

# Lotteries and Art Unions Regulation 2007

[2007-420]



New South Wales

## Status Information

### Currency of version

Historical version for 15 February 2008 to 21 September 2008 (accessed 20 July 2024 at 11:28)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
*Miscellaneous Acts Amendment (Same Sex Relationships) Act 2008 No 23* (not commenced)

### Authorisation

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File last modified 11 June 2008

# Lotteries and Art Unions Regulation 2007



New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	10
1 Name of Regulation .....	10
2 Commencement .....	10
3 Definitions .....	10
4 Savings provision.....	12
<b>Part 2 Lotteries and games of chance generally</b> .....	12
<b>Division 1 Preliminary</b> .....	12
5 Application of Part .....	12
<b>Division 2 Lottery tickets and cards</b> .....	12
6 Division not to apply to certain lotteries and games of chance .....	12
7 Entry to lottery .....	13
8 Distribution of lottery tickets .....	13
9 Retention of unsold tickets and no-draw lottery cards.....	13
<b>Division 3 Prizes</b> .....	14
10 Liquor prizes .....	14
11 Prizes to be preserved .....	14
12 Prizes to be received by prizewinners .....	14
13 Payment of prize money by cheque .....	14
<b>Division 4 Commission and other expenses</b> .....	15
14 Division not to apply to certain lotteries and games of chance.....	15

15 Commission .....	15
16 Deduction of expenses of conduct of lottery or game of chance.....	16
<b>Division 5 Restrictions on advertising .....</b>	<b>16</b>
17 Restrictions on advertising lottery activities.....	16
18 Unauthorised advertisements or promotions .....	17
<b>Division 6 Miscellaneous.....</b>	<b>17</b>
19 Money to be banked .....	17
20 Duties of organisers of lotteries and games of chance.....	18
21 Police authorised to act as inspectors .....	18
22 Remedial orders .....	18
<b>Part 3 Lotteries conducted by art unions .....</b>	<b>18</b>
<b>Division 1 Preliminary .....</b>	<b>18</b>
23 Application.....	18
24 Definitions .....	18
<b>Division 2 Permits and tickets.....</b>	<b>19</b>
25 Application for permit.....	19
26 Lottery tickets not to be printed before permit obtained.....	19
27 Form of lottery tickets .....	19
28 Information to be available to purchasers .....	19
29 Particulars to be recorded.....	20
<b>Division 3 Draw for prizes.....</b>	<b>20</b>
30 Draw for prizes to take place as advertised.....	20
31 Return of butts and drawing-dockets.....	21
32 All lottery tickets sold to be included in draw .....	21
33 Conduct of draw .....	21
34 Notification of prizewinners .....	22
<b>Division 4 Prizes .....</b>	<b>22</b>
35 Maintenance of prizes comprising real property.....	22
36 Substitution of prizes.....	23

37 Maximum prizes .....	23
38 Money component of travel prizes .....	23
<b>Division 5 Miscellaneous</b> .....	24
39 Information and publicity generally .....	24
40 Proceeds to be devoted to fundraising object .....	24
<b>Part 4 Draw lotteries conducted by charitable and non-profit organisations</b> .....	24
<b>Division 1 Preliminary</b> .....	24
41 Application.....	24
<b>Division 2 Draw lottery tickets</b> .....	24
42 Form of draw lottery tickets.....	24
43 Information to be available to purchasers .....	25
44 Particulars to be recorded.....	25
45 Return of butts.....	26
<b>Division 3 Draw for prizes</b> .....	26
46 Draw for prizes to take place as advertised.....	26
47 All draw lottery tickets sold to be included in draw .....	26
48 Conduct of draw .....	27
49 Notification of prizewinners .....	27
<b>Division 4 Miscellaneous</b> .....	27
50 Maximum value of prizes.....	27
51 Money component of travel prizes in draw lotteries.....	28
52 Proceeds to be devoted to fundraising object in draw lotteries.....	28
53 Application for reduction in percentage of takings to be paid to organisation .....	28
<b>Part 5 No-draw lotteries</b> .....	28
<b>Division 1 Preliminary</b> .....	28
54 Application.....	28

<b>Division 2 No-draw lottery tickets and cards</b> .....	28
55 Form of no-draw lottery tickets.....	28
56 Information to be available to purchasers of no-draw lottery tickets .....	29
57 Return of unsold no-draw lottery tickets.....	29
<b>Division 3 Prizes and prizewinners</b> .....	30
58 Maximum value of prizes.....	30
59 Money component of travel prizes in no-draw lotteries.....	30
60 Errors not to affect availability of prizes .....	30
61 Notification of prizewinners in certain cases .....	31
<b>Division 4 Miscellaneous</b> .....	31
62 Not more than one no-draw lottery to be conducted for non-profit organisation at any one time ..	31
63 Dispensing machines not to be used for sale of no-draw lottery tickets .....	31
64 Proceeds to be devoted to fundraising object in no-draw lotteries.....	32
65 Application for reduction in percentage of takings to be paid to organisation .....	32
<b>Part 6 Mini-numbers lotteries</b> .....	32
<b>Division 1 Preliminary</b> .....	32
66 Application.....	32
67 Definitions .....	32
<b>Division 2 Limit on conduct of mini-numbers lotteries</b> .....	32
68 Only one lottery to be conducted at a time .....	32
69 Only one lottery at a time to be conducted on any one premises .....	33
70 Value of prizes in mini-numbers lotteries .....	33
<b>Division 3 Mini-numbers lottery tickets</b> .....	34
71 Entry to lottery .....	34
72 Distribution of tickets .....	35
73 Form of tickets.....	35
74 Requirements of official entry portion of ticket.....	35
75 Additional information to be made available to purchaser .....	36
<b>Division 4 Marking of tickets in mini-numbers lotteries</b> .....	36

76 Selling agent to supervise marking of ticket .....	36
77 Marked tickets .....	37
<b>Division 5 Draw for prizes</b> .....	<b>37</b>
78 Draw for prizes to take place as advertised.....	37
79 Return of mini-numbers tickets .....	38
80 Tickets to be kept safe.....	38
81 Reconciliation of mini-numbers tickets sold.....	39
82 Missing mini-numbers tickets .....	39
83 All tickets sold to be included in determination of winner .....	39
84 Attendance at draw .....	40
85 Conduct of draw .....	40
86 Terminating lotteries.....	41
87 Multiple prizewinners.....	41
88 Notification of prizewinners .....	41
89 Awarding of prizes .....	42
<b>Division 6 Money received</b> .....	<b>42</b>
90 Money to be banked .....	42
91 Deduction of expenses of conduct of mini-numbers lottery .....	42
92 Proceeds to be devoted to fundraising object in mini-numbers lotteries.....	43
93 Application for reduction in percentage of takings to be paid to organisation .....	43
<b>Division 7 Miscellaneous</b> .....	<b>43</b>
94 No commission payable.....	43
95 Retention of tickets.....	43
96 Certain persons not to be involved in mini-numbers lottery.....	43
<b>Part 7 Progressive lotteries</b> .....	<b>44</b>
<b>Division 1 Preliminary</b> .....	<b>44</b>
97 Definitions .....	44
98 Permit required.....	44
<b>Division 2 Prizes and prizewinners</b> .....	<b>44</b>
99 Maximum value of prizes.....	44

100 Money component of travel prizes .....	44
101 Notification of prizewinners .....	44
<b>Division 3 Miscellaneous</b> .....	<b>45</b>
102 Maximum cost of telephone call .....	45
103 Information to be made available to lottery participants .....	45
104 Formulation and display of rules .....	46
105 Limits on rights to purchase tickets .....	47
106 Tickets to be kept safe .....	47
107 Attendance at draw .....	47
108 Conduct of draw .....	47
<b>Part 8 Not-for-profit promotional raffles conducted by registered clubs</b> .....	<b>48</b>
<b>Division 1 Preliminary</b> .....	<b>48</b>
109 Application .....	48
110 Definitions .....	48
<b>Division 2 Requirements when conducting not-for-profit promotional raffles</b> .....	<b>48</b>
111 Formulation and display of rules .....	48
112 Information to be made available to participants .....	49
113 Sale and distribution of tickets .....	50
114 Maximum charge for entry .....	50
115 Conduct of raffle .....	50
116 Number and duration of sessions .....	50
117 Value of prizes .....	50
118 Notification of results and claiming prizes .....	51
119 Conduct of other lotteries in conjunction with not-for-profit promotional raffle .....	51
<b>Part 9 Club bingo in registered clubs</b> .....	<b>52</b>
<b>Division 1 Preliminary</b> .....	<b>52</b>
120 Application .....	52

121 Definitions .....	52
<b>Division 2 Requirements when conducting club bingo .....</b>	<b>52</b>
122 Formulation and display of rules.....	52
123 Information to be made available to participants.....	53
124 Sale and distribution of tickets .....	53
125 Maximum charge for entry .....	53
126 Conduct of game .....	54
127 Club bingo not to be conducted on weekend .....	54
128 Value of prizes in club bingo.....	54
129 Notification of results of draw.....	55
130 Conduct of other lotteries in conjunction with club bingo.....	55
<b>Part 10 Other lotteries and games of chance.....</b>	<b>55</b>
<b>Division 1 Games of chance conducted by charities .....</b>	<b>55</b>
131 Maximum value of prizes.....	55
132 Money component of travel prizes .....	55
133 Proceeds to be devoted to fundraising object .....	55
134 Application for reduction in percentage of takings to be paid to organisation .....	56
<b>Division 2 Lotteries and games of chance conducted for promotion of trade</b>	
.....	56
135 Application fee.....	56
136 Exemption from record-keeping requirements .....	56
<b>Division 3 Games of housie .....</b>	<b>56</b>
137 Maximum charge for participating.....	56
138 Maximum amount or value of prizes .....	57
139 Maximum amount or value of jackpot prizes.....	57
140 Formulation and display of house rules .....	57
<b>Division 4 Gratuitous lotteries .....</b>	<b>58</b>
141 Definition.....	58
142 Maximum value of prizes.....	58



143 Exemption from record-keeping requirements .....	58
<b>Part 11 Keeping of records</b> .....	<b>58</b>
<b>Division 1 Lotteries generally</b> .....	<b>58</b>
144 Application.....	58
145 Records for lotteries .....	58
<b>Division 2 Mini-numbers lotteries</b> .....	<b>59</b>
146 Application.....	59
147 Records for mini-numbers lotteries .....	60
<b>Division 3 Sweeps and calcuttas</b> .....	<b>60</b>
148 Application.....	60
149 Exemption from record-keeping requirement.....	60
150 Records for sweeps and calcuttas .....	61
<b>Division 4 Lotteries conducted by art unions</b> .....	<b>61</b>
151 Application.....	61
152 Records for lotteries .....	61
153 Financial return.....	62
<b>Division 5 Games of housie</b> .....	<b>63</b>
154 Application.....	63
155 Exemption from record-keeping requirements .....	63
156 Records for games of housie .....	63
<b>Division 6 Progressive lotteries</b> .....	<b>64</b>
157 Application.....	64
158 Exemption from record-keeping requirements .....	64
159 Records for progressive lotteries .....	65
<b>Division 7 Games of chance in registered clubs</b> .....	<b>66</b>
160 Application.....	66
161 Records for games of chance in registered clubs .....	66
<b>Schedule 1 Fees</b> .....	<b>66</b>

# Lotteries and Art Unions Regulation 2007



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Lotteries and Art Unions Regulation 2007*.

### 2 Commencement

This Regulation commences on 1 September 2007.

**Note—**

This Regulation replaces the *Lotteries and Art Unions Regulation 2002* which is repealed on 1 September 2007 under section 10 (2) of the *Subordinate Legislation Act 1989*.

### 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.

**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 or as a manager of the art union.

**progressive lottery** has the same meaning as it has in section 4F of the Act.

**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).

(3) Notes in the text of this Regulation do not form part of this Regulation.

#### **4 Savings provision**

Any act, matter or thing that, immediately before the repeal of the *Lotteries and Art Unions Regulation 2002*, had effect under that Regulation is taken to have effect under this Regulation.

## **Part 2 Lotteries and games of chance generally**

### **Division 1 Preliminary**

#### **5 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),
- (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 Melbourne Cup and other events),
- (f) section 4E (Conduct of certain games of housie authorised),
- (g) section 4F (Conduct of progressive lotteries authorised),
- (h) section 4G (Conduct of gratuitous (free entry) lotteries authorised),
- (i) section 5 (Art unions),

except as otherwise provided by this Part.

### **Division 2 Lottery tickets and cards**

#### **6 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 of the Act, or
- (b) a lottery or game of chance conducted under section 4A, 4B, 4C, 4E or 4G of the Act.

## **7 Entry to lottery**

- (1) Entry in a lottery is to be by the purchase of a lottery ticket.
- (2) A person must not issue a lottery ticket to any other person otherwise than:
  - (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) 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.
- (5) In the case of a progressive lottery, a reference in this clause to a lottery ticket includes a reference to a right to participate in the lottery.

## **8 Distribution of lottery tickets**

- (1) 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.
- (2) In the case of a progressive lottery, a reference in this clause to a lottery ticket includes a reference to a right to participate in the lottery.

## **9 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),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:

(a) to a draw lottery conducted under section 4 of the Act, or

(b) to a game of chance conducted under section 4D of the Act,

if the total value of the tickets sold in the draw lottery or game is less than \$5,000.

(3) This clause does not apply to a progressive lottery conducted under section 4F of the Act.

## **Division 3 Prizes**

### **10 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.

### **11 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 of the Act.

Maximum penalty: 20 penalty units.

### **12 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.

(2) Despite subclause (1), if a prize is not a prize of money, a prizewinner may consent to receiving an alternative prize, but only if it is of a similar value to the prize that was actually won.

(3) This clause does not apply to a lottery or game of chance conducted under section 4B of the Act.

### **13 Payment of prize money by cheque**

(1) If in a lottery or game of chance the prize money payable to a person exceeds \$2,000, the organisers of the lottery or game must pay so much of the prize money as exceeds \$2,000:

(a) by means of a crossed cheque payable to the person (unless paragraph (b) applies), or

(b) if the person so requests, by means of electronic funds transfer to an account

nominated by the person.

Maximum penalty: 20 penalty units.

(2) In this clause:

***crossed cheque*** means a cheque crossed as referred to in section 53 of the *Cheques Act 1986* of the Commonwealth.

## **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 of the Act, or
- (b) a lottery or game of chance conducted under section 4B, 4E or 4G 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.

(4) This clause does not apply to a progressive lottery conducted under section 4F of the Act.

## **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.
- (3) In the case of a progressive lottery, a reference in this clause to a lottery ticket includes a reference to a right to participate in the lottery.

## **Division 5 Restrictions on advertising**

### **17 Restrictions on advertising lottery activities**

- (1) A person must not publish, or cause to be published, any lottery advertising that:
  - (a) encourages a breach of the law, or
  - (b) depicts children participating in a lottery activity, or
  - (c) is false, misleading or deceptive, or
  - (d) suggests that winning will be a definite outcome of entering or participating in the lottery activity, or
  - (e) suggests that entering or participating in the lottery activity will definitely improve a person's financial prospects, or



(f) is not conducted in accordance with decency, dignity and good taste.

Maximum penalty: 20 penalty units.

(2) A person must not enter into or extend the duration of a contract or arrangement for the publication of any lottery advertising that does any of the things referred to in subclause (1).

Maximum penalty: 20 penalty units.

(3) In this clause:

**lottery advertising** means advertising that is directly related to the conduct of a lottery activity.

**publish** includes disseminate in any way, whether by oral, visual, written or other means (for example, dissemination by means of cinema, video, radio, television or the internet).

## **18 Unauthorised advertisements or promotions**

(1) A person must not advertise or promote any lottery or game of chance:

(a) on the basis that it 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 any way that suggests that the lottery or game of chance is approved or authorised by the Government or by any Government agency.

Maximum penalty: 20 penalty units.

(2) 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.

## **Division 6 Miscellaneous**

### **19 Money to be banked**

As soon as practicable after receiving money in relation to a lottery, the organisers of the lottery must pay the money into an account at an authorised deposit-taking institution, being an account belonging to the benefiting organisation.

Maximum penalty: 20 penalty units.

## **20 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.

## **21 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.

## **22 Remedial orders**

For the purposes of section 22D (1) of the Act:

- (a) an offence under clause 17 (1) is a prescribed offence if it relates to the publication of any lottery advertising (within the meaning of that clause) that is false, misleading or deceptive, and
- (b) the prescribed action that a court may order to be taken by a person found guilty of such an offence is the publication, in accordance with such directions as the court thinks fit as to the time, form, extent and manner of the publication, of an advertisement that corrects the information contained in the lottery advertising that was the subject of the offence.

# **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**

An application for a permit under section 6 of the Act for the formation of an art union is to give the names and addresses of the promoter and manager of the proposed art union.

### **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 under section 6 of the Act for the formation of the art union proposing to conduct the lottery has been issued.

Maximum penalty: 20 penalty units.

### **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,
  - (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,
  - (j) 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.

- (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 by a person who has official approval, other than a person who is an organiser of 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):
  - (i) in a newspaper or other publication (such as a magazine) circulating generally throughout New South Wales, or
  - (ii) on the internet website of the organisers of the lottery, if any, or
  - (iii) both.

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.

- (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 of 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 \$75,000.

### **37 Maximum prizes**

For the purposes of section 6 (1) (g) of the Act, the prescribed amount of money that a prize given to any one member may not exceed is \$25,000.

### **38 Money component of travel prizes**

For the purposes of section 6 (1) (g1) of the Act, the money component of a prize that is offered in conjunction with tickets for tours or journeys must not exceed 20% of the total value of the prize.

## **Division 5 Miscellaneous**

### **39 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.

### **40 Proceeds to be devoted to fundraising object**

For the purposes of section 6 (1) (f) of the Act, the prescribed proportion is 30% of the gross proceeds of any lottery conducted by the art union.

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

### **Division 1 Preliminary**

#### **41 Application**

This Part applies to draw lotteries conducted under section 4 of the Act.

### **Division 2 Draw lottery tickets**

#### **42 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 43.
- (3) Each computer-generated draw lottery ticket must include a purchaser's portion (complying with the requirements of clause 43), 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.

#### **43 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, and
  - (f) details of any specific rules applying to the draw lottery.

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.

#### **44 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.

#### **45 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
- (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**

#### **46 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.

#### **47 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.

#### **48 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.

#### **49 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):
    - (i) in a newspaper or other publication (such as a magazine) circulating generally throughout the region in which the lottery was conducted, or
    - (ii) on the internet website of the organisers of the draw lottery, if any, or
    - (iii) both.

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**

#### **50 Maximum value of prizes**

- (1) For the purposes of section 4 (3) (a) of the Act, the prescribed amount for a draw lottery is \$25,000.
- (2) For the purposes of section 4 (3) (c) of the Act, the prescribed amount of money that a

prize in any one draw lottery must not exceed is \$25,000.

#### **51 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% of the total value of the prize.

#### **52 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% of the gross proceeds of any draw lottery.

#### **53 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 draw 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.

### **Part 5 No-draw lotteries**

#### **Division 1 Preliminary**

##### **54 Application**

This Part applies to no-draw lotteries conducted under section 4 of the Act.

#### **Division 2 No-draw lottery tickets and cards**

##### **55 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.
- (6) The organisers of the no-draw lottery must ensure compliance with the requirements of this clause.

Maximum penalty: 20 penalty units.

#### **56 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.

#### **57 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**

#### **58 Maximum value of prizes**

- (1) For the purposes of section 4 (3) (a) of the Act, the prescribed amount for a no-draw lottery is \$5,000.
- (2) For the purposes of section 4 (3) (c) of the Act, the prescribed amount of money that a prize in any one no-draw lottery must not exceed is \$5,000.

#### **59 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% of the total value of the prize.

#### **60 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 lottery cards.
- (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.

### **61 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**

### **62 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.

### **63 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.

#### **64 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% of the gross proceeds of any no-draw lottery.

#### **65 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 lottery and is to specify the circumstances of an unusual nature which arose in connection with the conduct of the lottery.

## **Part 6 Mini-numbers lotteries**

### **Division 1 Preliminary**

#### **66 Application**

This Part applies to and in respect of mini-numbers lotteries conducted under section 4 of the Act.

#### **67 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**

#### **68 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.

(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.

#### **69 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.

#### **70 Value of prizes in mini-numbers lotteries**

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

(2) For the purposes of section 4 (3) (c) of the Act, the prescribed amount of money that a

prize in any one mini-numbers lottery must not exceed is \$5,000.

- (3) 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% of the total value of the prize.
- (4) Despite subclauses (1) and (3), the prize pool for a mini-numbers lottery is not to exceed \$10,000.
- (5) 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.

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

Maximum penalty: 20 penalty units.

### **Division 3 Mini-numbers lottery tickets**

#### **71 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.

## **72 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.

## **73 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 74, 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.

## **74 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.
- (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.

#### **75 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**

#### **76 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.

#### **77 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**

#### **78 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.

#### **79 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.

#### **80 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.

### **81 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.

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.

### **82 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.

### **83 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.

#### **84 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.

#### **85 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,
  - (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.



## **86 Terminating lotteries**

- (1) This clause applies to terminating lotteries only.
- (2) If there is no prizewinner under clause 85, 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 85 (from the same numbers as those for the first draw in the current lottery), and the provisions of clause 87 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 68 (1) (a) and (2) (a) do not apply to a terminating lottery.

## **87 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.

## **88 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):

- (i) in a newspaper or other publication (such as a magazine) circulating generally throughout the region in which the mini-numbers lottery was conducted, or
- (ii) on the internet website of the organisers of the mini-numbers lottery, if any, or
- (iii) both.

Maximum penalty: 20 penalty units.

### **89 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**

### **90 Money to be banked**

As soon as practicable after receiving money in relation to a mini-numbers lottery, the organisers of the lottery must pay the money into an account at an authorised deposit-taking institution, being an account belonging to the benefiting organisation.

Maximum penalty: 20 penalty units.

### **91 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% 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.

**92 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% of the gross proceeds of any mini-numbers lottery.

**93 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**

**94 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.

**95 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.

**96 Certain persons not to be involved in mini-numbers lottery**

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.

## **Part 7 Progressive lotteries**

### **Division 1 Preliminary**

#### **97 Definitions**

In this Part:

***ticket*** includes a right to participate in a progressive lottery.

***tipping competition*** means a progressive lottery consisting of a competition (or other lottery or game of chance conducted along substantially similar lines) in which:

- (a) the participants predict the outcome or results of a sporting or other contingency, and
- (b) points are awarded for successful predictions, and
- (c) the prize pool is wholly distributed in accordance with the rules of the competition, and
- (d) periodical prizes may be awarded (in accordance with the rules of the competition).

#### **98 Permit required**

For the purposes of section 4F (2) (a) of the Act, the prescribed amount in relation to a progressive lottery is \$20,000.

### **Division 2 Prizes and prizewinners**

#### **99 Maximum value of prizes**

For the purposes of section 4F (2) (d) of the Act, the prescribed amount of money that a prize in a progressive lottery must not exceed is \$5,000.

#### **100 Money component of travel prizes**

For the purposes of section 4F (2) (e) of the Act, the money component of a prize that is offered in conjunction with tickets for tours or journeys must not exceed 20% of the total value of the prize.

#### **101 Notification of prizewinners**

- (1) The organisers of a progressive lottery must use their best endeavours:
  - (a) to advise each prizewinner (within 2 days after the result of each draw is determined) of the prize that the prizewinner has won, and
  - (b) in the case of a progressive lottery in which the total value of prizes exceeds

\$5,000, to ensure that particulars of the results of a draw are published (within 7 days after the draw):

- (i) in a newspaper or other publication (such as a magazine) circulating generally throughout the region in which the progressive lottery was conducted, or
  - (ii) on the internet website of the organisers of the progressive lottery, if any, or
  - (iii) both, and
- (c) to arrange for the relevant prize to be given to each prizewinner within 7 days after the determination of the prizewinners, whether or not the prize winner has claimed the prize.

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 3 Miscellaneous**

#### **102 Maximum cost of telephone call**

- (1) For the purposes of section 4F (2) (h) of the Act, the cost of a telephone call may not exceed \$0.50, plus the amount of any GST payable in respect of the call.
- (2) In this clause:

**GST** has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

#### **103 Information to be made available to lottery participants**

- (1) The organisers of a progressive lottery must use their best endeavours to ensure that the following information is made available to participants in the lottery:
- (a) the rules under which persons may participate in the lottery,
  - (b) the price to be paid for the right to participate in the lottery,
  - (c) if the lottery is conducted by, or on behalf of, an organisation not formed for private gain, the name of that organisation,
  - (d) the closing date and time for receipt of entries in the lottery,
  - (e) in the case of a tipping competition, the closing dates and times for receipt of predictions,
  - (f) the name, address and telephone number of the organiser of 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 ticket.

#### **104 Formulation and display of rules**

- (1) The organisers of a progressive lottery must formulate rules under which a person may participate in the lottery. The rules must make provision for the following matters:
- (a) the conditions of entry (including the minimum age of participants),
  - (b) the charge to be made for participating in the lottery 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 manner in which participants are required to enter and participate in the lottery,
  - (e) the closing date and time for receipt of entries in the lottery,
  - (f) in the case of a tipping competition, the closing dates and times for receipt of predictions,
  - (g) the place, time and date of the draw or draws or, in the case of a tipping competition, of the determination of the result or results,
  - (h) the method for claiming prizes (including the course of action to be adopted in the case of unclaimed prizes),
  - (i) the manner in which prize winners are to be notified,
  - (j) in the case of a tipping competition, details of what is to happen if 2 or more persons accumulate the same number of points that, under the rules, entitle the person to a prize,
  - (k) the manner in which disputes concerning the conduct of a lottery or the claiming of a prize are to be resolved.

Maximum penalty: 20 penalty units.

- (2) The rules as to the closing time for receipt of entries in the lottery must provide for a closing time that is before the first draw, or determination of results, in the progressive lottery, unless official approval to provide otherwise is obtained.
- (3) Nothing in subclause (2) prevents the rules of a tipping competition from providing for later times for the receipt of predictions.

(4) The rules must be displayed prominently at the place where the lottery is being conducted.

(5) The rules must be consistent with the provisions of the Act and this Regulation.

#### **105 Limits on rights to purchase tickets**

The organisers of a progressive lottery must not sell tickets in a progressive lottery after the closing time for receipt of entries in the lottery or, in the case of a tipping competition, after the closing time for entry in the competition.

Maximum penalty: 20 penalty units.

#### **106 Tickets to be kept safe**

The organisers of a progressive lottery are to keep all returned tickets safe until the draw has taken place or, in the case of a tipping competition, results have been determined.

Maximum penalty: 20 penalty units.

#### **107 Attendance at draw**

(1) This clause applies to the conduct of a draw for a progressive lottery (other than a tipping competition).

(2) The draw must be conducted in a place at which the public may attend.

(3) Any person who wishes to attend the draw may do so.

(4) The organisers must not impose, as a condition of an entitlement to a prize, a requirement that the holder of a prize-winning ticket be present at the draw.

(5) The organisers of the lottery must use their best endeavours to ensure compliance with this clause.

Maximum penalty: 20 penalty units.

#### **108 Conduct of draw**

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

(a) in accordance with the rules and the information provided to the purchasers of the tickets, or

(b) if a change to the place, date or time of the draw is advertised or communicated to the participants, as advertised or communicated.

Maximum penalty: 20 penalty units.

(2) The organisers of a progressive lottery must include all tickets sold in the progressive

lottery in a draw for prizes, irrespective of how many times a participant has won.

Maximum penalty: 20 penalty units.

## **Part 8 Not-for-profit promotional raffles conducted by registered clubs**

### **Division 1 Preliminary**

#### **109 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.

#### **110 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 111.

**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**

#### **111 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 118,
  - (f) the method for claiming prizes under clause 118,
  - (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.

#### **112 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*.

### **113 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.

### **114 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.

### **115 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.

### **116 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.

### **117 Value of prizes**

- (1) For the purposes of section 4C (3) (b) of the Act, the prescribed amount is \$500.
- (2) The value of any prize in a not-for-profit promotional raffle must not exceed \$100.
- (3) Despite subclauses (1) and (2), 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 \$500.
- (4) Despite subclauses (1)–(3), a single bonus prize may be offered at the end of a session of not-for-profit promotional raffles, if the value of the prize does not exceed

\$50.

- (5) In this clause, **bonus prize** means a prize that is awarded at the end of a session of not-for-profit promotional raffles 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.

**118 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.

**119 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 50 (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 9 Club bingo in registered clubs

### Division 1 Preliminary

#### 120 Application

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

#### 121 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 122.

**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

#### 122 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.
- (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.

### **123 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](#).

### **124 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.

### **125 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.

### **126 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.

### **127 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.

### **128 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 subclauses (1) and (2), a single bonus prize 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.

### **129 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.

### **130 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 50 (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.

## **Part 10 Other lotteries and games of chance**

### **Division 1 Games of chance conducted by charities**

#### **131 Maximum value of prizes**

- (1) For the purposes of section 4A (3) (b) of the Act, the prescribed amount is \$4,000.
- (2) For the purposes of section 4A (3) (e) of the Act, the prescribed amount of money that a prize must not exceed is \$4,000.

#### **132 Money component of travel prizes**

For the purposes of section 4A (3) (e1) of the Act, the money component of a prize that is offered in conjunction with tickets for tours or journeys must not exceed 20% of the total value of the prize.

#### **133 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% of the gross proceeds of any such game,
- (b) in the case of games of chance conducted by the St Patrick’s Club Broken Hill Inc. at any Games Night described in the permit issued by the Minister for the event concerned—12.5% of the gross proceeds of any such game,
- (c) in the case of other games of chance—40% of the gross proceeds of any such game.

**134 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**

**135 Application fee**

- (1) An application for a permit under section 4B of the Act to conduct a lottery or game of chance for trade promotion must be accompanied by the relevant fee set out in Schedule 1.
- (2) An application for an amendment to a permit issued under section 4B of the Act must be accompanied by:
  - (a) \$50, and
  - (b) if the amendment increases the total prize value of the lottery or game of chance concerned, the difference (if any) between the application fee already paid for the permit and the application fee that applies in relation to a lottery or game of chance with that higher total prize value.
- (3) This clause and Schedule 1 have effect despite section 13 (2) of the *Licensing and Registration (Uniform Procedures) Act 2002*.

**136 Exemption from record-keeping requirements**

For the purposes of section 17B (1) of the Act, a person or organisation that conducts or has conducted a lottery or game of chance for trade promotion is exempt from the operation of section 17B of the Act.

**Division 3 Games of housie**

**137 Maximum charge for participating**

For the purposes of section 4E (2) (b) of the Act, a charge may be made for each ticket or



card conferring the right to participate in a game of housie so long as the charge does not exceed \$0.40.

**138 Maximum amount or value of prizes**

For the purposes of section 4E (2) (e) of the Act, the prescribed amount is \$30.

**139 Maximum amount or value of jackpot prizes**

For the purposes of section 4E (2) (f) of the Act, the prescribed amount is \$150.

**140 Formulation and display of house rules**

- (1) A person or organisation that intends to conduct a game of housie as authorised by section 4E of the Act must formulate rules under which a person may participate in the game. The rules must include provision for the following matters:
  - (a) the conditions of entry into the game (including the minimum age of participants),
  - (b) the charge to be made for participating in the game and the method, if any, for discounting the charge,
  - (c) the manner in which any prizes, including jackpot prizes, are to be calculated, determined and awarded,
  - (d) a description of the particular arrangement of numbers or symbols that is required to win the game,
  - (e) the course of action to be adopted by the organiser of the game if an incorrect call is made by the caller,
  - (f) the method for claiming prizes (including the course of action to be adopted in the case of unclaimed prizes),
  - (g) the manner in which disputes concerning the conduct of a game or the claiming of a prize are to be resolved,
  - (h) the manner in which numbers or symbols appearing in a winning ticket or card are to be verified by an independent person and called back to the players of the game.
- (2) The rules must be displayed prominently at the place where the game is being conducted.
- (3) The rules must be consistent with the provisions of the Act and this Regulation.

## **Division 4 Gratuitous lotteries**

### **141 Definition**

In this Division:

***gratuitous lottery*** has the same meaning as it has in section 4G of the Act.

### **142 Maximum value of prizes**

For the purposes of section 4G (2) (d) of the Act, the prescribed amount that the total value of prizes in a gratuitous lottery must not exceed is \$25,000.

### **143 Exemption from record-keeping requirements**

For the purposes of section 17B (1) of the Act, a person or organisation that conducts or has conducted a gratuitous lottery is exempt from the operation of section 17B of the Act.

## **Part 11 Keeping of records**

### **Division 1 Lotteries generally**

#### **144 Application**

This Division applies to a person or organisation that:

- (a) conducts or has conducted a lottery (other than a mini-numbers lottery) under section 4 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.

#### **145 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.
- (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.

## **Division 2 Mini-numbers lotteries**

### **146 Application**

This Division applies to a person or organisation that conducts or has conducted a mini-numbers lottery under section 4 of the Act.

### **147 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 Sweeps and calcuttas**

### **148 Application**

This Division applies to a person or organisation that:

- (a) conducts or has conducted a game of chance under section 4D 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 game of chance.

### **149 Exemption from record-keeping requirement**

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 of the Act with ticket sales to the value of up to \$5,000 is exempt from the operation of section 17B.

### **150 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 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.
- (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 within the meaning of section 4D of the Act, the records are to be kept by that organisation for the period specified in section 17B (2) (c) of the Act.

## **Division 4 Lotteries conducted by art unions**

### **151 Application**

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

### **152 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,
  - (i) the number of lottery tickets unsold, and their serial numbers,
  - (j) details of all donations and payments received by the art union,
  - (k) a statement of income and expenditure,
  - (l) a balance sheet.
- (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.

### **153 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.

(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.

## **Division 5 Games of housie**

### **154 Application**

This Division applies to a person or organisation that conducts or has conducted a game of housie as authorised by section 4E of the Act.

### **155 Exemption from record-keeping requirements**

(1) For the purposes of section 17B (1) of the Act, a person or organisation that conducts or has conducted a game of housie as authorised by section 4E of the Act is exempt from the operation of section 17B of the Act if:

(a) no charge is made for the right to participate in the game, or

(b) the gross proceeds of the game, less costs and expenses properly incurred in connection with the conduct of the game, are wholly applied towards prizes in the game or are otherwise returned to the players of the game in accordance with the rules of the game.

(2) However, subclause (1) does not operate to exempt a person or organisation if the Minister notifies the person or organisation in writing that records are required to be kept under section 17B.

### **156 Records for games of housie**

(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 housie as authorised by section 4E of the Act:

(a) the gross proceeds of the game,

(b) details of any prizes,

- (c) any costs and expenses (itemised as to payee, amount and date of payment, and documented by receipts and invoices),
  - (d) if the game is conducted on behalf of an organisation not formed or conducted for private gain—the total amount of the proceeds of the game paid to that organisation, and the details of any receipts from that organisation in respect of that amount.
- (2) If a person or organisation conducts or has conducted a session of games of housie as authorised by section 4E of the Act, the records of income and expenditure required to be kept under section 17B of the Act (including the particulars referred to in subclause (1)) may relate to the session of games rather than to each of the games that are part of the session.
- (3) For the purposes of subclause (1) (a), if the charge that is made for each ticket or card conferring the right to participate in a game of housie is not more than \$0.05 and the game is conducted on behalf of an organisation not formed or conducted for private gain, the gross proceeds of the game may be calculated by adding together:
- (a) the total value of the prizes awarded in the game, and
  - (b) any costs and expenses properly incurred in connection with the conduct of the game, and
  - (c) the total amount of the proceeds of the game that are paid to that organisation.
- (4) In the case of records comprising unsold tickets or cards, the prescribed period for the purposes of section 17B (2) (c) of the Act is:
- (a) for unsold tickets or cards belonging to a series of tickets or cards—at least 3 months after the date that the series of tickets or cards was last used, or
  - (b) for all other unsold tickets or cards—at least 3 months after the conclusion of the game for which the unsold tickets or cards were produced.

## **Division 6 Progressive lotteries**

### **157 Application**

This Division applies to a person or organisation that conducts or has conducted a progressive lottery under section 4F of the Act.

### **158 Exemption from record-keeping requirements**

- (1) For the purposes of section 17B (1) of the Act, a person or organisation that conducts a progressive lottery under section 4F of the Act is exempt from the operation of section 17B of the Act if:
- (a) the total amount of money received from the sale of tickets in the lottery is less



than \$5,000, and

(b) the gross proceeds of the lottery, less costs and expenses properly incurred in connection with the conduct of the lottery, are wholly applied towards prizes in the game or are otherwise returned to participants in the lottery.

(2) However, this clause does not operate to exempt a person or organisation if the Minister notifies the person or organisation in writing that records are required to be kept under section 17B of the Act.

(3) In this clause, a reference to a ticket includes a reference to a participatory right.

### **159 Records for progressive 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 a progressive lottery under section 4F of the Act:

(a) the total amount of money received from the sale of tickets in the lottery,

(b) details of the prizes in the lottery.

(2) In the case of a progressive 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) any costs and expenses (itemised as to payee, amount and date of payment, and documented by receipts and invoices),

(b) the number of tickets in the progressive lottery available for sale and, if applicable, details of the serial number, unique number or symbol of those tickets,

(c) the number of tickets in the progressive lottery not sold and, if applicable, details of the serial number, unique number or symbol of those tickets,

(d) the names and addresses of all persons who have bought tickets and, if applicable, details of the serial number, unique number or symbol of those tickets,

(e) the names and addresses of all prize winners, together with details of their prizes,

(f) if the progressive lottery is conducted on behalf of an organisation not formed or conducted for private gain—the total amount of the proceeds of the lottery paid to that organisation, and the details of any receipts from that organisation in respect of that amount.

(3) For the purposes of section 17B (2) (c) of the Act, the prescribed period for the keeping of records is at least 3 months after the conduct of the progressive lottery, if the gross proceeds of the lottery, less costs and expenses properly incurred in connection with the conduct of the lottery, are wholly applied towards prizes in the

game or are otherwise returned to participants in the lottery.

(4) In this clause, a reference to a ticket includes a reference to a participatory right.

## Division 7 Games of chance in registered clubs

### 160 Application

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

### 161 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.
- (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 8 or a game of club bingo conducted under Part 9, 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.

## Schedule 1 Fees

(Clause 135)

Column 1	Column 2
Nature of application	Fee
Application fee for permit if the total prize value of the proposed lottery or game of chance is \$10,000 or less:	
(a) internet application	\$75
(b) application by other means	\$125
Application fee for permit if the total prize value of the proposed lottery or game of chance exceeds \$10,000 but does not exceed \$50,000:	

(a) internet application \$300

(b) application by other means \$350

Application fee for permit if the total prize value of the proposed lottery or game of chance exceeds \$50,000 but does not exceed \$100,000:

(a) internet application \$550

(b) application by other means \$600

Application fee for permit if the total prize value of the proposed lottery or game of chance exceeds \$100,000 but does not exceed \$200,000:

(a) internet application \$1,050

(b) application by other means \$1,100

Application fee for permit if the total prize value of the proposed lottery or game of chance exceeds \$200,000:

(a) internet application \$2,050

(b) application by other means \$2,100