 16 shall be minor art unions in each of which—

- (a) a ticket or chance is sold and issued to each person admitted to participate therein;
- (b) no action (save in making a guess in a guessing competition) by or on behalf of any person participating therein is required for ascertaining the winner or winners of the prize or prizes;
- (c) each winner of any drawing is ascertained by reference to no more than three determining factors each of those factors being either the result of a draw or other determination or the outcome of one or more events.

A drawing in any art union conducted under the authority of a permit granted or issued under section 16 shall not depend on any event or contingency being or connected with any horse racing or coursing or any football game or other sporting event.

16B. Applications under Division II not affected. Nothing in this Division shall be construed to prevent the making of an application for a permit under or for the purposes of Division II that authorizes a single minor art union, or to prevent the grant or issue of such a permit, or to affect any application made or permit granted or issued under or for the purposes of that Division.”

15. Amendment of s. 17. Section 17 of the Principal Act is amended by—

- (a) in subsection (1),
 - (i) omitting from paragraph (b) the words “ fifty pounds ” and inserting in their stead the words “ the maximum amount prescribed in that behalf for minor art unions ”;
 - (ii) inserting in paragraph (b) after the words “ other sum ” where they first occur the words “ being less than such prescribed maximum amount ”;
 - (iii) omitting paragraph (c);
 - (iv) omitting from paragraph (f) the words “ and the price of every ticket shall be stated on the ticket ”;
- (b) inserting after subsection (1) the following subsection:—

“ (1A) The following further conditions shall be observed in connexion with the promotion and conduct of every minor art union known as lucky envelopes and of every minor art union of a similar kind permitted under or for the purposes of this Division:—

- (a) all tickets used in any one art union shall bear the same serial number;
- (b) a different serial number shall be used for each art union;
- (c) the part of the ticket readily visible without opening shall bear a mark, symbol, words, lettering or other indication to show that the art union is authorized as prescribed;
- (d) the tickets for use in the art union shall be sold and purchased in accordance with such conditions (if any) as are prescribed.”

16. Amendment of s. 18. Section 18 of the Principal Act is amended by—

(a) in subsection (3), omitting paragraph (b) and inserting in its stead the following paragraph:—

“ (b) Art unions that may lawfully be promoted and conducted under the authority of this section shall be minor art unions in each of which—

- (i) a ticket or chance is sold and issued to each person admitted to participate therein;
- (ii) no action (save in making a guess in a guessing competition) by or on behalf of any person participating therein is required for ascertaining the winner or winners of the prize or prizes;
- (iii) each winner of any drawing is ascertained by reference to no more than three determining factors each of those factors being either the result of a draw or other determination or the outcome of one or more events.

A drawing in any art union conducted under the authority of this section shall not depend on any event or contingency being or connected with any horse racing or coursing.”;

(b) in subsection (4),

(i) omitting from subparagraph (iii) of paragraph (a) the words “twenty-five pounds” and inserting in their stead the words “the maximum amount prescribed in that behalf for minor art unions”

(ii) omitting subparagraph (iv) of paragraph (a);

(iii) adding at the beginning of subparagraph (v) of paragraph (a) the words “save in respect of those art unions referred to in paragraph (aa) of this subsection,”;

(iv) omitting from subparagraph (viii) of paragraph (a) the words “and the price of every ticket shall be stated on the ticket”;

(v) inserting after paragraph (a) the following paragraph:—

“(aa) The following further conditions shall be observed in connexion with the promotion and conduct of every art union known as doubles and of every minor art union of a similar kind conducted under the authority of this section:—

- (i) all tickets used in any one art union shall bear the same serial number;
- (ii) a different serial number shall be used for each art union;
- (iii) the part of the ticket readily visible without opening shall bear a mark, symbol, words, lettering or other indication to show that the art union is authorized as prescribed;
- (iv) the tickets for use in the art union shall be sold and purchased in accordance with such conditions (if any) as are prescribed.”.

17. Games of housie made lawful. The Principal Act is amended by inserting after section 18 the following heading and section:—

“ *Division IVA—Games of Housie*

18A. Games of housie may be lawful without permit. (1) Notwithstanding—

- (a) any other provision of law;
- (b) that a permit that authorizes the conduct of the game of housie concerned has not been granted or issued under or for the purposes of this Division;
- (c) that the persons by or on behalf of whom the game of housie is conducted do not constitute an approved association under and for the purposes of this Act,

it shall be lawful for any person to promote and conduct a game of housie for raising money for one or more of the purposes set out in subsection (2) and in accordance with—

- (d) the conditions prescribed by subsection (3); and
- (e) the conditions (if any) applicable thereto prescribed by the regulations,

and the game so promoted and conducted shall be a lawful art union.

(2) The purposes for which money may be raised by means of a game of housie promoted and conducted under the authority of this section are—

- (a) any charity registered under *The Collections Act of 1966*;
- (b) aiding any church, educational institution, or public library;
- (c) any purpose, being charitable, religious, or educational, specified by Order in Council.

(3) The following conditions shall be observed in connexion with the promotion and conduct of every game of housie under the authority of this section:—

- (a) not more than one housie session shall be conducted during any week in any city, town or other place for one and the same purpose, being a purpose set out in subsection (2);
- (b) a housie session shall not exceed three hours and the number of games of housie played during a session shall not exceed thirty;
- (c) the whole proceeds of each housie session shall not exceed \$300;
- (d) no remuneration shall be paid in respect of the games of housie to the promoter or any other person;
- (e) the amount of the whole proceeds of a housie session appropriated on account of expenses shall not exceed—
 - (i) the expenses actually incurred; or
 - (ii) ten per centum, or other proportion prescribed by the regulations in that behalf, of those whole proceeds, whichever is the less;
- (f) the amount of the whole proceeds of a housie session appropriated for the provision of prizes in the games played during that session shall not exceed one half of those whole proceeds;
- (g) prizes in games of housie played during a housie session shall not be met out of moneys held by or on behalf of the purpose for which the games are conducted save out of the money raised during that session;
- (h) all cards sold or offered for sale for use in any one game of housie shall be sold or offered for sale at the same price, which shall not exceed ten cents per card;
- (i) the whole proceeds of a housie session, after deducting the amount lawfully appropriated for expenses and the provision of prizes, shall be applied to the purpose for which the games of housie were conducted during that session;
- (j) any prize unclaimed in respect of a game of housie played during a housie session shall be paid by the promoter of the session to the purpose for which the game was conducted within fourteen days from the date on which the session finished.

18. New ss. 18B, 18C and 18D. The Principal Act is amended by inserting after section 18A the following sections:—

“ 18B. **Permits to conduct games of housie.** (1) There may be granted or issued under and in accordance with this Act permits that authorize the conduct during the period the permit remains in force of games of housie for raising money for any of the purposes prescribed by section 13 or duly specified for the purposes of that section.

(2) If in respect of an application for a permit provided for in this section a question arises as to whether the purpose of the game or games of housie is such that a permit may properly be

granted or issued to authorize the conduct of the game or games the question shall be determined by the Minister whose decision thereon shall be final and conclusive.

(3) Applications for the grant or issue of permits that authorize games of housie may be made by any person or on behalf of any association.

18C. Games of housie lawful if permitted. Notwithstanding any other provision of law, for as long as a permit granted or issued under section 18B remains in force, it shall be lawful for any person who is a promoter of the game or games of housie referred to in the permit to promote and conduct the game or games for raising money for the purpose or purposes specified in the permit and in accordance with—

- (a) the conditions prescribed by section 18D;
 - (b) the conditions (if any) applicable thereto prescribed by the regulations; and
 - (c) the conditions (if any) imposed in relation to the permit by the Minister or other person authorized in that behalf,
- and every game of housie so promoted and conducted shall be lawful.

18D. Conditions to be observed in connexion with permitted games of housie. (1) The following conditions shall be observed in connexion with the promotion and conduct of every game of housie conducted under the authority of a permit granted or issued under section 18B:—

- (a) the game shall be played at the venue specified in the permit;
- (b) every housie session shall not exceed three hours and the number of games of housie-housie played during a session shall not exceed thirty;
- (c) not more than two housie sessions shall be conducted during any week;
- (d) no charge shall be made for admission to any housie session;
- (e) the whole proceeds of each housie session shall not exceed \$900;
- (f) the whole proceeds of any one game of housie shall not exceed \$30;
- (g) all cards sold or offered for sale for use in any one game of housie shall be sold or offered for sale at the same price, which shall not exceed 20 cents per card;
- (h) all cards used in any one game of housie shall bear the same serial number, which serial number shall be announced to all players in the game immediately before commencement thereof;
- (i) any card sold for use in a game of housie shall have fifteen numbers printed on the front or face thereof and a serial number printed on the back thereof;
- (j) no card or cards used in any game of housie shall be used in any other game of housie;
- (k) all cards used in any game of housie shall be sold and purchased in accordance with such conditions (if any) as are prescribed;

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- (l) prizes shall not accumulate or jackpot from any housie session to another housie session;
 - (m) the amount of the whole proceeds of any housie session appropriated on account of expenses shall not exceed—
 - (i) the expenses actually incurred; or
 - (ii) ten per centum, or other proportion prescribed by the regulations in that behalf, of those whole proceeds, whichever is the less;
 - (n) the whole proceeds of each housie session, after deducting sums lawfully appropriated on account of expenses and for the provision of prizes, shall be applied for the purpose or purposes for which the games of housie played during the session were authorized to be conducted by the permit granted or issued under section 18B;
 - (o) no card for use in any game of housie shall be sold or offered for sale by a person under sixteen years of age;
 - (p) expenses of a housie session and prizes in games of housie played during a housie session shall not be met out of moneys held by or on behalf of the purpose for which the games are conducted save out of moneys raised during that session;
 - (q) at the conclusion of each game of housie, winning card numbers shall be called back and shall be checked with the drawn numbers by two unsuccessful players in that game and such calling back and checking shall be verified by a person who is a promoter of the game;
 - (r) a prize shall not be awarded to any player in a game of housie unless all the numbers that go to establishing the winner of the prize have been properly drawn and called and appear on the face of the card sold to that player for use in the game;
 - (s) the total cash prize or prizes or the total value of the prize or prizes awarded in each game of housie shall not exceed fifty per centum of the whole proceeds therefrom and shall be paid in cash or delivered, as the case may be, immediately after the conclusion of the game in which the prize is or prizes are awarded. In the event of there being more than one winner in any game, the prize money shall be shared equally between such winners or prizes of equal value delivered to such winners;
 - (t) the promoter or, where there is more than one promoter, the person to whom the permit was issued shall keep sufficient and accurate records of all cards used or offered for use in games of housie played during each housie session, including in such records the date of issue of the cards, the serial numbers on the cards, and the number of cards issued;
 - (u) the promoter or, where there is more than one promoter, the person to whom the permit was issued shall, in relation to each housie session keep or cause to be kept, in the form prescribed, an accurate account of the whole proceeds of each game of housie and of the amount of the prize or prizes awarded in respect thereof and shall—
 - (i) complete such account at the end of each game and prior to the commencement of the next game;

- (ii) keep a carbon duplicate of such account;
- (iii) keep such carbon duplicate account available for inspection by any authorized officer during the house session to which it relates and for such time thereafter as may be prescribed;
- (iv) forward the original account to the Under Secretary or other prescribed person within fourteen days from the date on which the house session is finished.

(2) The provisions of subsection (3) of section 15 shall apply in respect of a contravention of any of the conditions prescribed by subsection (1) to be observed as if they were conditions required to be observed in respect of an art union permitted under or for the purposes of Division II.

For the purpose of applying those provisions as prescribed by this subsection the reference in that subsection to paragraph (b) or (c) of subsection (1) of section 15 shall be read as a reference to paragraph (m) or (n) respectively of subsection (1) of this section.”.

19. Conduct of certain sweeps made lawful. The Principal Act is amended by inserting after section 18D the following heading and section:—

“ Division IVB—Sweeps on Sporting Events

18E. Meaning of sweep. In this Division the term “ sweep ” means any art union in which the winners of prizes therein are determined by the result of a sporting event prescribed for the purposes of this Division by the Governor in Council by Order in Council.”.

20. New s. 18F. The Principal Act is amended by inserting after section 18E the following section:—

“ 18F. Appeal may be conducted in form of sweep. It shall be lawful to promote and conduct an appeal, to raise money for any charitable purpose or any community purpose, that consists only in the conduct of a sweep if—

- (a) the sweep is conducted under the authority of a permit granted or issued under section 13 in accordance with the provisions of Division II; or
- (b) the sweep, being one to which section 18H applies, is conducted in accordance with and complies with the provisions of that section; or
- (c) the sweep, being one to which section 18I applies, is conducted in accordance with and complies with the provisions of that section,

and the sweep so promoted and conducted shall be a lawful art union.”.

21. New ss. 18G, 18H, 18I and 18J. The Principal Act is amended by inserting after section 18F the following sections:—

“ 18G. Application of ss. 18H and 18I. Sections 18H and 18I apply according to their tenor notwithstanding—

- (a) any other provision of law;

- (b) that a permit that authorizes the conduct of the sweep concerned has not been granted or issued under section 13;
- (c) that the persons by or on behalf of whom the sweep is conducted do not constitute an approved association under or for the purposes of this Act.

18H. Sweeps of restricted proceeds may be conducted for charities. (1) This section applies only to sweeps promoted and conducted for one or more of the following purposes only:—

- (a) any charity registered under *The Collections Act of 1966*;
- (b) any charitable purpose or any community purpose or any combination of both such purposes sanctioned under *The Collections Act of 1966*.

(2) It shall be lawful to promote and conduct a sweep to which this section applies in accordance with the following conditions:—

- (a) the whole proceeds of the sweep shall not exceed \$200;
- (b) no remuneration shall be paid in respect of the sweep to the promoter thereof or to any other person;
- (c) the tickets or chances in the sweep shall be sold and issued, the drawing shall take place, and the prize winner or winners shall be declared on the day of the running of the sporting event in respect of which the sweep is conducted;
- (d) the amount of the whole proceeds of the sweep appropriated on account of expenses shall not exceed—
 - (i) the expenses actually incurred; or
 - (ii) ten per centum, or other proportion prescribed by the regulations in that behalf, of those whole proceeds, whichever is the less;
- (e) the amount of the whole proceeds of the sweep appropriated for the provision of prizes shall not exceed fifty per centum of those whole proceeds;
- (f) prizes in the sweep shall not be met out of moneys held at any time by or on behalf of the purpose for which the sweep is conducted save from the proceeds of the sweep;
- (g) the price of every ticket or chance in the sweep shall be the same and shall not exceed 20 cents;
- (h) every holder of a ticket or chance shall participate in the sweep and no person shall be admitted to participate in the sweep in respect of a ticket or chance except after payment of the whole price of the ticket or chance;
- (i) no notice or advertisement of the sweep shall be given, exhibited, published, or distributed;
- (j) the whole proceeds of the sweep after deducting the amount lawfully appropriated for expenses and the provision of prizes shall be applied for the purpose for which the sweep is conducted;
- (k) any prize in the sweep that is unclaimed shall be paid by the promoter thereof to the purpose for which the sweep is conducted within fourteen days from the date on which the result of the sweep is known,

and the sweep so promoted and conducted shall be a lawful art union.

18I. Minor sweeps may be conducted. It shall be lawful to promote and conduct a sweep in accordance with the following conditions:—

- (a) the whole proceeds of the sweep shall not exceed \$50 and shall be appropriated for the provision of prizes;
 - (b) no remuneration shall be paid in respect of the sweep to the promoter thereof or to any other person and no expenses shall be incurred in connexion with the sweep;
 - (c) the tickets or chances in the sweep shall be sold and issued, the drawing shall take place and the prize winner or winners shall be declared on the day of the running of the sporting event in respect of which the sweep is conducted;
 - (d) the price of every ticket or chance in the sweep shall be the same and shall not exceed 20 cents;
 - (e) every holder of a ticket or chance shall participate in the sweep and no person shall be admitted to participate in the sweep in respect of a ticket or chance except after payment of the whole price of the ticket or chance;
 - (f) no notice or advertisement of the sweep shall be given, exhibited, published, or distributed;
 - (g) any prize in the sweep that is unclaimed shall be paid by the promoter thereof to the Under Secretary, within fourteen days after the date on which the result of the sweep is known, to be paid by him to the Consolidated Revenue,
- and the sweep so promoted and conducted shall be a lawful art union.

18J. Meaning of “community purpose”. In this Division the expression “community purpose” has the meaning assigned to that expression by *The Collections Act of 1966*.”

22. Amendment of The Collections Act of 1966. *The Collections Act of 1966* is amended by repealing section 33 and that Act as amended by this Act may be cited as the *Collections Act 1966-1973*.

23. Art Unions for promotion of trade. The Principal Act is amended by inserting after section 18J the following heading and sections:—

“ *Division IVC—Art Unions to Promote Trade*

18K. Permits to conduct art unions for promotion of trade.

(1) Notwithstanding any other provision of this Act, a permit may be granted or issued under the appropriate provision of this Act to authorize the conduct, during the period for which the permit remains in force where the case requires it, of an art union or art unions in connexion with a competition for the promotion of trade.

(2) If in respect of any art union or art unions a question arises as to whether a permit may properly be granted or issued pursuant to subsection (1) to authorize the conduct thereof the question shall be determined by the Minister whose decision thereon shall be final and conclusive.

18L. Art union for promotion of trade must accord with this Division. (1) Any provision of this Act that makes lawful an art union and its promotion and conduct shall apply in respect of an

art union conducted in connexion with the promotion of trade only if the conditions of the art union and its promotion and conduct are in accordance with the conditions prescribed by subsection (2).

(2) The following conditions shall be observed in connexion with an art union of a kind referred to in subsection (1) and the promotion and conduct thereof:—

- (a) no entry fee shall be charged in respect of the art union or of any competition in connexion with which it is conducted;
- (b) no prize in the art union shall consist of or include money, spirituous or fermented liquors, or tobacco in any form;
- (c) all regulations made under this Act that are applicable to an art union conducted for the promotion of trade, or to the promotion and conduct thereof, or to any function, device or scheme held or used in conjunction with such an art union shall be complied with;
- (d) all the conditions (if any) specified in the permit granted or issued to authorize the conduct of the art union shall be complied with;
- (e) where the art union is authorized as a single art union, all the conditions prescribed that are applicable to a single art union of the same class and description authorized by permit granted or issued under Division II of this Part (save such conditions as are prescribed by the regulations not to apply in respect of an art union conducted in connexion with the promotion of trade) shall be complied with;
- (f) where a series of art unions is authorized pursuant to section 18K, all the conditions prescribed that are applicable to a series of minor art unions authorized by permit granted or issued under Division III of this Part (save such conditions as are prescribed by the regulations not to apply in respect of an art union conducted in connexion with the promotion of trade) shall be complied with;
- (g) where the art union is a game of housie—
 - (i) the game shall not be conducted by means of radio or television;
 - (ii) all the conditions prescribed that are applicable to a game of housie authorized by permit granted or issued under Division IVA of this Part (save such conditions as are prescribed by the regulations not to apply in respect of an art union conducted in connexion with the promotion of trade) shall be complied with.”.

24. Art Unions conducted in newspapers. The Principal Act is amended by inserting after section 18L the following heading and sections:—

“ *Division IVD—Art Unions Conducted in Newspapers*

18M. Permits to conduct art unions in newspapers. (1) Notwithstanding any other provision of this Act, a permit may be granted or issued under the appropriate provision of this Act

to authorize the conduct, during the period for which the permit remains in force where the case requires it, of an art union or art unions in any newspaper.

(2) The purposes for which money may be raised by means of an art union conducted in any newspaper under the authority of this section are—

- (a) any charity registered under *The Collections Act of 1966*;
- (b) aiding any church, educational institution, or public library;
- (c) any purpose, being charitable, religious, or educational, specified by Order in Council.

(3) If in respect of any art union or art unions a question arises as to whether a permit may properly be granted or issued pursuant to subsection (1) to authorize the conduct thereof the question shall be determined by the Minister whose decision thereon shall be final and conclusive.

18N. Art union conducted in newspaper must accord with this Division. (1) Any provision of this Act that makes lawful an art union and its promotion and conduct shall apply in respect of an art union conducted in a newspaper only if the conditions of the art union and its promotion and conduct are in accordance with the conditions prescribed by subsection (2).

(2) The following conditions shall be observed in connexion with an art union of a kind referred to in subsection (1) and the promotion and conduct thereof:—

- (a) the permit that authorizes the conduct of the art union shall cease to be in force upon the declaration of an outright winner by the promoter of the art union or by the judges appointed for the purpose of selecting winners or upon the expiration of 10 weeks from the date of the grant or issue of the permit, whichever event first occurs;
- (b) no remuneration shall be paid in respect of the art union to the promoter thereof or to any other person and no expenses shall be incurred in connexion with the art union;
- (c) the whole proceeds of the art union after deducting the amount lawfully appropriated for the provision of prizes shall be applied for the purpose for which the art union is conducted;
- (d) any prize in the art union that is unclaimed shall be paid by the promoter thereof to the purpose for which the art union is conducted within fourteen days from the date on which the result of the art union is known;
- (e) all regulations made under this Act that are applicable to an art union conducted in a newspaper, or to the promotion and conduct thereof, shall be complied with;
- (f) all the conditions (if any) specified in the permit granted or issued to authorize the conduct of the art union shall be complied with;

- (g) where the art union is authorized as a single art union, all the conditions prescribed that are applicable to a single art union of the same class and description authorized by permit granted or issued under Division II of this Part (save such conditions as are prescribed by the regulations not to apply in respect of art unions conducted in newspapers) shall be complied with;
- (h) where a series of art unions is authorized pursuant to section 18M, all the conditions prescribed that are applicable to a series of minor art unions authorized by permit granted or issued under Division III of this Part (save such conditions as are prescribed by the regulations not to apply in respect of an art union conducted in newspapers) shall be complied with."

25. Amendment of s. 19. Section 19 of the Principal Act is amended by, in subsection (1),

(a) omitting the words " , in an appropriate case, a clerk of the court " and inserting in their stead the words " a clerk of the court or some other person prescribed in that behalf ";

(b) omitting the proviso and inserting in its stead the following paragraph:—

" Without derogating from the Minister's power to delegate under Part II all or any of his powers, authorities, functions, and duties under this Act the Under Secretary, every clerk of the court and every other person prescribed in that behalf, subject as prescribed, shall be deemed at all times to have delegated to him by the Minister the powers of the Minister to grant or issue, refuse to grant or issue, and to grant or issue subject to conditions such classes and descriptions of permits as are prescribed and may exercise all or any of the powers to the same extent as if the delegation had been made under section 7."

26. Repeal of and new s. 20. The Principal Act is amended by repealing section 20 and inserting in its stead the following section:—

" **20. Disposal of applications.** (1) Upon consideration of an application made under or for the purposes of this Part, the Minister may, in his discretion—

- (a) grant the application;
- (b) grant the application subject to such conditions, being conditions not inconsistent with conditions (if any) prescribed with respect to applications of that class and description, as he thinks fit; or
- (c) refuse the application without assigning any reason for his refusal.

(2) Where the application for a permit is one made under or for the purposes of Division III or IV_A of this Part the grant of the application—

- (a) may be made subject to the condition that the permit issued thereon shall remain in force for any period not exceeding six months from the date of its issue;

(b) may be made subject to the condition that the permit issued thereon shall be in force only on such days during the period for which it is issued as are specified in the permit;

(c) shall, by virtue of this provision, be subject to the condition that the permit issued thereon shall cease to be in force upon the expiration of six months from the date of its issue.

(3) Where an application made under or for the purposes of this Part is granted, whether subject to conditions imposed or not, the permit issued thereon shall be in accordance with the grant of the application and with this Act."

27. Amendment of s. 21. Section 21 of the Principal Act is amended by inserting after the words " permit granted " the words " or issued ".

28. Amendment of s. 22. Section 22 of the Principal Act is amended by—

(a) in subsection (4), omitting the words " or clerk of the court " and inserting in their stead the words " clerk of the court, or some other person prescribed in that behalf ";

(b) in subsection (5), omitting the words " or if the application is made to a clerk of the court, the clerk of the court with such evidence as may be prescribed or as the Minister, Under Secretary, or the clerk of the court may require " and inserting in their stead the words " or if the application is made to a clerk of the court or to some other person prescribed in that behalf, the clerk of the court or such other prescribed person with such evidence as may be prescribed or as the Minister, Under Secretary, the clerk of the court or such other prescribed person may require ".

29. Amendment of s. 31. Section 31 of the Principal Act is amended by—

(a) numbering the existing provisions as subsection (1) and omitting from that subsection the second paragraph and inserting in its stead the following paragraph:—

" This subsection does not apply in respect of a billiard table where no payment of money is made by or on behalf of any person for playing thereon.";

(b) adding the following subsection:—

" (2) Where an authorized officer or a member of the Police Force finds on any premises any entertainment machine or any billiard table to which subsection (1) applies he may, without further authority than this subsection, confiscate to the Crown that machine or table and may seize and remove the same from the premises, using such means and assistance as he deems necessary, unless it is shown to his satisfaction that there then subsists a permit duly issued under this Part in respect of that machine or table.

An entertainment machine or billiard table seized pursuant to this subsection shall be held and disposed of as the Minister directs."

30. New s. 34A. The Principal Act is amended by, in Part V, inserting before section 35 the following section:—

“ 34A. **Authorized officers.** Any person appointed an inspector (art unions) under the provisions of the *Public Service Act 1922–1968* and any other officer of the Public Service of Queensland prescribed by the regulations shall be authorized officers for the purposes of this Act.”.

31. **Amendment of s. 35.** Section 35 of the Principal Act is amended by, in subsection (1), omitting the words “ appointed in that behalf by the Minister (who is hereby thereunto authorized) ”.

32. **New sections 37A, 37B and 37C.** The Principal Act is amended by inserting after section 37 the following sections:—

“ 37A. **Requirement of fees in respect of certain unlawful art unions.** (1) The Minister or the Under Secretary may require a person who promotes or conducts or who assists in promoting or conducting an art union that is of a class or description such that a permit could be granted or issued under or for the purposes of Part III in respect of it but in respect of which no application for a permit has been made under or for the purposes of that Part to pay in respect of the conduct of that art union a fee in an amount determined by the Minister or, as the case may be, the Under Secretary but not exceeding, in any case, an amount that is double the aggregate of the application fee and the permit fee that would have been payable under this Act had an application for a permit been duly made under or for the purposes of Part III in respect of that art union and a permit had been granted or issued thereon.

(2) A requisition made for payment of a fee pursuant to subsection (1) may be made either—

- (a) by writing addressed to the person to whom it is directed and sent by pre-paid post letter to his address last known to the person who makes the requisition; or
- (b) by certificate exhibited in proceedings before a court for an offence defined in section 10,

or by both such means.

A writing sent as prescribed in paragraph (a) shall be deemed, unless the contrary is proved, to have been received by the person to whom it is directed when it would have been delivered in the ordinary course of post at the address to which it was sent.

37B. **Mode of recovery of fees in respect of unlawful art unions.** (1) An amount of fees required pursuant to section 37A to be paid that is unpaid may be recovered—

- (a) by way of proceedings under the *Justices Act 1886–1973* in a Magistrates Court at Brisbane, such a court being hereby empowered to hear and determine such proceedings;
- (b) by way of action for debt in any court at Brisbane that has jurisdiction in an action for debt in the amount claimed, such a court being hereby empowered to hear and determine such an action.

(2) Where it is proved in any proceeding wherein a person is charged with an offence defined in section 10 that the Minister or the Under Secretary has required or does require (pursuant to section 37A) that person to pay a fee in respect of the art union to which the charge relates and that person is convicted of the offence the court shall, in addition to imposing a penalty for the offence, order that person to pay to the Minister or, as the case requires, the Under Secretary by or within the time specified by the court the amount of fee so required or such part of it as is then unpaid.

(3) A proceeding for recovery of an amount of fees required pursuant to section 37A to be paid may be taken, heard and determined as prescribed by subsection (1) notwithstanding—

- (a) that the person against whom the proceeding is taken has not been charged with an offence against this Act in relation to an art union in respect of which the fees are sought; or
- (b) that the person against whom the proceeding is taken has been convicted of an offence defined in section 10 in relation to an art union in respect of which the fees are sought and an order that he pay the amount of fees required of him has not been made in the proceeding in which he was so convicted; or
- (c) that the person against whom the proceeding is taken has been convicted of an offence defined in section 10 in relation to an art union in respect of which the fees are sought and an order that he pay the amount of fees required of him has been made in the proceeding in which he was so convicted, save, in the case referred to in paragraph (c), where any default order made in respect of non-payment of the fees sought has been satisfied.

37C. Evidentiary value of certificate in recovery of fees for unlawful art union. (1) In any proceeding for an offence defined in section 10 or for the recovery of an amount of fees required pursuant to section 37A to be paid a certificate purporting to be signed by the Minister or the Under Secretary as to all or any of the matters specified in subsection (2) shall be evidence, and, in the absence of evidence in rebuttal thereof, conclusive evidence of the matters contained therein.

(2) The matters referred to in subsection (1) are—

- (a) that the Minister or, as the case may be, the Under Secretary requires the person named in the certificate to pay to the Minister or to the Under Secretary the amount specified therein by way of fees in respect of the conduct of the art union or the art unions referred to therein and that the amount specified therein (whether the whole or part only of the amount of fees sought) is unpaid;
- (b) that there was directed to the person named in the certificate and sent to the address specified therein on the date specified therein a requisition made by the Minister or the Under Secretary pursuant to section 37A, which required that person

to pay to the Minister or to the Under Secretary the amount specified therein by way of fees in respect of the conduct of the art union or art unions referred to in the certificate and that the amount specified therein (whether the whole or part only of the amount of fees sought) is unpaid and that the address to which the requisition was sent was, at the time, the address of that person last known to the Minister, or as the case may be, the Under Secretary;

- (c) that the art union or art unions referred to in the certificate is or are of a class or description such that a permit could be granted or issued under or for the purposes of Part III in respect of it or them and that no application for a permit has been made under or for the purposes of that Part in respect of that art union or those art unions.”

33. Amendment of s. 39. Section 39 of the Principal Act is amended by inserting after paragraph (f) the following paragraphs:—

“(g) evidence that in respect of a particular billiard table (within the meaning assigned to that expression by section 30) it becomes possible to play a game thereon by inserting a coin or coins into any part of the table or into any thing connected therewith shall be evidence that a payment of money is made for playing thereon by or on behalf of the person or persons who play a game on the table next after the insertion of the coin or coins and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence thereof;

(h) evidence that a person paid money for admission to a place where a billiard table (within the meaning assigned to that expression by section 30) is situated or, in a place where a billiard table (within that meaning) is situated or elsewhere made a payment of money for some article or purpose that is reasonably capable of being associated with the use of the table, and, in either case after payment for admission or such other payment, played a game on the table shall be evidence that a payment of money was made for the playing of that game and, in the absence of evidence in rebuttal thereof, shall be conclusive evidence thereof.”

34. Amendment of s. 41. Section 41 of the Principal Act is amended by, in subsection (3)—

(a) adding to paragraph (iii) the words “and providing for the total or partial exemption of persons and matters from the payment of fees payable under this Act;”;

(b) in paragraph (vi),

(i) inserting after the words “drawing of any art unions” the words “providing for the drawing of prescribed art unions in the presence of prescribed persons”;

(ii) inserting after the words “drawing dates of art unions” the words “prescribing the maximum amount of whole proceeds of art unions generally or of prescribed art unions;”;

(c) in paragraph (ix), adding the words “and prescribing the powers and duties of persons who for the purposes of any provision of this Act are authorized officers;”.

35. Amendments in relation to decimal currency. The Principal Act is amended as set out in the schedule.

SCHEDULE [s. 35]
AMENDMENTS IN RELATION TO DECIMAL CURRENCY

Provision Amended	Omit	Insert
Section 10 (1) (a) ..	three hundred pounds	\$600
Section 10 (1) (b) ..	six hundred pounds	\$1,200
Section 10 (2)	three hundred pounds	\$600
Section 10 (4)	three hundred pounds	\$600
Section 11	seven hundred and fifty pounds ..	\$1,500
	one thousand five hundred pounds ..	\$3,000
Section 17 (1) (b) ..	five hundred pounds	\$1,000
Section 17 (1) (f) ..	two shillings	20 cents
Section 18 (4) (a) (iii)	one hundred pounds	\$200
Section 18 (4) (a) (viii)	two shillings	20 cents
Section 29 (1)	three hundred pounds	\$600
Section 31	three hundred pounds	\$600
Section 37	one hundred pounds	\$200
	five hundred pounds	\$1,000
Section 41 (3) (xvi) ..	two hundred pounds	\$400