

[Extract from *Commonwealth of Australia Gazette*, No. 116, dated
26th November, 1926.]

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 14 of 1926.

AN ORDINANCE

Relating to Lotteries and Art Unions.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910*, as follows :—

1. This Ordinance may be cited as the *Lotteries and Art Unions Ordinance 1926*. Short title.

2. In this Ordinance, unless the contrary intention appears— Definitions.

“foreign lottery” means any lottery conducted or to be conducted outside the Territory, and whether legal in the place where it is conducted or not, or whether it is described as a lottery or as a sweep, consultation, or golden casket, or whether by any other name or designation ;

“the Commission” means the Federal Capital Commission.”

3. The *Lotteries and Art Unions Act 1901* of the State of New South Wales shall cease to apply to the Territory. State Act to cease to apply.

4. Any person who under any pretence, form, denomination, or description, or by means of any device or contrivance, sells or disposes of or agrees or promises, whether with or without consideration, to sell or dispose of any land, goods, wares, or merchandise to or among any person or persons by means of any game, either of skill or of chance, or of any other contrivance or device, whereby any such land, goods, wares, or merchandise are sold or disposed of or agreed or promised to be sold or disposed of or divided or allotted to or among any person or persons by lottery or chance, whether by the throwing or casting of any dice or the drawing of any tickets, cards, numbers, figures, or by means of any wheel or otherwise howsoever, shall be guilty of an offence. Sale or disposal of goods, &c. by lottery or chance prohibited.

Penalty : One hundred pounds.

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Advertisement
of lottery, &c.,
prohibited.

5. Any person who prints or publishes any advertisement, information, or notice relating in any way to any such sale or disposition of land, goods, wares or merchandise, made or to be made, shall be guilty of an offence.

Penalty : Fifty pounds.

Sale of
tickets,
in lottery, &c.,
prohibited.

6. Any person who sells or offers for sale any ticket or share in any lottery or raffle, or accepts any money in respect of the purchase of any such ticket or share, shall be guilty of an offence.

Penalty : Five pounds.

Printing of
tickets for
lottery, &c.,
prohibited.

7. Any person who prints any ticket to be sold in connexion with any lottery or raffle shall be guilty of an offence.

Penalty : Ten pounds.

Sales by
raffle, &c.,
for charitable
purposes.

8. Notwithstanding anything contained in the last four preceding sections, where a bazaar or fancy fair is held for raising funds in aid of any eleemosynary or charitable institution, either separately or in conjunction with, or in the same building or enclosed space as, an entertainment of any kind held for a like purpose and not for private gain, the sale of goods, wares, and merchandise other than spirituous or fermented liquors or tobacco in any form may, with the previous consent in writing of the Commission, be effected at the bazaar or fancy fair by lottery or raffle :

Provided that no goods, wares, or merchandise shall be so sold unless they are exposed for sale at the bazaar or fancy fair, and no shares or tickets in the lottery or raffle shall be sold or offered for sale at any place other than at the bazaar or fancy fair, or in the same building or enclosed space, as the case may be.

Supervision
of conduct
of lottery
or raffle.

9.—(1.) The Commission or any person thereto authorized in writing by the Commission may, at any time, enter any bazaar or fancy fair, and may supervise the conduct of any lottery or raffle in connexion therewith.

(2.) Any person who obstructs or impedes the Commission or any person in the exercise of its or his powers under this section shall be guilty of an offence.

Penalty : Twenty pounds.

Certain
associations
may conduct
lotteries, &c.

10.—(1.) All voluntary associations—

(a) formed under the name of art unions for the purchase of paintings, drawings or other works of art to be afterwards allotted and distributed by chance or otherwise among the several members, subscribers or contributors forming part of those associations, or for raising sums of money by subscription or contribution to be allotted and distributed by chance or otherwise as prizes amongst the members, subscribers or contributors forming part of those associations, on the condition that the sums of money so allotted and distributed be expended solely and entirely in the purchase of paintings, drawings, or other works of art ; or

(b) formed for the purchase of any articles of use or ornament to be, with the previous consent of the Commission, afterwards allotted or distributed by chance or otherwise among the several members, subscribers or contributors forming part of those associations, and for the purpose of thereby obtaining, on terms to be previously approved by the Commission, funds for the aid or support of any institution or object which, in the opinion of the Commission, is of a genuinely charitable, eleemosynary, or public character, shall, for the purposes of this Ordinance and subject to the conditions specified in the next succeeding section, be deemed to be lawful associations.

(2.) Notwithstanding anything contained in this Ordinance, the members, subscribers and contributors of and to any lawful association and all persons acting under their authority or on their behalf for the purposes mentioned in the last preceding sub-section, shall (so long as their proceedings are carried on in good faith for the encouragement of the fine arts or for the aid or support of some charitable, eleemosynary or public institution or object) not be liable to any penalty or proceedings as being concerned in illegal lotteries, litlegoes, or unlawful games, by reason of anything done by them in furtherance of the allotment or distribution by chance or otherwise of paintings, drawings, or other works of art, or of sums of money as prizes to be expended for their purchase, or of the allotment or distribution by chance or otherwise of articles of use or ornament.

(3.) In this section the expression "articles of use or ornament" shall not include money prizes either directly or indirectly, or spirituous or fermented liquors or tobacco in any form.

11. The conditions under which the associations referred to in the last preceding section shall be deemed to be lawful shall be as follows:—

(a) The deed of partnership or other instrument constituting the association and the rules and regulations relating to its proceedings shall be first approved of by the Commission; and

(b) every such deed or instrument shall express that the Commission may, whenever it appears to it that any such association is perverted from the purposes of the last preceding section, revoke or annul the deed or instrument under which the association has been constituted.

12.—(1.) The Commission may, by notice published in the *Gazette*, revoke any such deed of partnership or instrument.

(2.) Section ten of this Ordinance shall not apply to any association whose deed of partnership or other instrument under which it is constituted has been revoked or annulled.

13. Any person who contravenes any of the terms of any such deed of partnership or instrument shall be guilty of an offence.

Penalty: One hundred pounds.

Power of Commission to revoke deed of partnership, &c.

Penalty for contravention of deed of partnership, &c.

Balance-sheets
of art unions,
&c.

14. The Commission may, at any time, by notice in writing, call upon any of the parties to any deed of partnership or other instrument constituting an association for the purposes mentioned in section ten of this Ordinance to lodge with the Commission, within the time to be specified in the notice, a balance-sheet showing the receipts, disbursements and displacements of all the moneys received by or on behalf of the association and to produce to the Commission, at such time and place as is mentioned in the notice, all books, documents and vouchers relating to the lottery conducted by the association.

Balance-sheet
of raffles.

15. The Commission may, at any time, by notice in writing, call upon the promoter, secretary, treasurer, or any member of the committee (or any person who purports or purported to act in that capacity) of any bazaar or fancy fair, to lodge with the Commission, within a time to be specified in the notice, the balance-sheet showing the whole of the receipts and disbursements in connexion with any lottery or raffle conducted at the bazaar or fancy fair, and to produce to the Commission, at such time and place as is set out in the notice, any books, documents, and vouchers relating to the lottery or raffle.

Audit, &c.

16. When any such balance-sheet, books, documents or vouchers have been produced in accordance with the notice given under either the last two preceding sections, the Commission may direct that the balance-sheet, books, documents or vouchers shall be handed to an auditor employed by the Commission, who is hereby authorized and directed to receive, examine, and audit the balance-sheet, books, documents, or vouchers, and for that purpose to make such inquiries as appear to him to be proper and necessary, and to report the result of his audit to the Commission.

Penalties for
non-compliance.

17.—(1.) Any person who is required to lodge a balance-sheet or to produce any books, documents, or vouchers in accordance with section fourteen or fifteen of this Ordinance, and who fails to do so within the time specified in that behalf in the notice given to him shall be guilty of an offence.

Penalty : Fifty pounds.

(2.) Any person who refuses to answer the inquiries made by the auditor referred to in the last preceding section shall be guilty of an offence.

Penalty : Fifty pounds.

Falsification
of books, &c.

18. Any person who, with intent to defraud or deceive any other person—

(a) alters or falsifies any books, documents, or vouchers relating to a lottery or raffle ; or

(b) makes or concurs in the making of any false or fraudulent entry in any book, document, or voucher relating to a lottery 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 an offence.

Penalty : Imprisonment for five years.

19. Any prize unclaimed, for a period of three months after the drawing of the lottery or raffle, by the person holding the ticket entitling him thereto, or by some person duly authorized in that behalf, shall be sold by public auction under the direction of the Commission, and the proceeds of the sale paid into the funds for which the association was formed or to the institution in aid of which the bazaar or fancy fair was held, as the case may be. Unclaimed prizes.

20. Any person who is concerned in the conducting of the lottery for which an association has been formed under the provisions of this Ordinance or of any lottery or raffle held at any bazaar or fancy fair, and converts to his own use any of the prizes or any part of the moneys raised by means of the lottery or raffle, shall be guilty of an offence. Misappropriation of funds or prizes.

Penalty : Imprisonment for five years.

21. Any person who, with intent to defraud, conducts, or concurs in conducting, the drawing of any lottery or raffle in such a manner or under such conditions that all persons who have purchased tickets or shares in the lottery or raffle have not an equal chance of drawing a prize, shall be guilty of an offence. Fraudulent drawing, &c.

Penalty : One hundred pounds.

22. Any person who—

- (a) in a street sells or offers for sale any ticket in a lottery ; or
(b) in a right of way, doorway, or on any private land adjoining a street, sells or offers for sale to any person in the street, any ticket in a lottery,

Penalty for selling tickets in or near to streets.

shall be guilty of an offence.

Penalty : Ten pounds.

23. Any person who prints or publishes any advertisement, notice, or information relating to a foreign lottery in furtherance of the conduct of the lottery or announcing its result, or displays upon any premises in his occupation any card, poster or notice relating to a foreign lottery in furtherance of the conduct of the lottery or announcing its result, shall be guilty of an offence. Penalty for advertising, &c. foreign lottery.

Penalty : Two hundred pounds.

24. Any person who sells or offers for sale or accepts any money in respect of the purchase of any ticket or share in a foreign lottery shall be guilty of an offence. Penalty for selling tickets, &c., in foreign lottery.

Penalty : Twenty pounds.

Evidence of
notices, &c.,
given by
Commission.

25. Any consent, approval, authority, notice or direction which may be given by the Commission under this Ordinance shall, in the absence of proof to the contrary, be deemed to have been given in writing by the Commission if given in writing under the hand of the Secretary to the Commission and expressed to be given by direction of the Commission.

Dated this twenty-fourth day of November, One thousand nine hundred and twenty-six.

STONHAVEN,
Governor-General.

By His Excellency's Command,

T. W. GLASGOW,
Minister for Home and Territories.