



New South Wales

Lotteries and Art Unions Regulation 1997

under the

Lotteries and Art Unions Act 1901

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Lotteries and Art Unions Act 1901*.

J Richard Face MP

Minister for Gaming and Racing

Explanatory note

The object of this Regulation is to repeal the *Lotteries and Art Unions (Art Unions) Regulation 1992* and the *Lotteries and Art Unions (Lotteries and Games of Chance) Regulation 1992* and to remake those Regulations (as a single Regulation) without substantial alteration. However, the remade Regulation contains new provisions to regulate the lottery known as “mini-numbers”.

The new Regulation deals with the following:

- lotteries and games of chance generally (Part 2),
- lotteries conducted by art unions (Part 3),
- draw lotteries conducted by charitable and non-profit organisations (Part 4),
- no-draw lotteries (Part 5),
- the new mini-numbers lotteries (Part 6),
- other lotteries and games of chance (Part 7),
- the keeping of records (Part 8),
- technical matters (Part 1).

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Explanatory note

This Regulation is made under the *Lotteries and Art Unions Act 1901* and, in particular, under section 23 (the general regulation-making power) and the sections specifically referred to in the Regulation.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Lotteries and Art Unions Regulation 1997

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Lotteries and Art Unions Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

3 Definitions

(1) In this Regulation:

benefiting organisation, in relation to a lottery or game of chance, means the organisation for whose benefit the lottery or game of chance is conducted.

draw lottery means a lottery (other than a mini-numbers lottery) in which:

- (a) numbered tickets are sold to entrants in the lottery, and
- (b) a draw is held in which one or more numbers (corresponding to the numbers on the tickets) are selected at random, and
- (c) prizes are distributed to the persons holding the tickets corresponding to the numbers selected.

draw lottery ticket means a lottery ticket used or prepared for use in a draw lottery.

mini-numbers lottery means a lottery (such as those commonly known as mini-lotto, lion-ball, kick-a-ball, make-a-mark and pick-the-pack) in which participants choose or attempt to forecast, from designated numbers, fewer numbers to be drawn on a random basis.

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Clause 3 Lotteries and Art Unions Regulation 1997

Part 1 Preliminary

no-draw lottery means a lottery in which:

- (a) tickets, or rights to participate in the lottery, are sold to entrants in the lottery, and
- (b) the tickets, or the cards or boards conferring the rights to participate, each contain a hidden symbol (or a set of hidden symbols) that can be exposed by removing a covering of paper or other opaque material, and
- (c) the hidden symbols (or sets of hidden symbols) include prizewinning symbols (or sets of prizewinning symbols) that are randomly distributed among the tickets or cards, and
- (d) a participant, on exposing a hidden symbol (or set of hidden symbols) that accords with another symbol (or set of symbols) specified in the rules of the lottery (whether or not displayed on the ticket or card), has a right under those rules to receive a specified prize.

no-draw lottery card means a card or board, produced for a no-draw lottery, that contains hidden symbols (or sets of hidden symbols) that may, when exposed, confer the right to a prize on participants in the lottery.

no-draw lottery ticket means a ticket, produced for a no-draw lottery, that contains hidden symbols (or sets of hidden symbols) that may confer on participants in the lottery the right to a prize when the symbol (or symbols) are exposed.

official approval for the purposes of any provision of this Regulation in which the expression occurs, means approval in writing given by the Minister or by an officer of the Public Service authorised by the Minister to give the approval.

organiser means:

- (a) in relation to a lottery (other than a lottery conducted by an art union) or game of chance, any person concerned in the management of the lottery or game of chance, and
- (b) in relation to a lottery conducted by an art union, any person identified on the application form for the permit for the art union as the promoter of the art union, as a manager of the art union or as a member of the committee of the art union.

symbol includes amount, word or picture.

the Act means the *Lotteries and Art Unions Act 1901*.

- (2) In this clause, a reference to a number is a reference to:
- (a) one or more numbers or symbols (or numbers and symbols), or
 - (b) one or more groups of numbers or symbols (or numbers and symbols), or
 - (c) one or more distributions of numbers or symbols (or numbers and symbols).

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

5 Repeals

- (1) *The Lotteries and Art Unions (Art Unions) Regulation 1992* and the *Lotteries and Art Unions (Lotteries and Games of Chance) Regulation 1992* are repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Lotteries and Art Unions (Art Unions) Regulation 1992* and the *Lotteries and Art Unions (Lotteries and Games of Chance) Regulation 1992*, had effect under either of those Regulations continues to have effect under this Regulation.

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Clause 6 Lotteries and Art Unions Regulation 1997

Part 2 Lotteries and games of chance generally
Division 1

Part 2 Lotteries and games of chance generally

Division 1 Preliminary

6 Application of Part

This Part applies to lotteries and games of chance conducted under the following provisions of the Act:

- (a) section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions),
- (b) section 4A (Certain organisations authorised to conduct games of chance),
- (c) section 4B (Lotteries and games of chance for the promotion of trade),
- (d) section 4C (Games of chance in registered clubs),
- (e) section 4D (Sweepstakes in relation to the Melbourne Cup and other events),
- (f) section 5 (Art unions),

except as otherwise provided by this Part.

Division 2 Lottery tickets and cards

7 Division not to apply to certain lotteries and games of chance

This Division does not apply to:

- (a) a mini-numbers lottery conducted under section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions) of the Act, or
- (b) a lottery or game of chance conducted under section 4A (Certain organisations authorised to conduct games of chance), 4B (Lotteries and games of chance for the promotion of trade) or 4C (Games of chance in registered clubs) of the Act.

8 Entry to lottery

- (1) Entry in a lottery is to be by the purchase of a lottery ticket.

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- (2) A person must not issue a lottery ticket to any other person otherwisethan:
- (a) for money to the amount of the value of the ticket, or
 - (b) for other consideration equivalent to the value of the ticket, being a value that is displayed on the face of the ticket or is otherwise specified.
- Maximum penalty: 20 penalty units.
- (3) However, lottery tickets may be sold at a discount if the fact that they may be so sold is disclosed in all information and publicity relating to the lottery concerned.
- (4) The charge for a no-draw lottery ticket, or for the right to participate in a no-draw lottery conducted by means of no-draw lottery cards, must not exceed \$2.
- (5) In the case of a no-draw lottery conducted by means of no-draw lottery cards:
- (a) a reference in this clause to a lottery ticket is a reference to a right to participate in the lottery, and
 - (b) a reference in this clause to the face of the ticket is a reference to the face of the relevant no-draw lottery card.

9 Distribution of lottery tickets

A person must not send a lottery ticket or a no-draw lottery card to any other person (whether for purchase by that other person or for sale by that other person as agent for the organisers of the lottery) except with the prior consent of that other person.

Maximum penalty: 20 penalty units.

10 Retention of unsold tickets and no-draw lottery cards

- (1) The organisers of a lottery or game of chance must retain:
- (a) all unsold lottery tickets and other tickets, and
 - (b) all no-draw lottery cards (whether the participatory rights in those cards are sold or unsold),

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Clause 10 Lotteries and Art Unions Regulation 1997

Part 2 Lotteries and games of chance generally
Division 2

for at least 3 years (or such shorter period as is given official approval either generally or in a particular case) after the date of the draw or the completion of the game.

Maximum penalty: 20 penalty units.

- (2) This clause does not apply to a game of chance conducted under section 4D (Sweepstakes in relation to the Melbourne Cup and other events) of the Act if the total value of the tickets sold in the game is less than \$5,000.

Division 3 Prizes

11 Purchase of prizes for disposal by lottery or game of chance

- (1) Any person who, on behalf of an organisation conducting a lottery or game of chance, purchases an item to be offered as a prize must (unless given official approval to do otherwise) purchase the item directly from a person whose business comprises the production or sale of items of that kind.

Maximum penalty: 20 penalty units.

- (2) Any discount, rebate, commission or other allowance provided in relation to the purchase of such an item is taken to be a donation received on behalf of the benefiting organisation.

12 Prizes to be preserved

The organisers of a lottery or game of chance must carefully preserve all prizes in the lottery or game of chance until the prizewinners have taken possession of them or until they have been sold under section 15 (Unclaimed prizes) of the Act.

Maximum penalty: 20 penalty units.

13 Prizes to be received by prizewinners

- (1) Each prizewinner in a lottery or game of chance is to receive only the prize which the prizewinner has won.

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- (2) This clause does not apply to a lottery or game of chance conducted under section 4B (Lotteries and games of chance for the promotion of trade) of the Act.

Division 4 Commission and other expenses

14 Division not to apply to certain lotteries and games of chance

This Division does not apply to:

- (a) a mini-numbers lottery conducted under section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions) of the Act, or
- (b) a lottery or game of chance conducted under section 4B (Lotteries and games of chance for the promotion of trade) of the Act.

15 Commission

- (1) A person must not allow another person any remuneration from the funds received by an organisation conducting a lottery or game of chance, other than commission or remuneration for services rendered in connection with the lottery or game of chance under a written agreement between that other person and the organisation concerned.

Maximum penalty: 20 penalty units.

- (2) An agreement referred to in subclause (1) must specify:
- (a) the service to be rendered, and
 - (b) the remuneration to be provided for that service, and
 - (c) the period for which the agreement is to be in force.
- (3) A person must not pay commission in respect of
- (a) a lottery (other than a no-draw lottery) in which the total value of the prizes is \$5,000 or less, or
 - (b) the sale of a lottery ticket in a lottery conducted by an art union, unless the name and address of the purchaser of the ticket (or the name and address of the purchaser's nominee) have been recorded in accordance with clause 29.

Maximum penalty: 20 penalty units.

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Clause 16 Lotteries and Art Unions Regulation 1997

Part 2 Lotteries and games of chance generally
Division 4

16 Deduction of expenses of conduct of lottery or game of chance

- (1) The following amounts may be deducted from money received in connection with a lottery or game of chance:
 - (a) the cost of producing or obtaining the tickets, or the no-draw lottery cards, for the lottery, or the tickets for the game of chance,
 - (b) the reasonable cost of advertising and promoting the lottery or game of chance,
 - (c) the reasonable cost of hiring or operating any device, or renting any premises, for use in the conduct of the lottery or game of chance,
 - (d) the cost of any prizes to be awarded, and the amount of any prize money to be paid, to winners in the lottery or game of chance,
 - (e) the amount of any reasonable salaries, wages and commission paid to persons assisting in the conduct of the lottery or game of chance,
 - (f) the cost of auditing the accounts relating to the lottery or game of chance,
 - (g) any other amount that, under a permit under the Act, an organisation is permitted to deduct from money received in connection with the lottery or game of chance to which the permit relates.
- (2) The organisers must not deduct any other amounts.
Maximum penalty: 20 penalty units.

Division 5 Miscellaneous

17 Division not to apply to certain lotteries and games of chance

This Division does not apply to:

- (a) a mini-numbers lottery conducted under section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions) of the Act, or
- (b) a lottery or game of chance conducted under section 4B (Lotteries and games of chance for the promotion of trade) of the Act.

18 Unauthorised promotions

- (1) A person concerned in the conduct of a lottery or game of chance must not suggest that any of the prizes may be exchanged for money.

Maximum penalty: 20 penalty units.

- (2) A person must not, in any information or publicity, refer to a lottery or game of chance as being a lottery or game of chance that is approved or authorised by the Government or by any Government agency.

Maximum penalty: 20 penalty units.

- (3) This clause does not operate so as to prevent the publication of
- (a) the permit number of an art union conducting a lottery, or
 - (b) the permit number relating to a lottery or game of chance conducted by any other organisation.

19 Money to be banked

As soon as practicable (and in any case no later than 2 business days) after receiving money in relation to a lottery, the organisers of the lottery must pay the money into an account at a bank, building society or credit union, being an account belonging to the benefiting organisation.

Maximum penalty: 20 penalty units.

Division 6 Provisions applying to all lotteries and games of chance

20 Liquor prizes

For the purposes of section 18B (3) of the Act, the liquor component of all the prizes in any lottery or game of chance must not exceed 20 litres.

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Clause 21 Lotteries and Art Unions Regulation 1997

Part 2 Lotteries and games of chance generally
Division 6

21 Duties of organisers of lotteries and games of chance

Any duty imposed by this Regulation on the organisers of a lottery or game of chance:

- (a) is imposed jointly and severally on each of them, and
- (b) may be performed by any one of them.

22 Police authorised to act as inspectors

For the purposes of section 21A (3) of the Act, every police officer of or above the rank of sergeant is authorised to exercise the functions of an authorised inspector under Part 5 of the Act.

Part 3 Lotteries conducted by art unions

Division 1 Preliminary

23 Application

This Part applies to a draw lottery conducted by an art union for the purpose of allotting or distributing among the members of the art union the prizes purchased by the art union.

24 Definitions

In this Part:

lottery means a lottery to which this Part applies.

lottery ticket means a ticket used or prepared for use in a lottery.

promoter means the person identified, on the application form for a permit for an art union, as the promoter of the art union.

Division 2 Permits and tickets

25 Application for permit

(1) An application under section 6 (Conditions and permits for art unions) of the Act for a permit for the formation of an art union is to give the names and addresses of the promoter, manager and members of the committee of the proposed art union and is to be in a form approved by the Minister.

(2) The Minister may refuse to consider any application which does not comply with the requirements of this clause.

26 Lottery tickets not to be printed before permit obtained

The organisers of a lottery must not authorise the printing of lottery tickets for the lottery until a permit for the formation of the art union proposing to conduct the lottery has been issued under section 6 (Conditions and permits for art unions) of the Act.

Maximum penalty: 20 penalty units.

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Clause 27 Lotteries and Art Unions Regulation 1997

Part 3 Lotteries conducted by art unions
Division 2

27 Form of lottery tickets

- (1) Lottery tickets must be numbered consecutively.
- (2) Each lottery ticket, other than a computer-generated ticket, must consist of a purchaser's portion, a ticket-butt and a drawing-docket, each of which complies with the requirements of clause 28.
- (3) Each computer-generated lottery ticket must include a purchaser's portion (complying with the requirements of clause 28) and may include a ticket-butt or a drawing-docket or both.
- (4) If a computer-generated lottery ticket (whether partly pre-printed or not) does not contain a ticket-butt or a drawing-docket:
 - (a) the computer records for the ticket must contain the information required by this Division to be shown on a ticket-butt, and
 - (b) any document generated for inclusion in the draw must contain the information required by this Division to be shown on a drawing-docket,as appropriate.
- (5) The organisers of the lottery must ensure compliance with the requirements of this clause.

Maximum penalty: 20 penalty units.

28 Information to be available to purchasers

- (1) The purchaser's portion of a lottery ticket must contain the following information:
 - (a) the name of the art union conducting the lottery,
 - (b) the name of the benefiting organisation,
 - (c) the price of each lottery ticket,
 - (d) details of the prizes and their value,
 - (e) the place, date and time of the draw,
 - (f) details of how the results of the draw will be publicised,
 - (g) the number of tickets in the lottery,

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- (h) the name and address of the promoter of the art union,
 - (i) the number of the permit issued in respect of the art union,
 - (i) the serial number of the lottery ticket.
- (2) The ticket-butt must show the name of the art union and the serial number of the lottery ticket and must contain provision for the name and address of the purchaser.
- (3) The drawing-docket must show the serial number of the lottery ticket, and must not contain any provision for the name or address of the purchaser.

29 Particulars to be recorded

At the time a person sells a lottery ticket, the person:

- (a) must cause the name and address of the purchaser or purchaser's nominee to be written legibly on the ticket-butt, or
- (b) in the case of a computer-generated ticket, must cause the name and address of the purchaser or purchaser's nominee to be entered into the computer records in relation to the ticket.

Maximum penalty: 20 penalty units.

Division 3 Draw for prizes

30 Draw for prizes to take place as advertised

- (1) The organisers of a lottery must use their best endeavours to ensure that the draw for the prizes in the lottery takes place:
- (a) in accordance with the information specified on the tickets for the lottery, or
 - (b) if a change to the place, date or time of the draw is given official approval under this clause—in accordance with that approval.

Maximum penalty: 20 penalty units.

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Clause 30 Lotteries and Art Unions Regulation 1997

Part 3 Lotteries conducted by art unions
Division 3

- (2) A person must not change the place, date or time of the draw for the prizes in a lottery, as specified on the tickets for the lottery, unless the change is given official approval.

Maximum penalty: 20 penalty units.

- (3) If such a change is given official approval, the person who obtained the approval must advertise the change in accordance with the directions of the person by whom the approval was given.

Maximum penalty: 20 penalty units.

31 Return of butts and drawing-dockets

Any person who has agreed to sell lottery tickets must, before the draw, return to the organisers of the lottery:

- (a) all ticket-butts and drawing-dockets (or appropriate computer-generated documents) relating to lottery tickets sold by the person, and
- (b) all money received from the sale of lottery tickets, and
- (c) all unsold tickets held by the person.

Maximum penalty: 20 penalty units.

32 All lottery tickets sold to be included in draw

- (1) All lottery tickets sold are to be represented in the draw for prizes.
- (2) In the case of a lottery to be determined by drawing a drawing-docket, computer-generated document or other object, the docket, document or objects are to be placed in a single container and thoroughly mixed so as to give each holder of a lottery ticket an equal chance of winning a prize in respect of each lottery ticket that he or she holds.
- (3) If a lottery ticket sold in the lottery is not represented in the draw, the organisers of the lottery must use their best endeavours to ensure that any money received from the sale of the ticket is refunded to the holder of the ticket within 7 days after the draw is held.

Maximum penalty: 20 penalty units.

33 Conduct of draw

- (1) The prize-winning tickets are to be determined by drawing, at random, from:
 - (a) the drawing-dockets, computer-generated documents or other objects representing the lottery tickets sold in the lottery, or
 - (b) numbers corresponding to the numbers of the lottery tickets sold in the lottery.
- (2) A mechanical or electronic device must not be used for the purpose of the draw unless the device has official approval.
- (3) The draw is to be made:
 - (a) by a person who has official approval, other than a person who is an organiser of the lottery, and
 - (b) in the presence and under the supervision of 2 or more members of the committee of the art union conducting the lottery.
- (4) Any person who wishes to attend the draw may do so.
- (5) The organisers of the lottery must ensure compliance with this clause.

Maximum penalty: 20 penalty units.

34 Notification of prizewinners

The organisers of a lottery must use their best endeavours:

- (a) to advise each prizewinner (within 2 days after the draw) of the prize that the prizewinner has won, and
- (b) to ensure that particulars of the result of the draw are published (within 7 days after the draw) in a newspaper circulating throughout New South Wales.

Maximum penalty: 20 penalty units.

Division 4 Prizes**35 Maintenance of prizes comprising real property**

- (1) The organisers of a lottery in which a prize includes real property must maintain any improvements erected on the property and must keep the property and improvements insured for their full market value against loss or damage until the date when the prize is transferred or conveyed to the prizewinner.

Maximum penalty: 20 penalty units.

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Clause 35 Lotteries and Art Unions Regulation 1997

Part 3 Lotteries conducted by art unions
Division 4

- (2) Until that date, the art union conducting the lottery concerned is liable for all outgoings on the property and is entitled to receive all rents and profits from the property.
- (3) The prizewinner is liable for all outgoings on the property and is entitled to receive all rents and profits from the property on and from the date of the transfer or conveyance.
- (4) Any necessary apportionment of outgoings, rents or profits is to be made as at the time of the transfer or conveyance.
- (5) All rents and profits received by the art union (less any outgoings on the property) are taken to form part of the payments to the art union.

36 Substitution of prizes

- (1) An application under section 6B (2) of the Act for the Minister's approval to the substitution of a prize in a lottery is to be signed by the promoter of the art union conducting the lottery.
- (2) The application is to contain the following information:
 - (a) a description (including the retail value) of the prize that was to have been awarded,
 - (b) a description (including the retail value) of the new prize,
 - (c) the reason for the proposed substitution.
- (3) The application is to be accompanied by documentary evidence of the cost to the art union, and the retail value, of the new prize.
- (4) If the application relates to a major prize, it must also contain details of
 - (a) the measures to be taken to inform purchasers of tickets in the lottery concerned of the proposed substitution of the prize, and
 - (b) the opportunity to be given to those purchasers to obtain refunds.

- (5) The Minister may refuse to consider any application which does not comply with the requirements of this clause.
- (6) For the purposes of the definition of major prize in section 6B (1) of the Act, the prescribed amount is \$25,000.

Division 5 Miscellaneous

37 Information and publicity generally

The organisers of a lottery must use their best endeavours to ensure that any information or publicity in connection with the lottery includes the following:

- (a) the name of the art union conducting the lottery,
- (b) the name of the benefiting organisation,
- (c) the date of the draw,
- (d) the number of lottery tickets in the lottery,
- (e) the name and address of the promoter of the art union,
- (f) the number of the permit issued in respect of the art union.

Maximum penalty: 20 penalty units.

38 Persons under 18 not to be involved in art union

A person must not sell a lottery ticket to any person who is under the age of 18 years or permit such a person to take any part in the management of an art union.

Maximum penalty: 20 penalty units.

39 Proceeds to be devoted to fundraising object

For the purposes of section 6 (1) (f) of the Act, the prescribed proportion is 40 per cent of the gross proceeds of any lottery conducted by the art union.

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Clause 40 Lotteries and Art Unions Regulation 1997

Part 4 Draw lotteries conducted by charitable and non-profit organisations
Division 1

Part 4 Draw lotteries conducted by charitable and non-profit organisations

Division 1 Preliminary

40 Application

This Part applies to draw lotteries conducted under section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions) of the Act.

Division 2 Draw lottery tickets

41 Form of draw lottery tickets

- (1) Each series of draw lottery tickets must be distinguished (by colour, serial number or otherwise) from each other series of draw lottery tickets, and the draw lottery tickets in each series must be numbered consecutively.
- (2) Each draw lottery ticket, other than a computer-generated draw lottery ticket, must consist of a purchaser's portion and a ticket-butt, each of which complies with the requirements of clause 42.
- (3) Each computer-generated draw lottery ticket must include a purchaser's portion (complying with the requirements of clause 42), and may include a ticket-butt.
- (4) If a computer-generated draw lottery ticket (whether partly pre-printed or not) does not contain a ticket-butt, the computer records for the ticket must contain the information required by this Division to be shown on a ticket-butt.
- (5) The organisers of the draw lottery must ensure compliance with the requirements of this clause.

Maximum penalty: 20 penalty units.

42 Information to be available to purchasers

- (1) The purchaser's portion of a draw lottery ticket must include the serial number of the ticket and, if the total value of the prizes in the lottery exceeds \$5,000, must also include:
 - (a) the price of the ticket, and
 - (b) the name of the benefiting organisation.

- (2) A ticket-butt must show the serial number of the ticket and, if the total value of the prizes in the lottery exceeds \$5,000, must contain provision for the name and address of the purchaser.
- (3) The organisers of a draw lottery must use their best endeavours to ensure that the following additional information is available to purchasers of draw lottery tickets:
- (a) details of the prizes and their value,
 - (b) the place, time and date of the draw,
 - (c) details of how the prizewinners will be notified,
 - (d) if the total value of the prizes in the lottery is \$5,000 or less:
 - (i) the price of a ticket, and
 - (ii) the name of the benefiting organisation,
 - (e) details of the way in which the results of the draw will be publicised.

Maximum penalty: 20 penalty units.

- (4) It is sufficient compliance with the requirements of subclause (3) if the information is printed on the draw lottery ticket.

43 Particulars to be recorded

At the time a person sells a draw lottery ticket in a draw lottery in which the total value of the prizes exceeds \$5,000, the person:

- (a) must cause the name and address of the purchaser or purchaser's nominee to be written legibly on the ticket-butt, or
- (b) in the case of a computer-generated ticket, must cause the name and address of the purchaser or purchaser's nominee to be entered into the computer records in relation to the ticket.

Maximum penalty: 20 penalty units.

44 Return of butts

Any person who has agreed to sell draw lottery tickets must, before the draw, return to the organisers of the lottery:

- (a) all ticket-butts (or appropriate computer-generated documents) relating to draw lottery tickets sold by the person, and

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Clause 44 Lotteries and Art Unions Regulation 1997

Part 4 Draw lotteries conducted by charitable and non-profit organisations
Division 2

- (b) all money received from the sale of draw lottery tickets, and
- (c) all unsold draw lottery tickets held by the person.

Maximum penalty: 20 penalty units.

Division 3 Draw for prizes

45 Draw for prizes to take place as advertised

The organisers of a lottery must use their best endeavours to ensure that the draw for the prizes in the lottery takes place:

- (a) in accordance with the information specified on the tickets for the lottery (or otherwise provided to the purchasers of the tickets), or
- (b) if a change to the place, date or time of the draw is advertised—as so advertised.

Maximum penalty: 20 penalty units.

46 All draw lottery tickets sold to be included in draw

- (1) All draw lottery tickets sold are to be represented in the draw for prizes.
- (2) In the case of a lottery to be determined by drawing a ticket-butt, computer-generated document or other object, the butts, documents or objects are to be placed in a single container and thoroughly mixed so as to give each holder of a draw lottery ticket an equal chance of winning a prize in respect of each ticket that he or she holds.
- (3) If a draw lottery ticket sold in the lottery is not represented in the draw, the organisers of the draw lottery must use their best endeavours to ensure that any money received from the sale of the ticket is refunded to the holder of the ticket within 7 days after the draw is held.

Maximum penalty: 20 penalty units.

47 Conduct of draw

- (1) The prize-winning tickets are to be determined by drawing, at random, from:
 - (a) the ticket-butts, computer-generated documents or other objects representing the lottery tickets sold in the lottery, or
 - (b) numbers corresponding to the numbers of the lottery tickets sold in the lottery.
- (2) A mechanical or electronic device must not be used for the purposes of the draw unless the device has official approval.
- (3) Any person who wishes to attend the draw may do so.
- (4) The organisers of the draw lottery must ensure compliance with this clause.

Maximum penalty: 20 penalty units.

48 Notification of prizewinners

- (1) The organisers of a draw lottery must use their best endeavours:
 - (a) to advise each prizewinner (within 2 days after the draw) of the prize that the prizewinner has won, and
 - (b) in the case of a draw lottery in which the total value of the prizes exceeds \$5,000, to ensure that particulars of the result of the draw are published (within 7 days after the draw) in a newspaper circulating in the region in which the lottery was conducted.

Maximum penalty: 20 penalty units.

- (2) This clause does not apply if the organisers have obtained official approval to act otherwise than in accordance with it.

Division 4 Miscellaneous**49 Maximum value of prizes**

For the purposes of section 4 (3) (a) of the Act, the prescribed amount for a draw lottery is \$20,000.

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Clause 50 Lotteries and Art Unions Regulation 1997

Part 4 Draw lotteries conducted by charitable and non-profit organisations
Division 4

50 Money component of travel prizes in draw lotteries

For the purposes of section 4 (3) (c1) of the Act, the money component of a prize for a draw lottery that is offered in conjunction with tickets for tours or journeys must not exceed 20 per cent of the total value of the prize.

51 Proceeds to be devoted to fundraising object in draw lotteries

For the purposes of section 4 (3) (e) of the Act, the prescribed proportion is 40 per cent of the gross proceeds of any draw lottery.

52 Application for reduction in percentage of takings to be paid to organisation

An application under section 4 (4) of the Act is to be made to the Minister in writing by the organisers of the draw lottery and is to specify the circumstances of an unusual nature which arose in connection with the conduct of the draw lottery concerned.

Part 5 No-draw lotteries

Division 1 Preliminary

53 Application

This Part applies to no-draw lotteries conducted under section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions) of the Act.

Division 2 No-draw lottery tickets and cards

54 Form of no-draw lottery tickets

- (1) Each series of no-draw lottery tickets or no-draw lottery cards must be distinguished (by colour, serial number or otherwise) from each other series of no-draw lottery tickets or no-draw lottery cards, and the tickets or cards in each series must be numbered consecutively.
- (2) No-draw lottery tickets and no-draw lottery cards must be produced in such a way as to ensure that the symbol or symbols that may confer a right to a prize on participants cannot be determined without removing the opaque material that covers the symbol or symbols.
- (3) In addition to complying with subclause (1), each no-draw lottery ticket or no-draw lottery card:
 - (a) must specify the price to be paid for the ticket or for the right to participate in the lottery, and
 - (b) must specify the name of the benefiting organisation.
- (4) No-draw lottery cards must make provision for the names of the participants, and their addresses or telephone numbers, to be recorded on the cards.
- (5) In the case of a no-draw lottery conducted by means of no-draw lottery tickets, no more than 3,000 lottery tickets are to be produced or obtained for sale for the lottery.

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Clause 54 Lotteries and Art Unions Regulation 1997

Part 5 No-draw lotteries
Division 2

- (6) The organisers of the no-draw lottery must ensure compliance with the requirements of this clause.

Maximum penalty: 20 penalty units.

55 Information to be available to purchasers of no-draw lottery tickets

- (1) The organisers of a no-draw lottery must use their best endeavours to ensure that the following additional information is available to participants in a no-draw lottery:
- (a) details of the prizes and their value,
 - (b) details of how prizes may be claimed by the winners or, in the case of a no-draw lottery where participants are not able to determine whether they have won a prize (either immediately or by reference to the outcome of some subsequent event which the public may reasonably be expected to know about), details of how the prizewinners will be notified and of the way in which the results will be publicised,
 - (c) the rules under which persons may participate in the lottery.

Maximum penalty: 20 penalty units.

- (2) It is sufficient compliance with the requirements of subclause (1) if the information is printed on the no-draw lottery tickets or no-draw lottery cards concerned.

56 Return of unsold no-draw lottery tickets

- (1) When requested by the organisers of the lottery to do so and, in any event, as soon as the lottery is concluded, any person who has agreed to sell tickets or rights to participate in a no-draw lottery must return to the organisers of the lottery:
- (a) all money received from the sale of those tickets or rights, and
 - (b) in the case of a no-draw lottery conducted by means of no-draw lottery tickets, all unsold tickets held by the person, and
 - (c) in the case of a no-draw lottery conducted by means of no-draw lottery cards, all no-draw lottery cards issued to the person.

Maximum penalty: 20 penalty units.

- (2) For the purposes of subclause (1), a no-draw lottery is concluded when all the tickets or rights to participate in the lottery:
- (a) are sold, or
 - (b) are withdrawn from sale, or
 - (c) are partly sold with the remainder having been withdrawn from sale.

Division 3 Prizes and prizewinners

57 Maximum value of prizes

For the purposes of section 4 (3) (a) of the Act, the prescribed amount for a no-draw lottery is \$5,000.

58 Errors not to affect availability of prizes

- (1) A participant in a no-draw lottery is not to be deprived of a right to a prize in the lottery merely because of a mistake (such as the inclusion of the wrong number of prize-winning symbols) in the production of the relevant no-draw lottery tickets or no-draw lotterycards.
- (2) Subclause (1) applies even though the pool of prizes or money set aside for the purchase of prizes has been exhausted or is insufficient to provide the relevant prize, but does not apply if
- (a) the mistake is in the prizewinning symbol or symbols on the relevant no-draw lottery ticket or no-draw lottery card, and
 - (b) the purchaser of the ticket or right to participate in the lottery, at or before the time of purchase, was provided with information as to, or could reasonably be expected to be otherwise aware of, the prizes being offered by the organisers.
- (3) The cost of supplying additional prizes as a result of the operation of this clause:
- (a) is to be met by the organisers of the no-draw lottery, and
 - (b) is not to be met from the gross proceeds of the no-draw lottery unless the lottery is conducted by the organisation concerned as principal.

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Clause 59 Lotteries and Art Unions Regulation 1997

Part 5 No-draw lotteries
Division 3

59 Notification of prizewinners in certain cases

In the case of a no-draw lottery where participants are not able to determine whether they have won a prize (either immediately or by reference to the outcome of some subsequent event which the public may reasonably be expected to know about), the organisers of the lottery must use their best endeavours to advise each prizewinner, within 2 days after the result of the lottery is determined, of the prize that the prizewinner has won.

Maximum penalty: 20 penalty units.

Division 4 Miscellaneous

60 Not more than one no-draw lottery to be Conducted for non-profit organisation at any one time

- (1) A non-profit organisation that conducts a no-draw lottery must not conduct another no-draw lottery until the first-mentioned lottery is concluded.

Maximum penalty: 20 penalty units.

- (2) A non-profit Organisation on behalf of which a no-draw lottery is conducted must use its best endeavours to ensure that no other no-draw lottery is conducted on behalf of the organisation until the first-mentioned lottery is concluded.

Maximum penalty: 20 penalty units.

- (3) For the purposes of subclauses (1) and (2), a no-draw lottery is concluded when all the tickets or rights to participate in the lottery:

- (a) are sold, or
- (b) are withdrawn from sale, or
- (c) are partly sold with the remainder having been withdrawn from sale.

- (4) If a no-draw lottery is conducted in contravention of this clause by or on behalf of a non-profit organisation that is not a body corporate, the person who is guilty of the offence is:

- (a) the person who gave the instructions for the conduct of the lottery, or
 - (b) if no such instructions were given — the person who conducted the lottery.
- (5) A person is not guilty of the offence referred to in subclause (4) if the person did not know, and could not reasonably be expected to have known, that the conduct of the lottery concerned contravened this clause.

61 Dispensing machines not to be used for sale of no-draw lottery tickets

A person who sells no-draw lottery tickets by means of a coin-operated ticket dispensing machine is guilty of an offence.

Maximum penalty: 20 penalty units.

62 Money component of travel prizes in no-draw lotteries

For the purposes of section 4 (3) (c1) of the Act, the money component of a prize for a no-draw lottery that is offered in conjunction with tickets for tours or journeys must not exceed 20 per cent of the total value of the prize.

63 Proceeds to be devoted to fundraising object in no-draw lotteries

For the purposes of section 4 (3) (e) of the Act, the prescribed proportion is 40 per cent of the gross proceeds of any no-draw lottery.

64 Application for reduction in percentage of takings to be paid to organisation

An application under section 4 (4) of the Act in relation to a no-draw lottery is to be made to the Minister in writing by the organisers of the no-draw lottery and is to specify the circumstances of an unusual nature which arose in connection with the conduct of the lottery.

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Clause 65 Lotteries and Art Unions Regulation 1997

Part 6 Mini-numbers lotteries
Division 1

Part 6 Mini-numbers lotteries

Division 1 Preliminary

65 Application

This Part applies to and in respect of mini-numbers lotteries conducted under section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions) of the Act.

66 Definitions

In this Part:

authorised selling agent in relation to a mini-numbers lottery, means a person appointed, with the person's consent, by the organisers of the lottery or the benefiting organisation as an agent for the sale of tickets in the lottery.

continuing lottery means a mini-numbers lottery that is conducted so that any undistributed prizes are carried over to a subsequent mini-numbers lottery.

mini-numbers ticket means a ticket produced for use in a mini-numbers lottery.

prize pool means the amount of money available to purchase the prizes in a mini-numbers lottery.

terminating lottery means a mini-numbers lottery that is conducted so as to ensure that all prizes in the lottery are distributed as a result of the lottery.

Division 2 Limit on conduct of mini-numbers lotteries

67 Only one lottery to be conducted at a time

- (1) A benefiting organisation that conducts a mini-numbers lottery must not:
 - (a) conduct more than one draw for prizes in the lottery during any period of 7 consecutive days, or
 - (b) conduct another mini-numbers lottery until the first-mentioned lottery is concluded.

Maximum penalty: 20 penalty units.

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- (2) A benefiting organisation on behalf of which a mini-numbers lottery is conducted must use its best endeavours to ensure that:
- (a) not more than one draw for prizes in the lottery is conducted during any period of 7 consecutive days, and
 - (b) no other mini-numbers lottery is conducted on behalf of the organisation until the first-mentioned lottery is concluded.

Maximum penalty: 20 penalty units.

- (3) For the purposes of subclauses (1) and (2), a mini-numbers lottery is concluded at the end of the draw (or, in the case of a terminating lottery, the final draw) for the prizes in the lottery.
- (4) If a mini-numbers lottery, or a draw for prizes in a mini-numbers lottery, is conducted in contravention of this clause by or on behalf of a benefiting organisation that is not a body corporate, the person who is guilty of the offence is:
- (a) the person who gave the instructions for the conduct of the lottery or draw, or
 - (b) if no such instructions were given—the person who conducted the lottery or draw.
- (5) A person is not guilty of the offence referred to in subclause (4) if the person did not know, and could not reasonably be expected to have known, that the conduct of the lottery or draw concerned contravened this clause.

68 Only one lottery at a time to be conducted on any one premises

A registered club, licensee of a hotel or person in charge of premises other than a registered club or hotel must not permit or suffer more than one mini-numbers lottery to be conducted on the premises at any one time.

Maximum penalty: 20 penalty units.

69 Value of prizes in mini-numbers lotteries

- (1) The prize pool for a mini-numbers lottery must contain at least 50 per cent of the money received from the sale of mini-numbers tickets for the lottery.

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Clause 69 Lotteries and Art Unions Regulation 1997

Part 6 Mini-numbers lotteries
Division 2

- (2) For the purposes of section 4 (3) (c1) of the Act, the money component of a prize for a mini-numbers lottery that is offered in conjunction with tickets for tours or journeys must not exceed 20 per cent of the total value of the prize.
- (3) Despite subclauses (1) and (2), the prize pool for a mini-numbers lottery is not to exceed \$10,000.
- (4) If the amount in a prize pool would otherwise exceed \$10,000:
 - (a) the organisers of the lottery concerned must conduct the lottery as a terminating lottery with a prize pool of \$10,000, and
 - (b) the organisers must, at their discretion, either:
 - (i) pay the amount of any excess to the benefiting organisation, or
 - (ii) carry that excess over to another mini-numbers lottery conducted (whether as a continuing lottery or as a terminating lottery) by the organisers for the benefit of that benefiting organisation, or
 - (iii) pay part of the amount of that excess to the benefiting organisation and carry the balance over to the lottery referred to in subparagraph (ii).

Maximum penalty: 20 penalty units.

- (5) The organisers must use their best endeavours to ensure that any new mini-numbers lottery referred to in subclause (4) (b) (ii) is conducted no later than 28 days after the date of the conduct of the lottery referred to in subclause (4) (a).

Maximum penalty: 20 penalty units.

Division 3 Mini-numbers lottery tickets

70 Entry to lottery

- (1) Entry to a mini-numbers lottery is to be by the purchase of a mini-numbers ticket.

- (2) A person must not issue a mini-numbers ticket to any other person otherwise than:
- (a) for money to the amount of the face value of the ticket, or
 - (b) for other consideration equivalent to the face value of the ticket.

Maximum penalty: 20 penalty units.

- (3) The face value of a mini-numbers ticket must not exceed \$2.

71 Distribution of tickets

The organiser of a mini-numbers lottery must not send, or otherwise distribute, mini-numbers tickets to any other person (whether for purchase by that other person or for sale by that other person as an agent for the organisers of the mini-numbers lottery) unless the person is an authorised selling agent.

Maximum penalty: 20 penalty units.

72 Form of tickets

- (1) Each series of mini-numbers tickets must be distinguished (by serial number or unique symbol) from each other series of such tickets, and the tickets in each series must be numbered consecutively.
- (2) A mini-numbers ticket must not provide for more than 2 entries to the lottery concerned.
- (3) Each mini-numbers ticket must consist of
 - (a) an official entry portion complying with the requirements of clause 73, and
 - (b) a purchaser's portion, containing a copy of the official entry portion.
- (4) The organisers of the mini-numbers lottery must ensure compliance with the requirements of this clause.

Maximum penalty: 20 penalty units.

73 Requirements of official entry portion of ticket

- (1) The official entry portion of a mini-numbers ticket must include 20 boxes, numbered from 1 to 20, for each entry on the ticket.

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Clause 73 Lotteries and At Unions Regulation 1997

Part 6 Mini-numbers lotteries
Division 3

- (2) The official entry portion of the ticket:
 - (a) must indicate whether the lottery is a continuing lottery or a terminating lottery, and
 - (b) must specify that the purchaser is to choose 6 numbers from the numbered boxes, for each entry on the ticket, and
 - (c) must indicate which of the numbers (if any) have been excluded from the draw and should therefore not be chosen.
- (3) The official entry portion of the ticket must also specify the following:
 - (a) the identifying serial number or unique symbol distinguishing the series of tickets to which the ticket belongs,
 - (b) the number of the ticket,
 - (c) the price of the ticket,
 - (d) the name of the benefiting organisation,
 - (e) the amount (or the percentage of the total amount received from the sale of tickets in the lottery) that is to be returned to that organisation,
 - (f) the way in which the prize pool is to be determined.
- (4) The official entry portion of the ticket must contain the following:
 - (a) provision for the purchaser to record his or her choice of numbers,
 - (b) provision for recording the purchaser's name, address and telephone number,
 - (c) provision for the name of the authorised selling agent.

74 Additional information to be made available to purchaser

- (1) The organisers of a mini-numbers lottery must use their best endeavours to ensure that the following additional information is made available to purchasers of tickets in the lottery:
 - (a) instructions as to the way in which the purchaser is to mark his or her choice of numbers,

- (b) the closing date and time for the receipt of entries in the lottery,
- (c) the place, date and time of the draw,
- (d) details of how the results of the draw will be publicised,
- (e) what is to happen if there is more than one winner in the lottery,
- (f) the way in which winners are to be notified and are to collect their prizes.

Maximum penalty: 20 penalty units.

- (2) It is sufficient compliance with subclause (1) if the information is printed on the back of the purchaser's portion of the ticket.

Division 4 Marking of tickets in mini-numbers lotteries

75 Selling agent to supervise marking of ticket

- (1) The purchaser of a ticket in a mini-numbers lottery is to mark the ticket in the presence of the authorised selling agent and immediately hand the marked ticket back to the agent.

- (2) The agent is to check both the official entry portion and the purchaser's portion of the ticket.

Maximum penalty: 20 penalty units.

- (3) If the ticket has not been completed, the agent must immediately return the ticket to the purchaser for completion.

Maximum penalty: 20 penalty units.

- (4) If the purchaser's choice of numbers has been altered in any way (for example, by the crossing out of a chosen number and the choice of an alternative number), the agent must:

- (a) cancel both the official entry portion and the purchaser's portion of the ticket, and
- (b) provide the purchaser with a fresh ticket.

Maximum penalty: 20 penalty units.

- (5) Subclauses (1)-(4) apply in respect of the fresh ticket in the same way as they apply in respect of the original ticket.

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Clause 76 Lotteries and Art Unions Regulation 1997

Part 6 Mini-numbers lotteries
Division 4

76 Marked tickets

- (1) An authorised selling agent must signify his or her acceptance of a properly marked ticket:
 - (a) by initialling both the official entry portion and the purchaser's portion of the ticket, and
 - (b) by returning the initialled purchaser's portion to the purchaser.

Maximum penalty: 20 penalty units.

- (2) The agent must retain both portions of a cancelled ticket together.

Maximum penalty: 20 penalty units.

Division 5 Draw for prizes

77 Draw for prizes to take place as advertised

- (1) The organisers of a mini-numbers lottery must use their best endeavours to ensure that the draw for the prizes in the lottery takes place:
 - (a) in accordance with the information specified on the tickets for the lottery (or otherwise provided to the purchasers of the tickets), or
 - (b) if notice of a change to the place, date or time of the draw is displayed in accordance with this clause—as specified in that notice.

Maximum penalty: 20 penalty units.

- (2) In particular, the organisers of a series of continuing lotteries must use their best endeavours to ensure that the draw for prizes in each lottery takes place on the same day, and at the same time, each week.

Maximum penalty: 20 penalty units.

- (3) However, the time or day of the draw for prizes in any mini-numbers lottery (or both the time and the day) may be changed if notice of the change is prominently displayed in accordance with subclause (4) for the 24 hours immediately before the new time of the draw.

- (4) The organisers of a series of continuing lotteries must cause the time and place of the draw to be prominently displayed:
- (a) at the main premises of the benefiting organisation, and
 - (b) if the draw is to take place at any other premises—at those other premises.

Maximum penalty: 20 penalty units.

78 Return of mini-numbers tickets

- (1) An authorised selling agent must return the following to the organisers of a mini-numbers lottery:
- (a) all official entry portions of the mini-numbers tickets sold by the agent,
 - (b) all money received by the agent from the sale of the tickets,
 - (c) all unsold tickets held by the agent,
 - (d) all cancelled tickets held by the agent.

Maximum penalty: 20 penalty units.

- (2) The agent must not sell any tickets in the lottery after the closing time for the receipt of entries in the lottery.

Maximum penalty: 20 penalty units.

- (3) The items referred to in subclause (1) are to be returned in accordance with any instructions of the organisers.

79 Tickets to be kept safe

The organisers of a mini-numbers lottery are to keep all returned tickets safe until the draw for prizewinners has taken place.

Maximum penalty: 20 penalty units.

80 Reconciliation of mini-numbers tickets sold

- (1) The organisers of a mini-numbers lottery must, before the draw in the lottery takes place, prepare a statement in accordance with this clause.

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Clause 80 Lotteries and Art Unions Regulation 1997

Part 6 Mini-numbers lotteries
Division 5

Maximum penalty: 20 penalty units.

- (2) The statement is to reconcile the mini-numbers tickets distributed for sale with all material returned.
- (3) Any tickets that have been distributed for sale but not returned must be noted in the statement.
- (4) The reconciliation must, as far as practicable, be carried out in sufficient time to allow the draw to take place as advertised.
- (5) The statement must be signed by the organisers of the mini-numbers lottery and is to form part of the records relating to the conduct of the lottery.

81 Missing mini-numbers tickets

- (1) If a mini-numbers ticket was distributed for sale and not returned, the organisers of the lottery concerned must cause a notice specifying the number of the missing ticket to be displayed:
 - (a) at the main premises of the benefiting organisation, and
 - (b) if the draw is to take place at any other premises, at those other premises,

for the 24 hours immediately before the time of the draw.

Maximum penalty: 20 penalty units.

- (2) The purchaser of a missing ticket who, before the time of the draw, produces to the organisers the purchaser's portion of the ticket, duly initialled by the authorised selling agent, is entitled to have a copy of that portion regarded as the official entry portion for the purposes of determining the winner of the lottery.

82 All tickets sold to be included in determination of winner

- (1) All mini-numbers tickets sold are to be included in the determination of the winner of the lottery concerned.
- (2) If a mini-numbers ticket is not included in the determination of the winner, the organisers of the lottery concerned must use their best endeavours to ensure that any money received from the sale of the ticket is refunded to the holder of the ticket within 7 days after the winner is determined.

Maximum penalty: 20 penalty units.

83 Attendance at draw

- (1) The draw must be conducted in a place at which the public may attend.
- (2) The draw is to be made in the presence and under the supervision of 2 or more persons engaged in the management of the benefiting organisation.
- (3) Any other person who wishes to attend the draw may do so.
- (4) The organisers must not impose, as a condition of entitlement to a prize, a requirement that the holder of a prizewinning ticket be present at the draw.
- (5) The results of the draw are to be certified in writing by at least 2 of the persons referred to in subclause (2).
- (6) The organisers of the lottery must use their best endeavours to ensure compliance with this clause.

Maximum penalty: 20 penalty units.

84 Conduct of draw

- (1) The prizewinner in a mini-numbers lottery is to be determined by the drawing of 6 numbers at random.
- (2) A mechanical or electronic device must not be used for the purpose of the draw unless the device has official approval.
- (3) The draw is to be from the numbers 1–20.
- (4) However, if any part of a prize is carried over from a previous lottery, the draw is to be from the following numbers:
 - (a) 1–19, for the first lottery to which the prize is carried over,
 - (b) 1–18, for the second lottery to which the prize is carried over,
 - (c) 1–17, for the third lottery to which the prize is carried over,
 - (d) 1–16, for the fourth lottery to which the prize is carried over,
 - (e) 1–15, for the fifth lottery to which the prize is carried over,

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Division 5

- (f) 1–14, for the sixth lottery to which the prize is carried over,
 - (g) 1–13, for the seventh or subsequent lottery to which the prize is carried over.
- (5) The prizewinner is the person whose mini-numbers ticket indicates that the person chose the 6 numbers drawn.

85 Terminating lotteries

- (1) This clause applies to terminating lotteries only.
- (2) If there is no prizewinner under clause 84, the prizewinner is to be:
 - (a) the person whose mini-numbers ticket indicates that the person has chosen 5 of the numbers drawn, or
 - (b) if there is still no prizewinner, the person whose mini-numbers ticket indicates that the person has chosen 4 of the numbers drawn, or
 - (c) if there is still no prizewinner, the person whose mini-numbers ticket indicates that the person has chosen 3 of the numbers drawn, or
 - (d) if there is still no prizewinner, the person whose mini-numbers ticket indicates that the person has chosen 2 of the numbers drawn, or
 - (e) if there is still no prizewinner, the person whose mini-numbers ticket indicates that the person has chosen 1 of the numbers drawn.
- (3) If there is still no prizewinner, a further draw is to be conducted in accordance with clause 84 (from the same numbers as those for the first draw in the current lottery), and the provisions of clause 84 and this clause are to apply to that further draw.
- (4) The procedures specified in subclauses (2) and (3) are to be repeated until a prizewinner is obtained.
- (5) The provisions of clause 67 (1) (a) and (2) (a) do not apply to a terminating lottery.

86 Multiple prizewinners

If the mini-numbers tickets of 2 or more persons indicate that they are each a prizewinner, the prizes are to be shared equally among them.

87 Notification of prizewinners

The organisers of a mini-numbers lottery must use their best endeavours:

- (a) to advise each prizewinner (within 2 days after the draw) of the prize that the prizewinner has won, and
- (b) to cause the results of the draw to be prominently displayed:
 - (i) at the main premises of the benefiting organisation, and
 - (ii) if the draw took place at any other premises, at those other premises, and
- (c) to ensure that particulars of the result of the draw are published (within 7 days after the draw) in a newspaper circulating in the region in which the lottery was conducted.

Maximum penalty: 20 penalty units.

88 Awarding of prizes

- (1) The organisers of a mini-numbers lottery must use their best endeavours to arrange for the relevant prize to be given to each prizewinner within 7 days after the determination of the prizewinners in the lottery.

Maximum penalty: 20 penalty units.

- (2) The prizewinner does not have to claim the prize.

Division 6 Money received**89 Money to be banked**

As soon as practicable (and in any case not later than 2 business days) after receiving money in relation to a mini-numbers lottery, the organisers of the lottery must pay the money into an account at a bank, building society or credit union, being an account belonging to the benefiting organisation.

Maximum penalty: 20 penalty units.

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Part 6 Mini-numbers lotteries
Division 6

90 Deduction of expenses of conduct of mini-numbers lottery

- (1) The following amounts may be deducted from money received in connection with a mini-numbers lottery:
 - (a) the cost of producing or obtaining the tickets for the lottery,
 - (b) the reasonable cost of advertising and promoting the lottery,
 - (c) the reasonable cost of hiring or operating any device, or renting any premises, for use in the conduct of the lottery,
 - (d) the cost of the prizes to be awarded to winners in the lottery,
 - (e) the cost of auditing the accounts relating to the lottery.
- (2) However, the amounts deducted (other than the amounts deducted to purchase the prizes) must not exceed 10 per cent of the money received.
- (3) The organisers must not make any deduction from money received in connection with a mini-numbers lottery unless the deduction is authorised by this clause.

Maximum penalty: 20 penalty units.

91 Proceeds to be devoted to fundraising object in mini-numbers lotteries

For the purposes of section 4 (3) (e) of the Act, the prescribed proportion is 40 per cent of the gross proceeds of any mini-numbers lottery.

92 Application for reduction in percentage of takings to be paid to organisation

An application under section 4 (4) of the Act in relation to a mini-numbers lottery is to be made to the Minister in writing by the organisers of the lottery and is to specify the circumstances of an unusual nature which arose in connection with the conduct of the lottery.

Division 7 Miscellaneous**93 No commission payable**

Despite the other provisions of this Regulation, no commission, fee or other benefit is payable to an organiser of a mini-numbers lottery or to an authorised selling agent of tickets in the lottery.

94 Retention of tickets

The organisers of a mini-numbers lottery:

- (a) must retain all unsold mini-numbers tickets for at least 3 years (or such shorter period as is given official approval either generally or in a particular case) after the prizewinner in the lottery concerned is determined, and
- (b) must retain all sold and cancelled mini-numbers tickets for 6 months after the determination of the prizewinner.

Maximum penalty: 20 penalty units.

95 Certain persons not to be involved in mini-numbers lottery

- (1) A person who is under the age of 18 years must not take any part in a mini-numbers lottery.
- (2) The following persons must not play a mini-numbers lottery:
 - (a) the benefiting organisation,
 - (b) a person involved in the management of the benefiting organisation
 - (c) the organisers of the lottery,
 - (d) a person conducting the draw in the lottery,
 - (e) the spouse, de facto spouse or other family member of a person referred to in paragraph (b)–(d), if the spouse or family member lives at the same address as that person.

Maximum penalty: 20 penalty units.

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Part 6 Mini-numbers lotteries
Division 7

96 Restrictions on advertising of mini-numbers lottery

A person must not advertise or promote a mini-numbers lottery:

- (a) on the basis that the lottery is similar to a lottery known as lotto or keno, or to any other lottery or game conducted under the authority of a licence under the *Public Lotteries Act 1996*, or
- (b) in a way that suggests that the lottery is approved or authorised by the Government or any agency of the Government.

Maximum penalty: 20 penalty units.

Part 7 Other lotteries and games of chance

Division 1 Games of chance conducted by charities

97 Application for permit

An application under section 4A (Certain organisations authorised to conduct games of chance) of the Act for a permit to conduct a game of chance is to be in a form approved by the Minister.

98 Maximum value of prizes

For the purposes of section 4A (3) (b) of the Act, the prescribed amount is \$4,000.

99 Proceeds to be devoted to fundraising object

For the purposes of section 4A (3) (g) of the Act, the following proportions are prescribed:

- (a) in the case of games of chance known as “Housie” — 12.5 per cent of the gross proceeds of any such game,
- (b) in the case of other games of chance — 40 per cent of the gross proceeds of any such game.

100 Application for reduction in percentage of takings to be paid to organisation

An application under section 4A (6) of the Act is to be made to the Minister in writing by the organisers of the game of chance and is to specify the circumstances of an unusual nature which arose in connection with the conduct of the game of chance.

Division 2 Lotteries and games of chance conducted for promotion of trade

101 Application for permit

An application under section 4B (Lotteries and games of chance for the promotion of trade) of the Act for a permit to conduct a lottery or a game of chance is to be in a form approved by the Minister.

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Clause 102 Lotteries and Art Unions Regulation 1997

Part 7 Other lotteries and games of chance
Division 2

102 Application fee

For the purposes of section 4B (4) of the Act, the prescribed fee to accompany an application for a permit is:

- (a) \$50, if the total prize value of the proposed lottery or game of chance is \$10,000 or less, or
- (b) \$250, if the total prize value of the proposed lottery or game of chance exceeds \$10,000 but does not exceed \$50,000, or
- (c) \$500, if the total prize value of the proposed lottery or game of chance exceeds \$50,000 but does not exceed \$100,000, or
- (d) \$1,000, if the total prize value of the proposed lottery or game of chance exceeds \$100,000.

Division 3 Games of chance conducted by registered clubs

103 Application for permit

An application under section 4C (Games of chance in registered clubs) of the Act for a permit to conduct a game of chance is to be in a form approved by the Minister.

104 Maximum value of prizes

For the purposes of section 4C (3) (b) of the Act, the prescribed amount is \$30.

Division 4 Sweeps and calcuttas

105 Application for permit

An application under section 4D (Sweepstakes in relation to the Melbourne Cup and other events) of the Act for a permit to conduct a sweep or calcutta is to be made in a form approved by the Minister.

Part 8 Keeping of records

Division 1 Lotteries and games of chance generally

106 Application

- (1) This Division applies to a person or organisation that:
 - (a) conducts or has conducted:
 - (i) a lottery (other than a mini-numbers lottery) under section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions) of the Act, or
 - (ii) a game of chance under section 4D (Sweepstakes in relation to the Melbourne Cup and other events) of the Act, and
 - (b) is required to keep, in accordance with section 17B of the Act, records of income and expenditure in relation to each such lottery or game of chance.
- (2) For the purposes of section 17B (1) of the Act, a person or organisation that conducts or has conducted a game of chance under section 4D (Sweepstakes in relation to the Melbourne Cup and other events) of the Act with ticket sales to the value of \$5,000 or less is exempt from the operation of section 17B.

107 Records for lotteries

- (1) For the purposes of section 17B (2) (b) of the Act, the following particulars must be included in the records of income and expenditure required to be kept by a person or organisation that conducts or has conducted a lottery:
 - (a) the total amount of money received from the sale of tickets in the lottery (or, if the lottery is conducted by means of no-draw lottery cards, the total amount of money received from the sale of rights to participate in the lottery),
 - (b) the total value of the prizes in the lottery.

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Clause 107 Lotteries and Art Unions Regulation 1997

Part 8 Keeping of records
Division 1

- (2) In the case of a draw lottery in which the total value of the prizes is more than \$5,000, the following particulars must also be included in the records of income and expenditure:
- (a) the number of draw lottery tickets produced or obtained for the lottery, together with their serial numbers,
 - (b) the number of draw lottery tickets sold or distributed for sale, together with their serial numbers,
 - (c) the name and address of each agent of the person or organisation to which draw lottery tickets have been distributed, together with the number of tickets distributed and the serial numbers of those tickets,
 - (d) the names and addresses of all persons who have bought draw lottery tickets (as shown on the relevant ticket-butts or corresponding computer records),
 - (e) the names and addresses of all prizewinners, together with details of their prizes,
 - (f) the number of draw lottery tickets unsold and their serial numbers.
- (3) In the case of a no-draw lottery, the following particulars must also be included in the records of income and expenditure:
- (a) the number of no-draw lottery tickets or no-draw lottery cards produced or obtained for the lottery, together with the relevant serial numbers and the relevant unique identifying series number or symbols,
 - (b) the number of no-draw lottery tickets or no-draw lottery cards distributed and the total number of lottery tickets or rights to participate in the lottery that were sold, together with the relevant serial numbers and the relevant unique identifying series number or symbols,
 - (c) the name and address of each agent of the person or organisation to whom or to which no-draw lottery tickets or no-draw lottery cards have been distributed, together with the number of tickets or cards issued and the relevant serial numbers and the relevant unique identifying series number or symbols, the names and addresses of all prizewinners, together with details of their prizes,

- (d) the number of tickets or rights to participate in the lottery remaining unsold, and the serial numbers of those tickets or the relevant no-draw lottery cards.
- (4) In the case of records comprising ticket-butts or corresponding computer-generated documents in relation to a lottery, the prescribed period for the purposes of section 17B (2) (c) of the Act is at least 3 months after the date the prizewinner or prizewinners are determined.

108 Records for sweeps and calcuttas

- (1) For the purposes of section 17B (2) (b) of the Act, the following particulars must be included in the records of income and expenditure to be kept by a person or organisation to which this Division applies that conducts or has conducted a sweep or Calcutta under section 4D (Sweepstakes in relation to the Melbourne Cup and other events) of the Act with ticket sales to the value of \$5,000 or more:
- (a) the gross proceeds from ticket sales and, in the case of a calcutta, the gross proceeds from the auction,
 - (b) the total prize pool,
 - (c) any deductions from gross proceeds, documented by receipts and invoices,
 - (d) the distribution of any money invested, itemised as to payee, amount and date of payment,
 - (e) the names and addresses of all persons successful in the draw and, in the case of a Calcutta, the names and addresses of all persons who purchased a participant in the Calcutta at the auction,
 - (f) the names and addresses of all prizewinners, together with details of their prizes,
 - (g) details of all ticket-butts, and the number of unsold tickets together with the serial numbers of those tickets,
 - (h) if the sweep or Calcutta was conducted on behalf of a prescribed organisation within the meaning of section 4D of the Act—the total amount given to the prescribed organisation, and the details of any receipts from that organisation.

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Clause 108 Lotteries and Art Unions Regulation 1997

Pari 8 Keeping of records
Division 1

- (2) For the purposes of section 17B (2) (c) of the Act, the prescribed period for keeping records in relation to a sweep or Calcutta is at least 3 months after the conduct of the sweep or Calcutta.
- (3) However, if the sweep or Calcutta was conducted on behalf of a prescribed organisation, the records are to be kept by that Organisation for the period specified in section 17B (2) (c) of the Act.

Division 2 Mini-numbers lotteries

109 Application

This Division applies to a person or organisation that conducts or has conducted a mini-numbers lottery under section 4 (Certain charitable and non-profit organisations authorised to conduct lotteries subject to conditions) of the Act.

110 Records for mini-numbers lotteries

The following particulars must, in accordance with section 17B (2) (b) of the Act, be included in the records of income and expenditure to be kept in relation to a mini-numbers lottery:

- (a) the total amount of money received from the sale of mini-number tickets relating to the lottery,
- (b) the amount of the prize pool,
- (c) any deductions from the prize pool, documented by receipts,
- (d) the distribution of proceeds from the lottery, itemised as to payee and amount and date of payment,
- (e) the number of tickets produced for the lottery, together with the serial number of the series to which they belong and their individual numbers or symbols,
- (f) the number of tickets distributed for sale, together with their individual numbers or symbols,
- (g) the name and address of the authorised selling agent, together with the number of tickets distributed and the individual numbers or symbols of those tickets,

- (h) the number of tickets unsold, and their individual numbers or symbols,
- (i) the number of tickets cancelled, and their individual numbers or symbols,
- (j) the names and addresses of all prizewinners in the lottery together with details of their prizes.

Division 3 Lotteries conducted by art unions

111 Application

This Division applies to lotteries conducted by an art union under section 5 (Art unions) of the Act.

112 Records for lotteries

- (1) The following particulars must, in accordance with section 17B (2) (b) of the Act, be included in the records of income and expenditure to be kept in relation to a lottery:
 - (a) the total amount of money received from the sale of lottery tickets,
 - (b) the total value of the prizes in the lottery,
 - (c) the number of lottery tickets printed, obtained or generated for the lottery, together with their serial numbers,
 - (d) the number of lottery tickets sold or distributed for sale, together with their serial numbers,
 - (e) the name and address of each person to whom lottery tickets have been distributed for sale, together with the number of tickets distributed and the serial numbers of those tickets,
 - (f) the names and addresses of all persons who have applied to the art union for lottery tickets,
 - (g) the names and addresses of all persons who have bought lottery tickets (as shown on the relevant ticket-butts or computer records),
 - (h) the names and addresses of all prizewinners, together with details of their prizes,

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Part 8 Keeping of records
Division 3

- (i) the number of lottery tickets unsold, and their serial numbers,
 - (j) details of all donations and payments received by the at union.
- (2) In the case of records comprising ticket-butts, drawing docketts or corresponding computer-generated documents, the prescribed period for the purposes of section 17B (2) (c) of the Act is at least 3 months after the date the prizewinner or prizewinners are determined.