



# Lotteries and Art Unions Amendment (Games of Chance) Regulation 2003

under the

Lotteries and Art Unions Act 1901

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

GRANT McBRIDE, M.P.,

Minister for Gaming and Racing

## Explanatory note

The object of this Regulation is to make various amendments to the *Lotteries and Art Unions Regulation 2002*. The amendments insert Part 7A which provides special conditions in respect of not-for-profit promotional raffles conducted in registered clubs and Part 7B which provides special conditions in respect of club bingo conducted in registered clubs. This Regulation also makes provision for records to be kept for games of chance conducted in registered clubs and provides for the keeping and lodgment of certain financial records in relation to lotteries conducted by art unions.

This Regulation is made under the *Lotteries and Art Unions Act 1901*, including sections 4 (1), 4C, 17B (2) and 23 (the general regulation-making power).

## **2003 No 879**

Clause 1            Lotteries and Art Unions Amendment (Games of Chance) Regulation 2003

---

# **Lotteries and Art Unions Amendment (Games of Chance) Regulation 2003**

under the

Lotteries and Art Unions Act 1901

### **1 Name of Regulation**

This Regulation is the *Lotteries and Art Unions Amendment (Games of Chance) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 1 December 2003.

### **3 Amendment of Lotteries and Art Unions Regulation 2002**

The *Lotteries and Art Unions Regulation 2002* is amended as set out in Schedule 1.

---

**Schedule 1 Amendments**

(Clause 3)

**[1] Parts 7A and 7B**

Insert after Part 7:

**Part 7A Not-for-profit promotional raffles  
conducted by registered clubs****Division 1 Preliminary****112A Application**

- (1) This Part applies to not-for-profit promotional raffles conducted by a registered club under section 4C of the Act.
- (2) For the purposes of the definition of *Lottery* in section 4 (1) of the Act, a not-for-profit promotional raffle conducted in the premises of a registered club is prescribed as a game or method of disposing of prizes that is not a lottery within the meaning of that section.

**112B Definitions**

- (1) In this Part:
  - not-for-profit promotional raffle* means a raffle conducted by a registered club:
    - (a) for the purpose of attracting patronage to the club's facilities, and
    - (b) the profits of which are wholly or substantially used to meet the cost of prizes in such raffles.
  - rules* means the rules formulated under clause 112C.
  - session* of raffles means a number of raffles held in succession on the same occasion at the same place.
  - ticket* includes a right to participate in a not-for-profit promotional raffle.
- (2) In this Part, a reference to a not-for-profit promotional raffle conducted by a registered club includes a reference to a not-for-profit promotional raffle conducted under the authority of a registered club.

**Division 2 Requirements when conducting not-for-profit promotional raffles**

**112C Formulation and display of rules**

- (1) A registered club that intends to conduct a not-for-profit promotional raffle must formulate rules in accordance with this clause under which a person may participate in the raffle.
- (2) The rules must make provision for the following:
  - (a) the conditions of entry (including the minimum age of the participants),
  - (b) the charge, if any, to be made for participating in the raffle and the method, if any, for discounting the charge,
  - (c) the manner in which any prizes are to be calculated, determined and awarded,
  - (d) the place, time and date of the raffle,
  - (e) the manner in which prizewinners are to be notified under clause 112J,
  - (f) the method for claiming prizes under clause 112J,
  - (g) the manner in which disputes concerning the conduct of the raffle or the claiming of the prizes are to be resolved,
  - (h) that persons conducting or assisting in the conduct of the raffle cannot enter the raffle.
- (3) The rules must be displayed prominently at the place where the raffle is being conducted.
- (4) The rules must be consistent with the provisions of the Act and this Regulation.

**112D Information to be made available to participants**

- (1) A registered club that conducts a not-for-profit promotional raffle or a session of raffles must use its best endeavours to ensure the following information is made available to participants:
  - (a) the cost of the tickets,
  - (b) details of the prizes and their value,
  - (c) the rules.

- 
- (2) A registered club that conducts a not-for-profit promotional raffle may change the place, date and time of the draw if notice of the change is prominently displayed for at least 24 hours immediately before the new date and time of the draw.
  - (3) A registered club that conducts a not-for-profit promotional raffle must use its best endeavours to ensure that any draw takes place in accordance with the information provided to the participants.
  - (4) Nothing in this clause limits any requirements arising under the *Registered Clubs Act 1976*.

**112E Sale and distribution of tickets**

Tickets for entry into a not-for-profit promotional raffle:

- (a) are to be distributed only within the premises of the registered club that conducts the raffle, and
- (b) are to be available only to members of the registered club and their guests.

**112F Maximum charge for entry**

For the purposes of section 4C (3) (d) of the Act, any charge or consideration for participating in a not-for-profit promotional raffle must not exceed \$5 for a ticket.

**112G Conduct of raffle**

- (1) A not-for-profit promotional raffle must not take place unless it is conducted:
  - (a) within the premises of a registered club and in an area at which the members may attend, and
  - (b) in the presence of and under the supervision of 2 or more persons engaged in the conduct of the raffle or the management of the registered club.
- (2) If more than one prize is offered in a not-for-profit promotional raffle:
  - (a) the major prize must be drawn first and the other prizes must be then drawn in descending order of number and value, or
  - (b) if the rules describe a different method of drawing prizes, in the manner described in the rules.

## 2003 No 879

Lotteries and Art Unions Amendment (Games of Chance) Regulation 2003

Schedule 1 Amendments

---

### **112H Number and duration of sessions**

- (1) A registered club must not conduct more than 7 not-for-profit promotional raffle sessions per week.
- (2) Any such session must not exceed 3 hours in duration.

### **112I Value of prizes**

- (1) For the purposes of section 4C (3) (b) of the Act, the prescribed amount is \$300.
- (2) The value of any prize in a not-for-profit promotional raffle must not exceed \$100.
- (3) Despite subclause (1), a single major prize of a value greater than \$100 may be offered during a session of not-for-profit promotional raffles, if the value of the prize does not exceed \$300.

### **112J Notification of results and claiming prizes**

- (1) A registered club that conducts a not-for-profit promotional raffle must ensure that an announcement of the result of a draw occurs immediately after the draw takes place.
- (2) If the winner of a prize does not claim the prize within a reasonable time after the result of the draw is announced, the result must be announced again at least 3 more times (if the prize is not claimed before then).
- (3) If the winner of a prize does not claim the prize within a reasonable time after the result of the draw is announced for the fourth time, a redraw for the prize may take place.
- (4) Any announcement required under this clause is to be made to the participants present at the draw and throughout the registered club by use of the club's public address system or closed circuit television.

### **112K Conduct of other lotteries in conjunction with not-for-profit promotional raffle**

- (1) During a session of not-for-profit promotional raffles the following lotteries and games of chance may also be conducted in conjunction with that session:
  - (a) one draw lottery may be conducted subject to compliance with section 4 of the Act and this Regulation,

- 
- (b) a lottery or game of chance for the promotion of trade may be conducted subject to compliance with section 4B of the Act, if the right of entry into that lottery or game of chance is not based predominantly on a person's participation in a not-for-profit promotional raffle or a session of such raffles.
- (2) Despite clause 53 (1), when a draw lottery is conducted in conjunction with a session of not-for-profit promotional raffles, for the purposes of section 4 (3) (a) of the Act the prescribed amount for a prize is \$5,000.

## **Part 7B Club bingo in registered clubs**

### **Division 1 Preliminary**

#### **112L Application**

This Part applies to games of club bingo conducted by a registered club under section 4C of the Act.

#### **112M Definitions**

- (1) In this part:
- club bingo* means a game of bingo conducted by a registered club and includes the game commonly known as housie and any similar game.
- rules* means the rules formulated under clause 112N.
- session* of club bingo means a number of games of club bingo played in succession on the same occasion at the same place.
- ticket* includes a right to participate in a game of club bingo.
- (2) In this Part, a reference to a game of club bingo conducted by a registered club includes a reference to a game of club bingo conducted under the authority of a registered club.

### **Division 2 Requirements when conducting club bingo**

#### **112N Formulation and display of rules**

- (1) A registered club that intends to conduct a game of club bingo must formulate rules in accordance with this clause under which a person may participate in the game.

## 2003 No 879

Lotteries and Art Unions Amendment (Games of Chance) Regulation 2003

Schedule 1 Amendments

---

- (2) The rules must make provision for the following:
  - (a) the conditions of entry (including the minimum age of the participants),
  - (b) the charge, if any, to be made for participating in the game and the method, if any, for discounting the charge,
  - (c) the manner in which any prizes are to be calculated, determined and awarded,
  - (d) the place, time and date of the game,
  - (e) the manner in which prizewinners are to be notified,
  - (f) the method for claiming prizes (including the course of action to be adopted if a prize remains unclaimed),
  - (g) the manner in which disputes concerning the conduct of the game or the claiming of the prizes are to be resolved,
  - (h) that persons conducting or assisting in the conduct of the game cannot participate as a player,
  - (i) a description of the particular arrangement of numbers and symbols that are required to be covered in order to win the game,
  - (j) the course of action to be adopted by the organisers of the game if an incorrect call is made by the caller,
  - (k) the manner in which numbers or symbols appearing in a winning ticket are to be verified by an independent person and called back to the participants of the game.
- (3) The rules must be displayed prominently at the place where the game is being conducted.
- (4) The rules must be consistent with the provisions of the Act and this Regulation.

### **1120 Information to be made available to participants**

- (1) A registered club that conducts a game or session of club bingo must use its best endeavours to ensure the following information is made available to participants:
  - (a) the cost of the tickets,
  - (b) details of the prizes and their value,
  - (c) the rules.



- (2) A registered club that conducts a game of club bingo must use its best endeavours to ensure that the game takes place in accordance with the information provided to the participants.
- (3) Nothing in this clause limits any requirements arising under the *Registered Clubs Act 1976*.

**112P Sale and distribution of tickets**

Tickets for entry into a game of club bingo:

- (a) are to be distributed only within the premises of the registered club that is conducting the game, and
- (b) are to be available only to members of the registered club and their guests.

**112Q Maximum charge for entry**

For the purposes of section 4C (3) (d) of the Act, any charge or consideration to participate in a game of club bingo must not exceed \$0.05 for each ticket.

**112R Conduct of game**

- (1) A game of club bingo must not take place unless:
  - (a) it is conducted within the premises of a registered club and in an area which the members may attend, and
  - (b) it is conducted in the presence of and under the supervision of 2 or more persons engaged in the conduct of the game or the management of the registered club, and
  - (c) a description of the particular arrangement of numbers and symbols that are required to be covered in order to win the game has been announced in such a way that it can be heard by all participants present at the game.
- (2) A game of club bingo cannot be advertised or conducted in aid of a charitable organisation.
- (3) No person conducting or assisting in the conduct of club bingo is to participate as a player.

**112S Club bingo not to be conducted on weekend**

A registered club must not conduct a game of club bingo between 6 pm on a Friday and midnight on the following Sunday.

## 2003 No 879

Lotteries and Art Unions Amendment (Games of Chance) Regulation 2003

Schedule 1 Amendments

---

### 112T Value of prizes in club bingo

- (1) For the purposes of section 4C (3) (b) of the Act, the prescribed amount is \$50.
- (2) The value of any prize in a game of club bingo must not exceed \$30.
- (3) Despite subclause (1), a single bonus prize of a value greater than \$30 may be offered at the end of a session of club bingo, if the value of the prize does not exceed \$50.
- (4) No prize in club bingo can accumulate from game to game or from session to session.
- (5) In the event of more than one winner in a game of club bingo, the prize is to be shared equally between the winners.
- (6) If this is impractical the prize must be awarded to one of the prizewinners by drawing lots.
- (7) In this clause, *bonus prize* means a prize that is awarded at the end of a club bingo session and that is linked to a clean-up scheme that involves:
  - (a) participants recording their name on the back of used tickets which are placed into a receptacle, and
  - (b) a ticket being drawn from the receptacle to determine the winner of the prize.

### 112U Notification of results of draw

- (1) A registered club that conducts a game of club bingo must ensure that all numbers drawn are announced in such a way that they can be heard by all participants present at a game.
- (2) At the time a winner of a game of club bingo is determined, the numbers appearing on the winning club bingo ticket are to be verified by the person conducting the game in the presence of at least one independent person.

### 112V Conduct of other lotteries in conjunction with club bingo

- (1) During a session of club bingo the following lotteries and games of chance may also be conducted in conjunction with that session:
  - (a) one draw lottery may be conducted subject to compliance with section 4 of the Act and this Regulation,

- (b) a lottery or game of chance for the promotion of trade may be conducted subject to compliance with section 4B of the Act, provided the right of entry into that lottery or game of chance is not based predominantly on a person's participation in a game or session of club bingo.
- (2) Despite clause 53 (1), when a draw lottery is conducted in conjunction with a session of club bingo, for the purposes of section 4 (3) (a) of the Act the prescribed amount for a prize is \$5,000.

**[2] Part 8, Division 3**

Omit the Division.

**[3] Clause 139 Records for lotteries**

Insert after clause 139 (1) (j):

- (k) a statement of income and expenditure,
- (l) a balance sheet.

**[4] Clause 139A**

Insert after clause 139:

**139A Financial return**

- (1) The organisers of a lottery must, for the purpose of inspection, lodge with the Minister a statement of income and expenditure, a balance sheet and a statutory declaration within 2 months after the draw.  
Maximum penalty: 20 penalty units.
- (2) The statement of income and expenditure, balance sheet and the statutory declaration must be in a form approved by the Minister.
- (3) The statement of income and expenditure and balance sheet must be audited by:
  - (a) a person qualified to audit accounts for the purposes of the *Corporations Act 2001* of the Commonwealth, or
  - (b) a person having other qualifications or experience approved by the Minister.

## 2003 No 879

Lotteries and Art Unions Amendment (Games of Chance) Regulation 2003

Schedule 1 Amendments

---

- (4) The auditor must report on:
  - (a) whether the statement of income and expenditure and balance sheet show a true and fair view of the financial matters of the lottery to which they relate, and
  - (b) whether the accounts and associated records have been kept properly in accordance with the Act and this Regulation.
- (5) The statement of income and expenditure must be accompanied by a receipt from the benefiting organisation showing the amount of money it received from the proceeds of the lottery.

### [5] Part 9, Division 7

Insert after Division 6 of Part 9:

#### **Division 7 Games of chance in registered clubs**

##### **146 Application**

This Division applies to a person or organisation that conducts a game of chance under section 4C of the Act.

##### **147 Records for games of chance in registered clubs**

- (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 game of chance under section 4C of the Act:
  - (a) the gross proceeds of the game,
  - (b) any costs and expenses of the game,
  - (c) the name of each prizewinner, together with details of the prize won by that person.
- (2) Records of income and expenditure required to be kept in relation to a game of chance may, if the game of chance is a not-for-profit raffle conducted under Part 7A or a game of club bingo conducted under Part 7B, be kept in relation to the session of raffles or games rather than in relation to each raffle or game that was part of the session.

- (3) 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.