



ANNO VICESIMO SEPTIMO

ELIZABETHAE SECUNDAE REGINAE

No. 19 of 1978

**An Act to consolidate and amend the law with respect to the
conduct and administration of the Golden Casket
Art Union and for matters incidental thereto**

[ASSENTED TO 2ND JUNE, 1978]

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. This Act may be cited as the *Golden Casket Art Union Act 1978*.

2. Commencement. This Act shall commence on a date appointed by Proclamation.

3. Savings. (1) Every person licensed and holding an appointment as an agent under section 53 of the *Vagrants, Gaming, and Other Offences Act 1931–1971* immediately prior to the commencement of this Act shall continue to hold the appointment under and for the purposes of this Act until he vacates the appointment or it is revoked or cancelled.

(2) Every person who immediately prior to the commencement of this Act holds any office or position as an employee of the Golden Casket Art Union shall on and from the commencement of this Act continue to hold that office or position until he vacates it or is lawfully removed therefrom.

For the purposes of securing to an employee referred to in this subsection the benefits of any industrial award or industrial agreement or securing to such an employee or his dependants the benefits of any superannuation or provident scheme to which the employee is a contributor immediately prior to the commencement of this Act, his service as an employee of the Golden Casket Art Union and as an employee of the Office shall be deemed to be continuous service as an employee of the Office.

(3) All contracts and agreements entered into by the Manager of the Golden Casket Art Union and subsisting immediately prior to the commencement of this Act shall be deemed to be contracts or agreements entered into by the Office and may be performed or enforced by or against the Office according to their terms.

(4) Any right claimed to arise out of the conduct of a Golden Casket by the Golden Casket Art Union prior to the commencement of this Act may be claimed and enforced against the Office as if the Golden Casket in question had been conducted by the Office.

(5) All Golden Caskets that have been commenced but have not been concluded at the commencement of this Act may be carried on and concluded by the Office under this Act.

(6) All fees, commissions and charges fixed for the purposes of section 53 of the *Vagrants, Gaming, and Other Offences Act 1931-1971* shall continue to be the fees, commissions and charges until other provision is made pursuant to this Act with respect thereto.

4. Interpretation. In this Act, save where a contrary intention appears—

“agent” means a person appointed as an agent under and for the purposes of this Act;

“conduct” in relation to a Golden Casket includes promote;

“Golden Casket” means an art union within the meaning of the *Art Unions and Amusement Act 1976*, conducted by the Office;

“Manager” means the Manager of the Golden Casket Art Union Office appointed under this Act and includes an acting manager, and the Deputy Manager or other person who at the material time is performing the functions and duties of the Manager;

“Minister” means the Treasurer or other Minister of the Crown who at the material time is charged with the administration of this Act and includes a Minister of the Crown who is temporarily performing the duties of the Minister;

“Office” means the Golden Casket Art Union Office constituted under this Act;

“utter” includes use, deal with or act upon, or attempt so to do, or attempt to induce any person to use, deal with or act upon the thing in question as if it were genuine.

5. Incorporation of Office. (1) The Manager of the Golden Casket Art Union Office for the time being is constituted a corporation sole under the name and style “Golden Casket Art Union Office”.

(2) The Office by the name and style conferred on it by subsection (1) shall have perpetual succession and an official seal and, subject to this Act, shall be capable in law of suing and being sued, of compounding or proving in any court of competent jurisdiction all debts and sums of money due to it, of acquiring, holding and disposing of land and other property, of entering into contracts and agreements and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the official seal of the Office and, until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

(4) The Office shall have and may exercise such powers and authorities and shall perform such functions and duties as are conferred or imposed upon it by or under this Act.

(5) The Office does not represent the Crown.

6. Appointment of Manager and Deputy Manager. (1) The Governor in Council may appoint under and for the purposes of this Act—

(a) a Manager; and

(b) a Deputy Manager

of the Golden Casket Art Union Office.

The persons appointed under this subsection shall hold office under, subject to and in accordance with the *Public Service Act 1922–1976*.

(2) Unless and until other persons are appointed under subsection (1), the persons who hold the offices of Manager and Deputy Manager of the Golden Casket Art Union immediately prior to the commencement of this Act shall be respectively the Manager and Deputy Manager of the Office.

7. Appointment of acting manager. Where the Manager is absent from duty from any cause or there is a vacancy in the office of Manager, the Governor in Council may appoint a person to act as Manager during such absence or pending the appointment of a Manager and while so acting a person so appointed shall have and may exercise the powers and authorities and shall perform the functions and duties of the Manager.

8. Employees and agents. (1) The Office may employ such and so many persons and appoint such and so many agents as are necessary for the conduct of Golden Caskets and for the effectual administration of the Office and this Act.

An agent appointed under this subsection may, with the approval of the Office first had and obtained and upon such terms, conditions or restrictions as the Office determines, enter into arrangements with any third person under which that person may sell tickets or shares in tickets in any Golden Casket for or on behalf of that agent.

(2) Agents appointed and third persons with whom an agent has entered into arrangements under subsection (1) shall be entitled to receive remuneration by way of commissions at such rates as are prescribed or so far as not prescribed as the Office with the approval of the Minister determines.

(3) Where there is no industrial award or industrial agreement under the *Industrial Conciliation and Arbitration Act 1961-1976* applicable to persons employed under subsection (1), they shall be paid at the rate fixed from time to time by the Public Service Board of Queensland.

(4) Subject to subsection (3), the Office may enter into, perform and discharge any agreement with respect to the payment of salary, wages, expenses or other moneys to be paid to or in respect of any person who performs duties on behalf of the Office.

9. Functions of Office. Subject to this Act and the directions of the Minister not inconsistent with this Act, the Office—

- (a) may conduct Golden Caskets within the State and do or cause to be done all such acts and things as are necessary for or incidental to the conduct of Golden Caskets within the State and the exercise or performance of any of its powers, authorities, functions and duties;
- (b) may do or cause to be done all such other acts and things as are necessary or convenient for the administration of this Act or the affairs of the Office or to give effect to the objects and purposes of this Act;
- (c) may, without further authority than this Act, use moneys received by it from the sale of tickets or shares in tickets in any Golden Casket to meet the expenses of the administration of the Office (including the lease or acquisition of real and personal property for use by the Office and the maintenance and improvement of property so leased or acquired) and of this Act and of the conduct of Golden Caskets.

10. Appointment of agents. (1) A person who desires to become an agent under and for the purposes of this Act may make application to the Office for appointment as such agent.

(2) Every application shall be in the prescribed form and the applicant shall comply with all conditions prescribed by the regulations.

(3) Upon consideration of the application, the Office may grant or refuse the application and shall give notice to the applicant of its decision.

(4) Where an application is granted, the Office and the applicant shall enter into an agreement in the prescribed form.

(5) An appointment under this section shall be subject to such terms, conditions or restrictions as are prescribed and to such further terms, conditions or restrictions as the Office in a particular case thinks fit, incorporated in the agreement entered into under subsection (4).

(6) A decision of the Office made on an application or an appointment pursuant to this section shall be final and conclusive and without appeal.

11. Protection of Office, subscribers to Golden Caskets and other persons. Notwithstanding any other Act or law—

(a) the conduct of a Golden Casket by the Office under and in accordance with this Act and the doing of any act or thing incidental or ancillary to such conduct is lawful;

(b) prizes to be distributed in a Golden Casket may include cash prizes or tickets or shares in tickets in a Golden Casket; and

(c) a person who subscribes or contributes to or purchases a ticket or a share in a ticket in a Golden Casket or who acts under the authority or on behalf of a subscriber, contributor or purchaser and a person who acts under the authority or on behalf of the Minister or the Office or who performs functions or duties in relation to or in connexion with the conduct of a Golden Casket under this Act—

(i) shall not be liable to any prosecution or penalty; and

(ii) shall be released and discharged from all actions, suits, claims and demands,

to which, but for this Act, he would be liable by reason of such subscription, contribution, purchase or action or, as the case may be, the performance of such functions or duties.

12. Payment to Treasury of certain moneys. (1) The Manager shall from time to time as directed by the Treasurer pay to the Treasury such of the moneys standing at credit in the relevant accounts kept by the Office under this Act as represent the excess of income over expenditure arising out of the performance by the Office of the functions and duties conferred or imposed upon it by or under this Act.

(2) Moneys paid pursuant to subsection (1) shall be paid into the Cultural Capital Development Fund or such other fund or funds as the Governor in Council approves.

13. Supervision of drawings, maintenance and security of equipment. The Auditor-General or a person authorized by him in that behalf—

(a) shall exercise such supervision over the machines, equipment and materials used in connexion with the drawing of Golden Caskets as will ensure the security, proper maintenance and accuracy thereof;

(b) shall supervise the drawing of each Golden Casket.

The powers to be exercised and the functions and duties to be performed by the Auditor-General or authorized person with respect to such machines, equipment and materials and each such drawing shall be such as the Auditor-General from time to time determines.

14. Accounts and audit. (1) The Office shall at all times keep accurately proper accounts, books and records of its receipts and expenditure and assets and liabilities in such manner and form as are approved by the Minister.

(2) At least once in each year the Auditor-General or a person authorized by him in that behalf shall carry out an inspection, examination and audit of the accounts, books and records of financial transactions of the Office and the Auditor-General shall have with respect to the inspection, examination and audit all the powers and authorities conferred upon him by the *Audit Act 1874-1968*.

The Auditor-General shall report to the Minister through the Treasurer the result of each audit carried out pursuant to this section and shall, if he thinks fit, furnish with the report recommendations to the Manager with respect to financial transactions of the Office and the manner of operating and maintaining its accounts.

The Manager shall give due consideration to the report and recommendations, if any, of the Auditor-General made pursuant to this subsection.

(3) The Auditor-General or person authorized by him shall have the right of access at all reasonable times to the accounts, books and records specified in subsection (1) and may request the Manager or an employee of the Office to make available copies of or extracts from those accounts, books or records or to supply such information and explanations as he thinks fit for the purposes of the inspection, examination or audit and the Manager or employee shall comply with a request so made.

15. Investment of moneys. (1) The Office may invest moneys standing at credit in any account kept by it and not required for the time being for the purposes of this Act in the following manner:—

- (a) on any interest bearing term deposit with a bank;
- (b) in any security in respect of which repayment of the amount secured and payment of interest thereon is guaranteed by the Government of the Commonwealth or the State;
- (c) upon security with an approved dealer; or
- (d) in any other security approved by the Treasurer.

(2) Every security issued in respect of any investment shall be held by the Office or to the account of the Office by the Reserve Bank of Australia.

The Office shall obtain and keep a safe custody receipt in respect of every security held to its account by the Reserve Bank of Australia.

(3) Interest received by the Office from moneys invested pursuant to this section shall be paid into the appropriate account and thereupon shall form part of the income of the Office.

(4) For the purposes of this section the expression "approved dealer" means a person who—

- (a) is an authorized dealer in the short term money market with established lines of credit with the Reserve Bank of Australia as a lender of last resort; and
- (b) is approved by the Governor in Council by Order in Council.

16. Annual report and financial statements. (1) The Manager shall, as soon as practicable after each period of 12 months ending on 30th June and before 1st October next following, furnish to the Minister in respect of that period a report of the administration of the Office and its operations under this Act.

(2) The Manager shall prepare and furnish with the report referred to in subsection (1) an income and expenditure account and a balance sheet with respect to the accounts kept by the Office under this Act in such form and containing such particulars as the Minister directs.

Prior to such furnishing the Auditor-General shall certify—

- (a) whether he has received all the information and explanations required by him;
- (b) whether the account and balance sheet are, in his opinion, in agreement with the accounts and have been properly drawn up so as to present a true and fair view of the transactions for the period of 12 months in question and the financial position of the Office at the end of that period.

(3) The Minister shall lay the report, account and balance sheet before the Legislative Assembly within 14 sitting days after they are received by him if the Legislative Assembly is then in session but if it is not then in session within 14 sitting days after the commencement of its next session.

17. Payment of prize to owner of winning ticket to be valid discharge. The Office may pay or deliver or cause to be paid or delivered to any person who, in the opinion of the Manager, is the beneficial owner of a prize-winning ticket or share in a ticket in a Golden Casket conducted by the Office the prize won by that ticket or share and, notwithstanding any Act or law whether relating to infants or persons under other legal disability or otherwise, the payment or delivery of the prize pursuant to this section shall constitute satisfaction by the Office of its liability in respect of the ticket or share and a valid discharge to the Office.

18. Offences re tickets. (1) A person—

- (a) shall not sell or offer for sale or cause to be sold or offered for sale, or accept or cause to be accepted moneys in respect of the purchase of, a ticket or a share in a ticket in a Golden Casket;
- (b) shall not advertise or cause to be advertised by any means the sale of a ticket or a share in a ticket in a Golden Casket, unless he is an agent.

A person does not commit an offence against this subsection if he arranges conjointly with another person or other persons for the purchase of a ticket or share in a ticket in a Golden Casket in his name or the name of any one or more of those persons or any other name or designation.

(2) A person other than an agent shall not distribute or display or cause to be distributed or displayed or cause to be published by any means a notice or advertisement that implies or is calculated to imply or is likely to imply—

- (a) that he or any other person is an agent;
- (b) that he or any other person is authorized to sell tickets in any Golden Casket;
- (c) that he or any other person invites any person to purchase from him a ticket in any Golden Casket.

19. Forgery and like offences. A person who—

- (a) with intent to defraud, forges, alters or utters a ticket or a share in a ticket in a Golden Casket or any paper, instrument or matter purporting to be a ticket or a share in a ticket in a Golden Casket;
- (b) fraudulently takes or converts to his own use or benefit or to the use or benefit of any other person a prize or a ticket or share in a ticket in a Golden Casket or moneys subscribed or contributed for a Golden Casket;
- (c) fraudulently alters or counterfeits a book, document or voucher relating to a Golden Casket or fraudulently omits or causes to omit a material particular from a book, document or voucher relating to a Golden Casket,

commits an offence against this Act.

Penalty: \$1 000.

20. Offences generally and penalty. (1) A person who contravenes or fails to comply with a provision of this Act commits an offence against this Act.

(2) A person who—

- (a) fails to do that which he is required to do;
- (b) does that which he is forbidden to do,

by a person acting under the authority of this Act commits an offence against this Act.

(3) Save where a specific penalty is otherwise provided or provision is otherwise made with respect to that offence, a person who commits an offence against this Act is liable to a penalty of \$500.

21. Proceedings for offences. A prosecution for an offence against this Act—

- (a) shall be taken by way of summary proceedings under the *Justices Act 1886–1976* within 12 months after the offence is committed or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever period is the later to expire;
- (b) may be instituted on complaint by the Manager or by a person authorized in writing in that behalf generally or in a particular case by the Manager.

22. Amendment of the Vagrants, Gaming, and Other Offences Act 1931–1971. (1) The *Vagrants, Gaming, and Other Offences Act 1931–1971* is amended by repealing section 53.

(2) The *Vagrants, Gaming, and Other Offences Act 1931–1971* as amended by this Act may be cited as the *Vagrants, Gaming, and Other Offences Act 1931–1978*.

23. Regulations. The Governor in Council may make regulations not inconsistent with this Act for or with respect to all matters required or permitted by this Act to be prescribed and all matters that, in the opinion of the Governor in Council, are necessary or convenient for the proper administration of this Act or to achieve the objects and purposes of this Act.

The regulations may prescribe penalties not exceeding \$200 in each case for any contravention of or failure to comply with any regulation.