

South Australia

## **Lottery and Gaming Regulations 2008**

under the *Lottery and Gaming Act 1936*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Lottery and Gaming Regulations 2008*.

### 2—Commencement

These regulations will come into operation on 1 September 2008.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *Lottery and Gaming Act 1936*;

*administrative expenses*, in relation to the conduct of a lottery—

- (a) includes any commission, salary or other remuneration paid to a person for conducting the lottery or for selling tickets in the lottery; but
- (b) does not include fees payable under these regulations or any other government charges or, in relation to conducting bingo sessions, rent of the premises in which the sessions are conducted;

*approved purposes*, in relation to a fundraiser lottery, means any of the following purposes:

- (a) a religious, educational, charitable or benevolent purpose;
- (b) the purpose of promoting or encouraging literature, science or the arts;
- (c) the purpose of providing medical treatment or attention, or promoting the interests of persons who have a particular physical, mental or intellectual disability;
- (d) the purpose of establishing, carrying on or improving a community centre, or promoting the interests of a local community or a particular section of a local community;
- (e) the purpose of sport, recreation or amusement;

- (f) the purpose of promoting animal welfare;
- (g) the purpose of conserving resources or preserving any part of the environmental, historical or cultural heritage of the State;
- (h) the purpose of promoting the interests of students or staff of an educational institution;
- (i) a political purpose;
- (j) the purpose of promoting the common interests of persons who are engaged in, or interested in, a particular business, trade or industry;

**association** means any association of persons, whether incorporated or not, that has—

- (a) at least 10 members; and
- (b) a management committee appointed or elected by the members of the association; and
- (c) a written constitution,

but does not include a registered corporation that returns profits to its members;

**auditor** means a person who is a member of—

- (a) the Australian Society of Certified Practising Accountants; or
- (b) The Institute of Chartered Accountants in Australia; or
- (c) the National Institute of Accountants;

**bingo** means the game of chance known as bingo, housie or housie when played by the method commonly known as "eyes down";

**bingo session** means an event at which a series of bingo games is played;

**Calcutta sweepstakes (or Calcutta)** means a sweepstakes conducted on the basis that the winning chances will be auctioned;

**domestic partner** means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

**fundraiser**, in relation to a lottery, means a lottery conducted by an association on the basis that the net proceeds of the lottery are to be applied by the association for 1 or more approved purposes;

**GST** means the tax payable under the GST law;

**GST law** means—

- (a) *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth; and
- (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things;

**instant lottery** means a lottery—

- (a) the prizes of which do not, in total, exceed \$5 000 in value; and
- (b) in which the right to participate depends on purchasing an instant lottery ticket;

**instant prize** means a prize to be won on a ticket—

- (a) that has on it a number, letter or symbol giving rise to a winning chance; and
- (b) that is realisable (without being drawn) immediately after its acquisition by the participant in the lottery,

and includes a prize to be found within the packaging of goods that are the subject of a trade promotion lottery;

**licensed supplier** means the holder of an instant lottery ticket supplier's licence;

**lottery licence** means a licence issued under these regulations to conduct a major lottery, major bingo sessions or instant lotteries;

**lottery rules** means the rules under these regulations with which persons conducting lotteries (whether exempted or authorised lotteries) must comply;

**major bingo session** means bingo played at a bingo session where the gross proceeds received from the session exceed \$500;

**major lottery** means a lottery the prizes of which exceed, in total, \$5 000 in value, but does not include an instant lottery, a sweepstakes or a Calcutta sweepstakes;

**major trade promotion lottery** means a trade promotion lottery—

- (a) of which the total value of all the prizes exceeds \$5 000; or
- (b) the prizes of which include both instant prizes and drawn prizes (regardless of the value of the prizes); or
- (c) the prizes of which are to be drawn by electronic means (regardless of the value of the prizes),

but does not include a trade promotion (instant prize) lottery;

**minor bingo session** means bingo played at a bingo session where the gross proceeds of the session do not exceed \$500;

**minor lottery** means a lottery the prizes of which do not, in total, exceed \$5 000 in value, but does not include an instant lottery, a sweepstakes or a Calcutta sweepstakes;

**minor trade promotion lottery** means a trade promotion lottery other than a major trade promotion lottery or a trade promotion (instant prize) lottery;

**net proceeds**, in relation to a lottery, means the gross proceeds of the lottery less the amount of the prizes and administrative expenses of conducting the lottery;

**prohibited goods or services** means goods or services prohibited by the Minister under regulation 4;

**registered corporation** means a corporation that is registered under the *Corporations Law 2001* of the Commonwealth;

**revoked regulations** means the *Lottery and Gaming Regulations 1993* revoked by these regulations;

**scrutineer** means—

- (a) a commissioner for taking affidavits in the Supreme Court; or
- (b) a justice of the peace; or

- (c) a notary public; or
- (d) any other person authorised to take declarations under the *Oaths Act 1936*; or
- (e) a person, or a person of a class, authorised by the Minister to be a scrutineer;

**spouse**—a person is the spouse of another if they are legally married;

**supplier's licence** means an instant lottery ticket supplier's licence;

**ticket** means a token of any kind used for the purposes of drawing the prizes in a lottery or claiming an instant prize in a lottery and includes—

- (a) a recording, by electronic means or otherwise, of a participant's name or telephone number; and
- (b) the packaging of goods in which an instant prize, or a ticket for an instant prize, may be found;

**trade promotion (instant prize) lottery** means a trade promotion lottery all the prizes of which are instant prizes;

**trade promotion lottery licence** means a licence issued under these regulations to conduct a major trade promotion lottery or a trade promotion (instant prize) lottery;

**trader**, in relation to a trade promotion lottery, means the seller of the goods or services that are the subject of the promotion;

**value**, in relation to an item that is a prize in a lottery, means—

- (a) if the item is an antique or a piece of artwork, craftwork or collectible bric-a-brac or is secondhand—the price likely to be paid for the item if sold at auction;
- (b) in any other case—the retail price, or a reasonable estimate of the likely retail price, of the item.

(2) A reference in these regulations—

- (a) to a **trade promotion lottery** includes a reference to a minor trade promotion lottery, a major trade promotion lottery and a trade promotion (instant prize) lottery;
- (b) to a **sweepstakes** does not include a reference to a Calcutta sweepstakes.

(3) For the purposes of these regulations—

- (a) a member of an association will not be taken to receive a benefit from the net proceeds of a lottery conducted by the association by virtue only of the fact that he or she, as a member of the association, shares with the other members in the facilities or services provided by the association; and
- (b) a registered corporation will not be taken to receive a benefit from the net proceeds of a lottery by virtue only of the fact that part of those proceeds is used to acquire goods or services from the corporation; and
- (c) a ticket in a lottery will not be regarded as giving rise to an equal chance of winning a prize in the lottery if the holder of the ticket is required to be present at the drawing of the lottery in order to have a chance to win any particular prize.

- (4) For the purposes of these regulations, a person is associated with a licensee conducting a lottery if—
- (a) the person is a spouse, domestic partner, parent, brother, sister or child of the licensee; or
  - (b) either the person or the licensee is an employer or an employee of the other; or
  - (c) the licensee is an association and the person is a member of the association; or
  - (d) the person is a partner of the licensee; or
  - (e) the person manages, or is to manage the lottery to be conducted by the licensee; or
  - (f) the person and the licensee are both trustees or beneficiaries of the same trust, or 1 is a trustee and the other is a beneficiary of the same trust; or
  - (g) the licensee is a body corporate and the person is a director or member of the governing body of the body corporate; or
  - (h) the licensee is a body corporate and the person is a shareholder in the body corporate; or
  - (i) a chain of relationships can be traced between the person or the licensee under any 1 or more of the above paragraphs.

#### **4—Prohibited goods and services**

- (1) The Minister may, by notice in the Gazette, prohibit specified goods or services (or a specified class of goods or services) from being—
- (a) a prize in a lottery, sweepstakes or Calcutta; or
  - (b) offered as an inducement to enter or participate in a major lottery, a major bingo session or a trade promotion lottery; or
  - (c) promoted by a trade promotion lottery.
- (2) The Minister may, by notice in the Gazette, vary or revoke a notice under subregulation (1).

## **Part 2—Exempted lotteries**

### **Division 1—Fundraiser lotteries**

#### **5—Minor lotteries**

A minor lottery that is a fundraiser is an exempted lottery for the purposes of the Act if—

- (a) the lottery is conducted by an association on its own behalf; and
- (b) the prizes do not include any prohibited goods or services; and
- (c) the association, in conducting the lottery, complies with the minor lottery rules set out in regulation 23.

## **6—Bingo played at minor bingo sessions**

Bingo played at a minor bingo session that is a fundraiser is an exempted lottery for the purposes of the Act if—

- (a) the bingo session is conducted by an association on its own behalf; and
- (b) the association, in conducting the bingo session, complies with the minor bingo session rules set out in regulation 25.

## **7—Sweepstakes**

A sweepstakes that is a fundraiser is an exempted lottery for the purposes of the Act if—

- (a) the sweepstakes is conducted by an association on its own behalf; and
- (b) the gross proceeds of the sweepstakes do not exceed \$2 000; and
- (c) the prizes do not include any prohibited goods or services; and
- (d) the association, in conducting the sweepstakes, complies with the sweepstakes rules set out in regulation 28.

## **Division 2—Non-fundraiser lotteries**

### **8—Lotteries where all proceeds go in prizes**

A lottery (of a kind other than an instant lottery) is an exempted lottery for the purposes of the Act if—

- (a) the gross proceeds of the lottery do not exceed \$2 000; and
- (b) the whole of the proceeds of the lottery, after deduction of the administrative expenses of conducting the lottery, constitute the prize, or prizes, in the lottery; and
- (c) the prizes do not include any prohibited goods or services; and
- (d) the amount deducted for administrative expenses does not exceed 2% of the gross proceeds of the lottery; and
- (e) each ticket in the lottery gives rise to a fair and equal chance of winning the major prize in the lottery.

### **9—Minor trade promotion lotteries**

A minor trade promotion lottery is an exempted lottery for the purposes of the Act if—

- (a) the prizes do not include any instant prizes or prohibited goods or services; and
- (b) the lottery is not for the purpose of promoting the sale of prohibited goods or services; and
- (c) no prohibited goods or services are offered as an inducement to enter or participate in the lottery; and
- (d) no prize in the lottery is drawn by electronic means; and

- (e) the lottery does not consist of bingo sessions conducted on the premises to which a gaming machine licence under the *Gaming Machines Act 1992* relates; and
- (f) the person conducting the lottery complies with the minor trade promotion lottery rules set out in regulation 30.

### 10—Calcutta sweepstakes

A Calcutta sweepstakes, the gross proceeds of which exceed \$2 000, is an exempted lottery for the purposes of the Act if—

- (a) the Calcutta is conducted by an association on its own behalf; and
- (b) the gross proceeds of the Calcutta do not exceed \$15 000; and
- (c) the prizes do not include any prohibited goods or services; and
- (d) the association, in conducting the Calcutta, complies with the Calcutta sweepstakes rules set out in regulation 29.

## Part 3—Authorised lotteries

### Division 1—Fundraiser lotteries

#### 11—Classes of lottery licence

The classes of licence that may be issued under these regulations for the conduct of lotteries that are fundraisers are as follows:

- (a) **major lottery licence**  
the holder of a major lottery licence is authorised by the licence to conduct a major lottery subject to and in accordance with these regulations and the conditions of the licence;
- (b) **major bingo licence**  
the holder of a major bingo licence is authorised by the licence to conduct major bingo sessions subject to and in accordance with these regulations and the conditions of the licence;
- (c) **instant lottery licence**  
the holder of an instant lottery licence is authorised by the licence to conduct instant lotteries subject to and in accordance with these regulations and the conditions of the licence.

#### 12—Eligible applicants

- (1) An application for a lottery licence may be made only by or on behalf of an association, to conduct lotteries on its own behalf.
- (2) A person under the age of 18 years cannot apply on behalf of an association for a lottery licence.

### **13—Applications for lottery licence**

- (1) An application for a lottery licence must be made to the Minister and must include the particulars required by Schedule 1 Part 1, Part 2 or Part 3, as the case requires.
- (2) The Minister may require an applicant to provide further information about or verification of a matter relevant to the application.

### **14—Grant of lottery licences**

- (1) The Minister may, on application, grant a lottery licence to an association that satisfies the Minister, by such evidence as the Minister may require—
  - (a) that it is eligible to apply for a lottery licence; and
  - (b) that the whole of the net proceeds of a lottery to be conducted under the licence will be applied for 1 or more approved purposes; and
  - (c) that no part of the net proceeds of a lottery is to be applied for the benefit of—
    - (i) a member of the association; or
    - (ii) a registered corporation that returns profits to its members; and
  - (d) that the association is a fit and proper body to conduct lotteries of the kind authorised by the licence; and
  - (e) that, in the case of an application for a major lottery licence, the lottery to which the licence relates appears to be financially viable.
- (2) The Minister may refuse an application for a lottery licence on any reasonable ground.
- (3) Without limiting the grounds on which the Minister may refuse an application for a lottery licence, the Minister may refuse an application—
  - (a) in the case of an application for a major lottery licence—if the applicant has previously conducted a major lottery that has turned out not to be financially viable and the Minister is of the opinion that, if any further major lottery were to be conducted by the applicant, it is likely that it also would be unviable;
  - (b) in the case of an application for a major bingo licence—if the Minister is of the opinion—
    - (i) that there is some relationship or arrangement between the applicant and another association that holds a major bingo licence; and
    - (ii) that, by virtue of that relationship or arrangement, proceeds derived by the applicant from conducting major bingo sessions would benefit that other association; and
    - (iii) that to grant the licence would therefore give that other association an unfair advantage over other holders of major bingo licences;
  - (c) if the terms and conditions of the lottery provide for the manner in which an unclaimed prize is to be dealt, and the Minister is of the opinion that those terms and conditions do not allow a reasonable opportunity (having regard to the nature of the prize) for the prize winner to claim the prize.

- (4) The Minister must refuse an application for a lottery licence if the Minister is of the opinion that—
- (a) the prizes for the lottery include prohibited goods or services; or
  - (b) in the case of major lottery licence or a major bingo licence—a gift, reward or benefit (other than a prize in the lottery) being offered as an inducement to enter or participate in the lottery includes prohibited goods or services.

### **15—Duration of licence**

- (1) A major lottery licence expires on the licensee providing the Minister, in accordance with these regulations, with a financial statement in respect of the lottery to which the licence relates.
- (2) A major bingo licence has effect for the period determined by the Minister and specified in the licence (being not less than 1 year).
- (3) An instant lottery licence has effect for the period determined by the Minister and specified in the licence (being not less than 1 year).

### **16—Licence conditions**

- (1) A major lottery licence is subject to a condition that the licensee must, in connection with the lottery authorised by the licence, comply with the major lottery rules set out in regulation 24.
- (2) A major bingo licence is subject to a condition that the licensee must, in connection with major bingo sessions authorised by the licence, comply with the major bingo session rules set out in regulation 26.
- (3) An instant lottery licence is subject to a condition that the licensee must, in connection with instant lotteries authorised by the licence, comply with the instant lottery rules set out in regulation 27.

## **Division 2—Trade promotion lotteries**

### **17—Classes of trade promotion lottery licence**

The classes of licence that may be issued under these regulations for the conduct of lotteries that are trade promotion lotteries are as follows:

(a) **major trade promotion lottery licence**

the holder of a major trade promotion lottery licence is authorised by the licence to conduct a major trade promotion lottery subject to and in accordance with these regulations and the conditions of the licence;

(b) **trade promotion (instant prize) lottery licence**

the holder of a trade promotion (instant prize) lottery licence is authorised by the licence to conduct a trade promotion (instant prize) lottery subject to and in accordance with these regulations and the conditions of the licence.

### **18—Applications for trade promotion lottery licence**

- (1) An application for a trade promotion lottery licence must be made to the Minister and must include the particulars required by Schedule 1 Part 4 and Schedule 1 Part 5 as the case requires.

- (2) The Minister may require an applicant to provide further information about, or verification of, a matter relevant to the application.

### **19—Grant of trade promotion lottery licence**

- (1) The Minister may, on application, grant a trade promotion lottery licence to the applicant.
- (2) The Minister may refuse an application for a trade promotion lottery licence on any reasonable ground.
- (3) Without limiting subregulation (2), the Minister may refuse a licence application if the terms and conditions of the lottery provide for the manner in which an unclaimed prize is to be dealt, and the Minister is of the opinion that those terms and conditions do not allow a reasonable opportunity (having regard to the nature of the prize) for the prize winner to claim the prize.
- (4) The Minister must refuse an application for a trade promotion lottery licence if the Minister is of the opinion that—
  - (a) the purpose of the lottery is, or includes, the promotion of prohibited goods or services; or
  - (b) the prizes for the lottery include prohibited goods or services; or
  - (c) a gift, reward or benefit (other than a prize in the lottery) being offered as an inducement to enter or participate in the lottery includes prohibited goods or services; or
  - (d) in the case of a lottery consisting of bingo sessions—the lottery is to be conducted on the premises to which a gaming machine licence under the *Gaming Machines Act 1992* relates.

### **20—Duration of trade promotion lottery licence**

- (1) A major trade promotion lottery licence expires on final compliance by the licensee with the conditions of the licence.
- (2) A trade promotion (instant prize) lottery licence expires at the close of the lottery.

### **21—Licence conditions**

- (1) A major trade promotion lottery licence is subject to a condition that the licensee must, in connection with the lottery authorised by the licence, comply with the major trade promotion lottery rules set out in regulation 31.
- (2) A trade promotion (instant prize) lottery is subject to the condition that the licensee must, in connection with the lottery authorised by the licence, comply with the trade promotion (instant prize) lottery rules set out in regulation 32.

## **Division 3—Licences generally**

### **22—Cancellation or suspension of licence**

- (1) The Minister may, by giving written notice to the licensee, cancel a lottery licence or a trade promotion lottery licence, or suspend it for a specified period—
  - (a) if the licence was improperly obtained; or

- (b) if the licensee commits or is found guilty of an offence against the Act or these regulations; or
  - (c) if the licensee contravenes a condition to which the licence is subject; or
  - (d) if the Minister is of the opinion that the prizes in the lottery being conducted under the licence include prohibited goods or services; or
  - (e) if, in the case of a trade promotion lottery licence, the Minister is of the opinion that the purpose of the lottery being conducted under the licence is, or includes, promoting prohibited goods or services; or
  - (f) if, in the case of a major lottery licence, a major bingo licence or a trade promotion lottery licence, the Minister is of the opinion that a gift, reward or benefit (other than a prize in the lottery) being offered as an inducement to enter or participate in the lottery being conducted under the licence includes prohibited goods or services; or
  - (g) if, in the case of a major lottery licence, major bingo licence or instant lottery licence, the licensee does not comply with the requirements in respect of the advertising of fundraiser lotteries under regulation 45; or
  - (h) if the licensee is in default for more than 1 month in payment of any amount due by way of fees under these regulations; or
  - (i) if, in the case of a major lottery licence, the Minister is of the opinion that the lottery authorised by the licence has become financially unviable.
- (2) The Minister may, in a notice of cancellation, give such directions to the licensee as to the winding up of a lottery being conducted under the licence as the Minister thinks appropriate.
- (3) An association that fails to comply with a direction given under subregulation (2) is guilty of an offence.  
Maximum penalty: \$2 000.
- (4) The holder of a licence that has been suspended will be taken to be unlicensed during the period of the suspension.

## **Part 4—Lottery rules**

### **23—Minor lottery rules**

The rules with which an association must comply in relation to conducting a minor lottery that is a fundraiser are as follows:

- (a) an association must not enter a lottery conducted by that association;
- (b) the whole of the net proceeds of the lottery must be applied for 1 or more approved purposes;
- (c) the total amount of proceeds applied for 1 or more approved purposes must not be less than 15% of the gross proceeds of the lottery;
- (d) no part of the net proceeds of the lottery may be applied for the benefit of—
  - (i) a member of the association; or
  - (ii) a registered corporation that returns profits to its members;

- (e) the total value of all prizes in the lottery must be not less than 20% of the total face value of all tickets in the lottery;
- (f) the association must keep accurate records of—
  - (i) the distribution of all prizes to the prize winners and the details of any unclaimed prizes and the manner in which they were dealt; and
  - (ii) the gross proceeds of the lottery; and
  - (iii) the administrative costs of conducting the lottery;
- (g) the records required to be kept under paragraph (f) must be kept for a period of not less than 3 months from when the lottery is drawn;
- (h) each ticket in the lottery must give rise to an equal chance of winning the major prize;
- (i) if tickets in the lottery are to be sold before the day on which the lottery is to be drawn or at places other than the place at which the lottery is to be drawn—
  - (i) each ticket and the butt of each ticket must have the name of the association conducting the lottery, and the date, place and time for the drawing of the lottery, clearly printed on it; and
  - (ii) the butt of each ticket sold in the lottery must have the name and address (or telephone number) of the purchaser of the ticket clearly written on it; and
  - (iii) the lottery must be drawn on the day and at the place and time so specified;
- (j) if the gross proceeds from the lottery are insufficient to meet the cost of the prizes in the lottery, the association must make up the deficiency from its other funds, and must notify the Minister in writing as soon as it becomes apparent that such a deficiency will arise;
- (k) if a prize in the lottery is not delivered to its winner within 4 days of the drawing of the lottery, written notification must be given before the end of that period to the winner of the nature or amount of the prize and of the time and place at which it can be collected;
- (l) if the terms and conditions of the lottery provide for the manner in which an unclaimed prize is to be dealt, those terms and conditions must allow a reasonable opportunity (having regard to the nature of the prize) for the prize winner to claim the prize;
- (m) the association conducting the lottery must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations.

## **24—Major lottery rules**

The rules with which an association must comply in relation to a lottery authorised by a major lottery licence held by the association are as follows:

- (a) an association must not enter a lottery conducted by that association;

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- (b) the whole of the net proceeds of the lottery must be applied for the approved purposes that are specified in the licence;
  - (c) the total amount of proceeds applied for the approved purposes that are specified in the licence must not be less than an amount equivalent to 35% of the gross proceeds of the lottery;
  - (d) no part of the net proceeds of the lottery may be applied for the benefit of—
    - (i) a member of the association; or
    - (ii) a registered corporation that returns profits to its members;
  - (e) the total value of all prizes in the lottery must be not less than 20% of the total face value of all tickets in the lottery;
  - (f) if bonus tickets are to be on offer to purchasers of a certain number of tickets in the lottery—
    - (i) details of the bonus offer must appear on the face of each ticket in the lottery; and
    - (ii) the bonus offer must apply throughout the whole period during which tickets are on sale;
  - (g) the prizes in the lottery must consist of cash, goods or services;
  - (h) each ticket in the lottery must give rise to an equal chance of winning the major prize;
  - (i) an advertisement of the lottery must state the number of the lottery licence under which the lottery is conducted;
  - (j) any tickets, ticket butts and ticket book covers used in the lottery must be in the form and contain the information as approved by the Minister on granting the licence;
  - (k) the number of tickets in the lottery must not exceed the number specified in the licence;
  - (l) the licensee must keep a record of—
    - (i) the number of tickets issued for sale; and
    - (ii) the names and addresses of the persons to whom they were issued for sale; and
    - (iii) the number of tickets sold; and
    - (iv) the number of tickets returned unsold;
  - (m) the licensee must require a person to whom tickets are issued for sale to give a receipt for the tickets;
  - (n) the licensee must issue each person who is to sell tickets in the lottery with a certificate or some other form of authority to sell that can be shown to any purchaser on request;
  - (o) no ticket in the lottery may be sold unless the name and address of the purchaser of the ticket is filled in on the butt of the ticket or is otherwise recorded and retained by the licensee;

- (p) no ticket in the lottery may be sold—
  - (i) before the day specified in the licence for the commencement of the lottery; or
  - (ii) within the period of 7 days before the day on which the lottery is drawn;
- (q) a ticket in the lottery must not be given or posted to a person for sale to or by that person without his or her prior consent;
- (r) the licensee must ensure that all unsold tickets, proceeds from ticket sales and butts of sold tickets, or other record of the name and address of the purchaser, are in the hands of the licensee no later than 7 days prior to the drawing of the lottery;
- (s) the lottery must be drawn—
  - (i) on the day and at the time and place specified in the licence; and
  - (ii) under the supervision of the licensee; and
  - (iii) in the presence of a scrutineer who is not associated with the licensee or otherwise involved with the conduct of the lottery; and
  - (iv) in the presence of such of the ticket holders in the lottery who wish to be present;
- (t) the winners of the prizes in the lottery must be determined by lot;
- (u) if the gross proceeds from the lottery are insufficient to meet the cost of the prizes in the lottery, the licensee must make up the deficiency from its other funds and must notify the Minister in writing as soon as it becomes apparent that such a deficiency will arise;
- (v) if a prize is not delivered to its winner at the time the lottery is drawn, the winner must, within 4 days of the drawing of the lottery, be notified in writing of the prize he or she has won and the particulars of how the prize is to be delivered or collected;
- (w) the licensee must, within 7 days of the drawing of the lottery, cause the numbers of the prize winning tickets for each prize that is for a value of \$250 or more, to be published in a newspaper circulating generally throughout the State;
- (x) the licensee must keep accurate records of the distribution of all prizes to the prize winners and the details of any unclaimed prizes and the manner in which they were dealt;
- (y) the licensee must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations;
- (z) the licensee must—
  - (i) pay all money received from the sale of tickets in the lottery into an ADI account operated by the licensee; and

- (ii) keep accurate accounts of all income and expenditure relating to the lottery, being accounts that are separate from the other accounts kept by the licensee; and
- (iii) cause those accounts to be audited by an auditor;
- (za) the licensee must, within 1 month of the drawing of the lottery (or where there is more than 1 drawing of the lottery, within 1 month of the final drawing of that lottery), provide the Minister with a financial statement—
  - (i) that includes the particulars required by Schedule 2 Part 1; and
  - (ii) that is certified correct by the auditor who audited the accounts of the lottery.

## 25—Minor bingo session rules

The rules with which an association must comply in relation to conducting a minor bingo session that is a fundraiser are as follows:

- (a) the whole of the net proceeds of the bingo session must be applied for 1 or more approved purposes;
- (b) the total amount of proceeds applied for 1 or more approved purposes must not be less than an amount equivalent to 10% of the gross proceeds of the session;
- (c) no part of the net proceeds of the bingo session may be applied for the benefit of—
  - (i) a member of the association; or
  - (ii) a registered corporation that returns profits to its members;
- (d) no more than 3 bingo sessions may be conducted in any 1 week;
- (e) if 2 or more sessions are conducted on the 1 day, there must be an interval of at least 30 minutes between each session during which no game of bingo is played;
- (f) at least 2 persons who are members of the management committee or staff of the association must be present at the session;
- (g) a person under the age of 18 years must not participate in a game of bingo unless the person is accompanied by, and under the supervision of, an adult;
- (h) the prizes of any other game of chance made available to persons attending the session must not be used to subsidise the bingo prizes;
- (i) all bingo sheets must be purchased from a licensed supplier of instant lottery tickets;
- (j) all bingo sheets used in the 1 game must be priced for the players at the same price and must give rise to an equal chance of winning;
- (k) no bingo sheet may be offered to a player free of charge;
- (l) the bingo game printed on a bingo sheet must be constituted of at least 15 different numbers;

- (m) each bingo sheet used in the 1 game must bear on the face of the sheet the same serial number that is unique to that game;
- (n) the serial number applicable to a game of bingo must be announced to the players in the game immediately prior to the commencement of the game;
- (o) the prizes must not accumulate (or *jackpot*) between a game played in 1 bingo session and a game played in another session;
- (p) if a jackpot is conducted during a session, the amount of the jackpot must not exceed 10% of the gross proceeds of the session;
- (q) the total value of the prize in every game of bingo must not be less than 20% of the gross proceeds of the game (less any amount for a jackpot);
- (r) the prize in every game of bingo (together with any jackpot won on the game) must be paid in cash immediately after completion of the game and, if more than 1 person wins the game, the prize must be divided equally between them;
- (s) the association must keep all bingo sheets in a secure place;
- (t) the association must make an accurate record, in a form approved by the Minister, of the bingo sheets used in, and the gross proceeds and prizes of, each game of bingo played during a bingo session immediately after its completion and before the commencement of the next game;
- (u) the association must keep a copy of the record referred to in paragraph (t) for a period of 3 months from the day on which the bingo session was conducted and ensure that it is available for inspection by the Minister during that period;
- (v) the association conducting the lottery must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations.

## **26—Major bingo session rules**

The rules with which an association must comply in relation to conducting a major bingo session that is a fundraiser authorised by a major bingo licence held by the association are as follows:

- (a) the whole of the net proceeds of the bingo session must be applied for the approved purposes that are specified in the licence;
- (b) the total amount of proceeds applied for the approved purposes that are specified in the licence must not be less than an amount equivalent to 10% of the gross proceeds of the session;
- (c) no part of the net proceeds of the bingo session may be applied for the benefit of—
  - (i) a member of the association; or
  - (ii) a registered corporation that returns profits to its members;
- (d) no more than 3 bingo sessions may be conducted in any 1 week;

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- (e) if 2 or more sessions are conducted on the 1 day, there must be an interval of at least 30 minutes between each session during which no game of bingo is played;
  - (f) a session of bingo must not exceed 3 hours duration;
  - (g) the gross proceeds received from a session of bingo must not exceed \$9 000;
  - (h) the session must be conducted under the supervision of the association;
  - (i) at least 2 persons who are members of the management committee or staff of the association must be present at the session;
  - (j) a person under the age of 18 years must not participate in a game of bingo unless the person is accompanied by, and under the supervision of, an adult;
  - (k) the prizes of any other game of chance made available to persons attending the session must not be used to subsidise the bingo prizes;
  - (l) all bingo sheets must be purchased from a licensed supplier of instant lottery tickets;
  - (m) all bingo sheets used in the 1 game must be priced for the players at the same price and must give rise to an equal chance of winning;
  - (n) no bingo sheet may be offered to a player free of charge;
  - (o) the bingo game printed on a bingo sheet must be constituted of at least 15 different numbers;
  - (p) each bingo sheet used in the 1 game must bear the same serial number that is unique to that game;
  - (q) the serial number applicable to a game of bingo must be announced to the players in the game immediately prior to the commencement of the game;
  - (r) the prizes must not accumulate (or *jackpot*) between a game played in 1 bingo session and a game played in another session;
  - (s) if a jackpot is conducted during a session, the amount of the jackpot must not exceed 10% of the gross proceeds of the session;
  - (t) the total value of the prize in every game of bingo must not be less than 20% of the gross proceeds of the game (less any amount for a jackpot);
  - (u) the prize in every game of bingo (together with any jackpot won on the game) must be paid in cash immediately after completion of the game and, if more than 1 person wins the game, the prize must be divided equally between them;
  - (v) the association must keep all bingo sheets in a secure place;
  - (w) the association must not issue the bingo sheets to be used during a bingo session to the person conducting the session more than 1 bingo session in advance;
  - (x) the bingo sessions must be conducted at the place and on the days specified in the licence;
  - (y) an advertisement of a bingo session must state the number of the licence under which the session is conducted;
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- (z) the licensee must make an accurate record, in a form approved by the Minister, of the bingo sheets used in, and the gross proceeds and prizes of, each game of bingo played during a bingo session immediately after its completion and before the commencement of the next game;
- (za) the licensee must keep a copy of the record referred to in paragraph (z) for a period of 1 year and ensure that it is available for inspection by the Minister during that period;
- (zb) the licensee must provide the Minister with such other information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations;
- (zc) the net proceeds of all bingo sessions conducted under the licence must be paid into an ADI account that is kept by the licensee;
- (zd) the licensee must, within 1 month of the expiry of each quarter of the licence period, provide the Minister with a financial statement that includes the particulars required by Schedule 2 Part 2 and that is certified correct by a member of the management committee of the licensee authorised by the licensee for the purpose.

## **27—Instant lottery rules**

The rules with which an association must comply in relation to conducting an instant lottery authorised by an instant lottery licence held by the association are as follows:

- (a) an association must not enter a lottery conducted by that association;
- (b) the whole of the net proceeds of the lottery must be applied for the approved purposes that are specified in the licence;
- (c) the total amount of proceeds applied for the approved purposes that are specified in the licence must not be less than an amount equivalent to 10% of the gross proceeds of the lottery;
- (d) no part of the net proceeds of the lottery may be applied for the benefit of—
  - (i) a member of the association; or
  - (ii) a registered corporation that returns profits to its members;
- (e) the tickets for the lottery must be purchased from a licensed supplier of instant lottery tickets;
- (f) an instant lottery ticket must not be sold to a person under the age of 18 years;
- (g) the total value of all prizes in the lottery must be not less than 20% of the total face value of all tickets in the lottery;
- (h) each ticket in the lottery must be of equal value and give rise to an equal chance of winning;
- (i) the licensee must display, at or near the place at which the tickets in the lottery are being sold, a sign stating the nature and value of each prize to be won in the lottery, unless that information appears on the tickets;
- (j) an advertisement of the lottery must state the number of the lottery licence under which the lottery is conducted;

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- (k) the licensee must—
    - (i) pay all money received from the sale of tickets in the lottery into an ADI account operated by the licensee; and
    - (ii) keep accurate accounts of all income and expenditure relating to the lottery, being accounts that are separate from the other accounts kept by the licensee; and
    - (iii) cause those accounts to be audited annually by an auditor;
  - (l) the licensee must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations;
  - (m) the licensee must, within 1 month of the expiry of each licence period, provide the Minister with a financial statement—
    - (i) that includes the particulars required by Schedule 2 Part 3; and
    - (ii) that is certified correct by the auditor who audited the accounts of the lottery conducted under the licence.

## 28—Sweepstakes rules

The rules with which an association must comply in relation to conducting a sweepstakes that is a fundraiser are as follows:

- (a) the sweepstakes may only be conducted on the outcome of a horse race, harness race or greyhound race (whether run inside or outside this State) in respect of which on-course totalisator betting is authorised under the *Authorised Betting Operations Act 2000*;
- (b) the whole of the net proceeds of the sweepstakes must be applied for 1 or more approved purposes;
- (c) the total amount of proceeds applied for 1 or more approved purposes must not be less than 35% of the gross proceeds of the sweepstakes;
- (d) no part of the net proceeds of the sweepstakes may be applied for the benefit of—
  - (i) a member of the association; or
  - (ii) a registered corporation that returns profits to its members;
- (e) the total value of the prizes in the sweepstakes must not be less than 20% of the gross proceeds of the sweepstakes;
- (f) each ticket in the sweepstakes must be of equal value and give rise to an equal chance of winning;
- (g) if tickets in the sweepstakes are to be sold before the day of the draw or at places other than the place at which the draw is to be carried out—
  - (i) each ticket and the butt of each ticket must have the name of the association conducting the sweepstakes, the name of the race and the date, place and time for the draw clearly printed on it; and

- (ii) the butt of each ticket sold in the sweepstakes must have the name and address (or telephone number) of the purchaser of the ticket clearly written on it; and
  - (iii) the draw must be carried out on the day and at the place and time so specified;
- (h) each person who has been successful in the draw must, before the race to which the sweepstakes relates is run, be notified personally of the name of the horse that he or she has drawn;
- (i) a list of the names of the persons successful in the draw must be read out and exhibited immediately after the draw has been carried out;
- (j) if a prize in the sweepstakes is not delivered to its winner within 4 days of the race being run, written notification must be given before the end of that period to the winner of the amount of the prize and of the time and place at which it can be collected;
- (k) if the terms and conditions of the sweepstakes provide for the manner in which an unclaimed prize is to be dealt, those terms and conditions must allow a reasonable opportunity (having regard to the nature of the prize) for the prize winner to claim the prize;
- (l) the association must keep accurate records of the sweepstakes including—
  - (i) the gross proceeds of the sweepstakes; and
  - (ii) the administrative expenses of conducting the sweepstakes; and
  - (iii) the distribution of all prizes to the prize winners and the details of any unclaimed prizes and the manner in which they were dealt;
- (m) the records required to be kept under paragraph (l) must be kept for a period of not less than 3 months from when the lottery is drawn;
- (n) the association conducting the lottery must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations.

## **29—Calcutta sweepstakes rules**

The rules with which an association must comply in relation to conducting a Calcutta sweepstakes are as follows:

- (a) the Calcutta may only be conducted on the outcome of—
  - (i) a horse race, harness race or greyhound race (whether run inside or outside this State) in respect of which on-course totalisator betting is authorised under the *Authorised Betting Operations Act 2000*; or
  - (ii) the final of the foot race known as the "Bay Sheffield";
- (b) the whole of the proceeds of the Calcutta (including the amount raised by the auction of the drawn names), after deduction of the administrative expenses of conducting the Calcutta, must constitute the prizes in the Calcutta;
- (c) the administrative expenses of conducting the lottery must not exceed 10% of the gross proceeds of the Calcutta;

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- (d) no ticket in the Calcutta may be sold more than 3 months before the day on which the race to which the Calcutta relates is to be run;
  - (e) each ticket in the Calcutta must be of equal value and give rise to an equal chance of winning;
  - (f) if tickets in the Calcutta are to be sold before the day of the draw or at places other than the place at which the draw is to be carried out—
    - (i) each ticket and the butt of each ticket must have the name of the association conducting the Calcutta, the name of the race and the date, place and time for the draw clearly printed on it; and
    - (ii) the butt of each ticket sold in the Calcutta must have the name and address (or telephone number) of the purchaser of the ticket clearly written on it; and
    - (iii) the draw must be carried out on the day and at the place and time so specified;
  - (g) each person who has been successful in the draw must, before the race to which the Calcutta relates is run, be notified personally of the name that he or she has drawn;
  - (h) a list of the names of the persons successful in the draw must be read out and exhibited immediately after the draw has been carried out;
  - (i) if a prize in the Calcutta is not delivered to its winner within 4 days of the race being run, written notification must be given before the end of that period to the winner of the amount of the prize and of the time and place at which it can be collected;
  - (j) if the terms and conditions of the Calcutta provide for the manner in which an unclaimed prize is to be dealt, those terms and conditions must allow a reasonable opportunity (having regard to the nature of the prize) for the prize winner to claim the prize;
  - (k) the association must keep accurate records of the Calcutta including—
    - (i) the gross proceeds of the Calcutta; and
    - (ii) the administrative expenses of conducting the Calcutta; and
    - (iii) the distribution of all prizes to the prize winners and the details of any unclaimed prizes and the manner in which they were dealt;
  - (l) the records required to be kept under paragraph (k) must be kept for a period of not less than 3 months from when the lottery is drawn;
  - (m) the association conducting the lottery must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations.

### **30—Minor trade promotion lottery rules**

The rules with which a person must comply in relation to conducting a minor trade promotion lottery are as follows:

- (a) entry in the lottery must be free except that—

- (i) the right to participate in the lottery may be dependent on the purchase of any of the goods or services the subject of the promotion; and
  - (ii) in the case of—
    - (A) entry in the lottery by mobile telephone—the cost of entering the lottery by such telephone must not exceed the cost of the telephone call and the amount received in respect of the call by the holder of the trade promotion lottery licence must not exceed 50 cents;
    - (B) entry in the lottery by fixed phone—the cost of entering the lottery by such telephone must not exceed the cost of the telephone call which must not exceed an amount that, after deduction of the GST payable in respect of the call, is 50 cents;
  - (iii) the cost of entering the lottery by post must not exceed the normal cost of postage;
- (b) the entry or participation of a person in a lottery which includes a prize of, or promotes, goods or services that the person, by reason of his or her age, would not otherwise be permitted to purchase is void;
- (c) subject to any test of participants' knowledge, skills or judgment, each ticket in the lottery must give rise to an equal chance of winning the major prize in the lottery;
- (d) the duration of the lottery must not exceed 12 months;
- (e) all advertisements of the lottery (other than advertisements on television, radio or at the cinema) must contain the following information:
  - (i) the name and address of the trader;
  - (ii) the duration of the lottery;
  - (iii) the nature and value of the prizes to be won;
  - (iv) the number of draws in the lottery and the date, place and time for the drawing of the lottery;
  - (v) the date on which and method by which participants in the lottery will be advised of the results of the drawing of the lottery;
  - (vi) if the full terms and conditions of the lottery are not included in the advertisement, how and where they may be obtained;
- (f) all advertisements of the lottery on television, radio or at the cinema must contain the following information:
  - (i) how a person may enter the lottery;
  - (ii) the nature and value of the prizes to be won;
  - (iii) how and where to get a copy of the full terms and conditions of the lottery;
- (g) the lottery must be drawn on the date and at the time and place specified in the advertisements of the lottery;

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- (h) the winners of the drawn prizes in the lottery must be determined by lot;
  - (i) a list of the drawn prizes and their winners, or the winning ticket numbers, in the lottery must be displayed in a prominent place in the premises at which the lottery was drawn for at least 7 days after the day on which the lottery was drawn;
  - (j) if a prize is not delivered to its winner at the time the lottery is drawn and the identity of the winner is known or is reasonably ascertainable, the winner must, within 14 days of the drawing of the lottery, be notified in writing of the prize that he or she has won and the particulars of how the prize is to be delivered or collected;
  - (k) all prize winning ticket butts (or other records of entry) and the list of prizes and their winners (or winning ticket numbers) for the lottery must be retained by the person conducting the lottery for at least 3 months after the drawing of the lottery or, where there is more than 1 drawing of the lottery, the final drawing of the lottery and must be made available for inspection by the Minister, on request, during that period;
  - (l) if the terms and conditions of the lottery provide for the manner in which an unclaimed prize is to be dealt, those terms and conditions must allow a reasonable opportunity (having regard to the nature of the prize) for the prize winner to claim the prize;
  - (m) the person conducting the lottery must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations.

### 31—Major trade promotion lottery rules

The rules with which a person must comply in relation to conducting a major trade promotion lottery authorised by a major trade promotion lottery licence are as follows:

- (a) entry in the lottery must be free except that—
  - (i) the right to participate in the lottery may be dependent on the purchase of any of the goods or services the subject of the promotion; and
  - (ii) in the case of—
    - (A) entry in the lottery by mobile telephone—the cost of entering the lottery by such telephone must not exceed the cost of the telephone call and the amount received in respect of the call by the holder of the trade promotion lottery licence must not exceed 50 cents;
    - (B) entry in the lottery by fixed phone—the cost of entering the lottery by such telephone must not exceed the cost of the telephone call which must not exceed an amount that, after deduction of the GST payable in respect of the call, is 50 cents; and
  - (iii) the cost of entering the lottery by post must not exceed the normal cost of postage;

- (b) the entry or participation of a person in a lottery which includes a prize of, or promotes, goods or services that the person, by reason of his or her age, would not otherwise be permitted to purchase is void;
- (c) subject to any test of participants' knowledge, skills or judgment, each ticket in the lottery must give rise to an equal chance of winning the major prize in the lottery;
- (d) if some of the prizes in the lottery are instant prizes, the licensee conducting the lottery must ensure that the tickets for those prizes are manufactured, packaged and stored in a manner such that the prizes, or the numbers, letters or symbols that give rise to the winning chance or chances, cannot be detected by any person before the persons participating in the lottery have acquired them;
- (e) the duration of the lottery must not exceed 12 months;
- (f) all advertisements of the lottery (other than advertisements on television, radio or at the cinema) must contain the following information:
  - (i) the name and address of the trader;
  - (ii) the licence number and the name and address of the licensee;
  - (iii) the duration of the lottery;
  - (iv) the nature and value of the prizes to be won;
  - (v) the number of draws in the lottery and the date, place and time for the drawing of the lottery;
  - (vi) the date on which and method by which participants in the lottery will be advised of the results of the drawing of the lottery;
  - (vii) if the full terms and conditions of the lottery are not included in the advertisement, how and where they may be obtained;
- (g) all advertisements of the lottery on television, radio or at the cinema must contain the following information:
  - (i) the licence number;
  - (ii) how a person may enter the lottery;
  - (iii) the nature and value of the prizes to be won;
  - (iv) how and where to get a copy of the full terms and conditions of the lottery;
- (h) the lottery must not be drawn electronically except by way of such a system as may from time to time be approved by the Minister for the purpose;
- (i) the lottery must be drawn on the date and at the time and place specified in the advertisements of the lottery;
- (j) any lottery draw (including a draw in a lottery with more than 1 draw) where—
  - (i) the total value of all prizes in that particular draw is \$20 000 or more; or
  - (ii) the Minister so directs,

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- must be conducted in the presence of a scrutineer who is not associated with the licensee or otherwise involved in the conduct of the lottery;
- (k) the winners of the drawn prizes in the lottery must be determined by lot;
  - (l) the name and address of each winner of—
    - (i) a drawn prize in the lottery; or
    - (ii) an instant prize the value of which exceeds \$250,
 must be provided to the Minister within 14 days of the drawing of the lottery;
  - (m) if a prize is not delivered to its winner at the time the lottery is drawn, the winner must, within 14 days of the drawing of the lottery, be notified in writing of the prize he or she has won and the particulars of how the prize is to be delivered or collected;
  - (n) the name and address of each winner of a prize the value of which is over \$250 must (except for any winner who has requested that his or her name and address not be so published) be published within 30 days of the drawing of the lottery—
    - (i) in a newspaper circulating generally throughout the State; or
    - (ii) if the lottery has only been advertised in a particular magazine, newspaper, newsletter or other publication (whether electronic or otherwise) or on a particular website, in that magazine, newspaper, newsletter or other publication or on that website (as the case may be); or
    - (iii) if entry in the lottery is only permitted on a particular website, on that website;
  - (o) all ticket butts, entry forms and other records relating to the conduct of the lottery must be retained by the person for at least 3 months after the drawing of the lottery or, where there is more than 1 drawing of the lottery, the final drawing of the lottery and must be made available for inspection by the Minister, on request, during that period;
  - (p) the licensee conducting the lottery must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations.

### **32—Trade promotion (instant prize) lottery rules**

The rules with which a person must comply in relation to conducting a trade promotion (instant prize) lottery authorised by a trade promotion (instant prize) lottery licence are as follows:

- (a) the right to participate in the lottery may be dependent on the purchase of any of the goods or services the subject of the promotion, but otherwise entry in the lottery must be free;
- (b) the entry or participation of a person in a lottery which includes a prize of, or promotes, goods or services that the person, by reason of his or her age, would not otherwise be permitted to purchase is void;

- (c) each ticket in the lottery must give rise to an equal chance of winning a prize in the lottery;
- (d) the licensee conducting the lottery must ensure that the tickets in the lottery are manufactured, packaged and stored in a manner such that the prizes, or the numbers, letters or symbols that give rise to the winning chance or chances, cannot be detected by any person before the persons participating in the lottery have acquired them;
- (e) the duration of the lottery must not exceed 12 months;
- (f) all advertisements of the lottery must contain the following information:
  - (i) the name and address of the trader;
  - (ii) the licence number and except in the case of an advertisement on television, radio or at the cinema, the name and address of the licensee;
  - (iii) the duration of the lottery;
  - (iv) the nature and value of the prizes to be won;
  - (v) if the full terms and conditions of the lottery are not included in the advertisement, how and where they may be obtained;
- (g) the name and address of each winner of a prize in the lottery the value of which exceeds \$250—
  - (i) must be provided to the Minister within 14 days of the close of the lottery; and
  - (ii) must (except for any winner who has requested that his or her name and address not be so published) be published within 30 days of the close of the lottery—
    - (A) in a newspaper circulating generally throughout the State; or
    - (B) if the lottery has only been advertised in a particular magazine, newspaper, newsletter or other publication (whether electronic or otherwise) or on a particular website, in that magazine, newspaper, newsletter or other publication or on that website (as the case may be); or
    - (C) if entry in the lottery is only permitted on a particular website, on that website;
- (h) the licensee conducting the lottery must provide the Minister with such information, and in such manner, as is reasonably required by the Minister for the purpose of monitoring compliance with these regulations.

### **33—Minister may waive compliance with lottery rules**

- (1) The Minister may, on application made by or on behalf of the holder of a lottery licence or a person who conducts or proposes to conduct exempted lotteries, waive compliance with a specified lottery rule, if the Minister is satisfied that to do so would not prejudice the interests of the participants in the lottery or lotteries to which the waiver relates.

- (2) A waiver may be granted subject to such conditions as the Minister thinks fit and specifies in the instrument of waiver.
- (3) A person who contravenes a condition imposed under subregulation (2) is guilty of an offence.

Maximum penalty: \$500.

### **34—Minister may give directions on winding up or dissolution of licensed association**

- (1) If an application is made or notice is given for the winding up or dissolution of an association that holds a lottery licence, the association—
  - (a) must immediately give notice of the proposal to the Minister in writing; and
  - (b) must comply with directions given by the Minister with respect to the provision of financial statements, payment of licence fees or any other matter.

Maximum penalty: \$2 000.

- (2) If any direction given under subregulation (1) has not been complied with before the association ceases to exist, the person who last occupied the position of treasurer of the association must take such steps as are reasonably practicable to ensure compliance with the direction.

Maximum penalty: \$2 000.

## **Part 5—Instant lottery ticket suppliers' licences**

### **35—Application**

- (1) An application for a supplier's licence must be made to the Minister and must include the particulars required by Schedule 1 Part 6.
- (2) An application for the grant of the licence under this regulation must be accompanied by a letter from the manager of an ADI used by the applicant in connection with the carrying on of a business certifying as to the applicant's banking record and history with that ADI.

### **36—Licence conditions**

- (1) A supplier's licence is subject to the following conditions:
  - (a) a condition that the licensee must keep proper and accurate records of all transactions carried out in pursuance of the licence and make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose;
  - (b) a condition that each series of instant lottery tickets that comprises a lottery must be allocated a unique identifying serial number;
  - (c) a condition that each instant lottery ticket supplied by the licence holder in pursuance of the licence must have printed on it—
    - (i) the name and licence number of the licensee; and
    - (ii) the identifying serial number and classification code of the lottery of which the ticket forms a part; and

- (iii) the price of the ticket; and
    - (iv) if the instant lottery tickets are supplied direct to the holder of an instant lottery licence—the name and licence number of the holder of that licence;
  - (d) a condition that the instant lottery tickets comprising a lottery must be manufactured, packaged and stored in such a manner that the numbers, letters or symbols that give rise to the winning chance or chances in the lottery cannot be detected before the persons participating in the lottery have purchased the tickets;
  - (e) a condition that the licensee must not supply instant lottery tickets in pursuance of the licence except—
    - (i) to another holder of a supplier's licence; or
    - (ii) to the holder of an instant lottery licence; or
    - (iii) to a person authorised in writing to purchase those tickets on behalf of the holder of such a licence;
  - (f) a condition that, within 14 days prior to—
    - (i) discontinuing the supply of a particular class of instant lottery tickets; or
    - (ii) commencing the supply of a new class of instant lottery tickets,the licensee must notify the Minister, in writing, of the proposed change.
- (2) The Minister will establish classification codes for each class of instant lottery for the purposes of this regulation.

## **Part 6—Miscellaneous**

### **37—False or misleading statements**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, under these regulations.

Maximum penalty: \$2 000.

### **38—Service of documents**

A notice or document required or authorised to be given or sent to a person for the purposes of these regulations may—

- (a) be given to the person personally; or
- (b) be posted in an envelope addressed to the person—
  - (i) at the person's last known address; or
  - (ii) at the person's address for service; or
- (c) be left for the person at the address for service with someone apparently over the age of 16 years; or

- (d) be transmitted by fax or email to a fax number or email address provided by the person for that purpose (in which case the notice or document will be taken to have been given or served at the time of transmission).

### **39—Restriction on sale of lottery tickets by children**

A person must not cause or permit a child under the age of 15 years to sell lottery tickets, unless the child is accompanied by and under the supervision of an adult.

Maximum penalty: \$2 000.

### **40—Identification of winning ticket**

A person who identifies or discloses the identity of a winning ticket in an instant lottery, or a trade promotion lottery some or all of the tickets of which are instant tickets, before the ticket is acquired by a person entering the lottery is guilty of an offence.

Maximum penalty: \$2 000.

### **41—Commission agents must pay lottery ticket proceeds by cheque etc**

A person who sells lottery tickets on behalf of an association and charges a commission for doing so must pay the net proceeds of sale to the association by cheque or by deposit in an ADI account kept by the association for the receipt of lottery proceeds.

Maximum penalty: \$500.

### **42—Keeping of accounts relating to licensed lotteries conducted by associations**

Subject to these regulations, an association that conducts a major lottery, a major bingo session or an instant lottery under a licence must—

- (a) keep the accounts and records relating to each lottery or bingo session it conducts and any unsold tickets in the lottery for a period of at least 1 year from the day on which the licence under which the lottery or bingo session was conducted expires; and
- (b) make those accounts, records or tickets available for inspection by the Minister, on request, at any time during that period.

Maximum penalty: \$500.

### **43—Offences by traders conducting trade promotion lotteries**

- (1) If participation in a trade promotion lottery is dependent on the purchase of goods or services, the trader conducting the lottery must not, while the lottery is open, charge more for those goods or services than the normal price charged by that trader.  
Maximum penalty: \$2 000.
- (2) If a person who conducts a trade promotion lottery on behalf of a trader fails to comply with the trade promotion lottery rules set out in regulation 30 or regulation 31 (as the case requires) the trader is guilty of an offence.  
Maximum penalty: \$2 000.

- (3) It is a defence for a trader who is charged with an offence against subregulation (2) to prove that the offence did not result from any failure on his or her part to take reasonable care to avoid commission of the offence.

#### **44—Inducements to enter a lottery**

A person who conducts a lottery (other than a major lottery, a major bingo session or a trade promotion lottery) must not offer any gift, reward or other benefit (other than the prizes in the lottery) as an inducement to enter or participate in the lottery.

Maximum penalty: \$500.

#### **45—Advertising of fundraiser lotteries**

- (1) Subject to subclause (2), an association which conducts a lottery that is a fundraiser must not advertise or promote the lottery—
- (a) on the radio on a weekday between the hours of 6.00 a.m. and 8.30 a.m.; or
  - (b) on the television on a weekday between the hours of 4.00 p.m. and 7.30 p.m.
- Maximum penalty: \$2 000.
- (2) Subclause (1) does not apply to a fundraiser lottery that is a major lottery.
- (3) An association which conducts a lottery that is a fundraiser must ensure that the following requirements with respect to advertising or promoting the lottery are complied with:
- (a) the advertising or promoting must not be such so as to appear, to a reasonable observer, to—
    - (i) be directed at minors or to portray minors participating in gambling activities; or
    - (ii) imply that the lottery is a means of relieving personal or financial difficulties or providing for the payment of such things as rent, mortgages, education or household staples; or
    - (iii) imply that the lottery is a means of enhancing social, sexual or employment prospects;
  - (b) the advertising or promoting must not—
    - (i) exaggerate the prizes or the chances of winning a prize; or
    - (ii) present the chances of winning in a manner which is false, misleading or in a manner that cannot be verified;
  - (c) the advertising or promoting must not state or imply that the skill of the participant can influence the outcome of the lottery;
  - (d) the advertising or promoting must not associate the lottery with excessive alcohol consumption;
  - (e) the advertising or promoting must not exaggerate the connection between the lottery and the use to which the association intends to apply the proceeds of the lottery;
  - (f) the advertising or promoting must not refer to the value or nature of a prize, or the frequency with which a prize may be won unless the advertising or promoting—
-

- (i) includes sufficient information for a reasonably informed person to understand the odds of winning or the overall return to the participant; and
- (ii) if the advertising or promoting is intended to encourage a person to participate in the lottery during a particular period—includes sufficient information for a reasonably informed person to understand the likelihood that the prize will be won by a person during that period.

#### 46—Unclaimed prizes

- (1) Subject to these regulations, this regulation does not apply in respect of a lottery if the terms and conditions of the lottery provide for the manner in which unclaimed prizes must be dealt.
- (2) Subject to this regulation, the person conducting a lottery (other than a minor trade promotion lottery or a trade promotion (instant prize) lottery)—
  - (a) must keep and preserve each prize in the lottery until it is claimed by its winner, or it is disposed of in accordance with this regulation, whichever first occurs; and
  - (b) must give the Minister notice in writing of any prize in the lottery that remains unclaimed 3 months after the drawing of the lottery or that has been sold under subregulation (5).

Maximum penalty: \$500.

- (3) The Minister may, on receiving a notice under subregulation (2), give written directions to the person to take such steps to dispose of any unclaimed prize, or the proceeds of the sale of any unclaimed perishable prize, as the Minister thinks fit.
- (4) A person to whom a direction is given under subregulation (3) must comply with the direction.

Maximum penalty: \$500.

- (5) If a prize is perishable and has not been delivered to or claimed by its winner by the time at which it is likely to deteriorate, the person who conducted the lottery may sell the prize and must keep the proceeds of sale until they are claimed by the winner or disposed of in accordance with a direction given under subregulation (3), whichever first occurs.
- (6) Subject to subregulation (8), the person conducting a minor trade promotion lottery must keep and preserve each prize in the lottery until it is claimed by its winner, or until the end of 1 month after the drawing of the lottery, whichever first occurs.

Maximum penalty: \$500.

- (7) If a prize in a minor trade promotion lottery remains unclaimed 1 month after the drawing of the lottery, the person who conducted the lottery may dispose of the prize and the winner will be taken to have forfeited any right to the prize.
- (8) If a prize in a minor trade promotion lottery is perishable and has not been claimed by its winner by the time at which it is likely to deteriorate, the person who conducted the lottery may dispose of the prize and the winner will be taken to have forfeited any right to the prize.

- (9) If a prize in a trade promotion (instant prize) lottery remains unclaimed at the close of the lottery, the person who conducted the lottery may dispose of the prize in an appropriate manner.

#### **47—Duty of auditor of lottery accounts**

An auditor appointed by the holder of a lottery licence to audit the accounts of a lottery in accordance with these regulations—

- (a) must take reasonable steps to ensure that the licence holder keeps records in relation to the lottery that are sufficient to enable the auditor to carry out a proper audit of the lottery; and
- (b) must, in carrying out an audit, audit the tickets in the lottery with a view to determining the number of tickets sold, unsold or lost; and
- (c) must carry out the audit in sufficient time to enable the licence holder to comply with these regulations in relation to the provision of a financial statement in respect of the lottery; and
- (d) must, on completing an audit, provide a certificate as to the results of the audit that includes the particulars required by the relevant Part of Schedule 2.

Maximum penalty: \$2 000.

#### **48—Offences committed by an association or corporation**

If an association or corporation is guilty of an offence against these regulations, each person who was a member of its management committee or board of directors at the time the offence was committed, and any person who was its chief executive officer at that time or who was an employee of the association or corporation responsible for the conduct of the lottery in relation to which the offence was committed, is guilty of an offence and liable to the same penalty as is prescribed for the principal offence.

#### **49—Fees**

Fees are payable as set out in Schedule 3.

## **Schedule 1—Licence Applications**

### **Part 1—Major lottery licence application**

The following details must be included in or provided with an application for a major lottery licence:

- (a) the name, address and contact details of the association making the application;
- (b) the name, address and contact details of the association's contact person;
- (c) the names, addresses and contact details of the association's management committee;
- (d) the purpose or purposes for which the proceeds of the lottery are to be applied;
- (e) a description of the nature and value of the prizes;
- (f) a description of any inducements (other than prizes) to enter or participate in the lottery intended to be offered;
- (g) whether or not persons under the age of 18 are permitted to enter;

- (h) the number and value of the tickets in the lottery;
- (i) a copy of any ticket and ticket butt to be used in the lottery;
- (j) a copy of the ticket book cover (if any);
- (k) the commencement and closing dates of the lottery;
- (l) the date, time and venue of each draw in the lottery draw (including any preliminary draws);
- (m) a copy of the terms and conditions of entry or participation in the lottery;
- (n) when an association is making an application for a licence for the first time, a copy of the association's constitution names and addresses of the management committee and a current list of the financial members of the association;
- (o) a declaration regarding the truth and correctness of the contents of and information provided with the application;
- (p) a statement regarding the authority of the person or persons making the application on behalf of the association.

## **Part 2—Major bingo licence application**

The following details must be included in or provided with an application for a major bingo licence:

- (a) the name, address and contact details of the association making the application;
- (b) the name, address and contact details of the association's contact person;
- (c) the names, addresses and contact details of the association's management committee;
- (d) the purpose or purposes for which the proceeds of the bingo sessions are to be applied;
- (e) a description of any inducements (other than prizes) to participate in the bingo sessions that are intended to be offered;
- (f) whether or not persons under the age of 18 will be permitted to participate;
- (g) details of the day of the week, time of the day and venue at which the bingo sessions are to be held;
- (h) details of any other associations holding a major bingo licence with whom the applicant has a relationship or arrangement that may result in that association benefiting from the proceeds derived by the applicant from conducting major bingo sessions;
- (i) when an association is making an application for a licence for the first time, a copy of the association's constitution, names and addresses of the management committee and a current list of the financial members of the association;
- (j) a declaration regarding the truth and correctness of the contents of and the information provided with the application;
- (k) a statement regarding the authority of the person or persons making the application on behalf of the association.

### **Part 3—Instant lottery licence application**

The following details must be included in or provided with an application for an instant lottery licence:

- (a) the name, address and contact details of the association making the application;
- (b) the name, address and contact details of the association's contact person;
- (c) the names, addresses and contact details of the association's management committee;
- (d) the purpose or purposes for which the proceeds of the lottery are to be applied;
- (e) a description of the nature and value of the prizes;
- (f) when an association is making an application for a licence for the first time, a copy of the association's constitution, the names and addresses of the management committee and a current list of the financial members of the association;
- (g) a declaration regarding the truth and correctness of the contents of and information provided with the application;
- (h) a statement regarding the authority of the person or persons making the application on behalf of the association.

### **Part 4—Major trade promotion lottery licence application**

The following details must be included in or provided with an application for a major trade promotion lottery licence:

- (a) the name, address and contact details of the applicant;
- (b) the name, address and contact details of the trader;
- (c) whether the applicant requests the licence to be granted within 5 business days from the date the application is received;
- (d) a description of the goods and services to be promoted by the lottery;
- (e) the title of the lottery;
- (f) a description of the nature and value of the prizes;
- (g) the details of the manufacture, packaging or storage of instant prize tickets in the lottery (if any) and a statement that the prizes, numbers, letters or symbols that give rise to the winning chance or chances cannot be detected by a person participating in the lottery prior to acquiring the relevant goods or services;
- (h) the total value of the prizes that may be won by a person in South Australia;
- (i) a description of any inducements (other than prizes) to enter or participate in the lottery intended to be offered;
- (j) whether or not persons under the age of 18 will be permitted to enter;
- (k) the terms and conditions of participation or entry in the lottery;
- (l) the method of entry and details of electric drawing system (if any);
- (m) the commencement and closing dates of the lottery;
- (n) the date, time and venue of each draw in the lottery draw (including any preliminary draws);

- (o) the name, address, contact details and status of the scrutineer witnessing the lottery draw;
- (p) a declaration regarding the truth and correctness of the contents of and information provided with the application;
- (q) a statement regarding the authority of the person or persons making the application.

### **Part 5—Trade promotion (instant prize) lottery licence application**

The following details must be included in or provided with an application for a trade promotion (instant prize) lottery licence:

- (a) the name, address and contact details of the applicant;
- (b) the name, address and contact details of the trader;
- (c) whether the applicant requests the licence to be granted within 5 business days from the date the application is received;
- (d) a description of the goods and services to be promoted by the lottery;
- (e) a description of the nature and value of the prizes;
- (f) the total value of the prizes that may be won by a person in South Australia;
- (g) a description of any inducements (other than prizes) to enter or participate in the lottery intended to be offered;
- (h) details of the manufacture, packaging or storage of the tickets in the lottery and a statement that the prizes, numbers, letters or symbols that give rise to the winning chance or chances cannot be detected by a person participating in the lottery prior to acquiring the relevant goods or services;
- (i) whether or not persons under the age of 18 will be permitted to enter the lottery;
- (j) the title of the lottery;
- (k) the terms and conditions of entry in the lottery;
- (l) the commencement and closing dates of the lottery;
- (m) a declaration regarding the truth and correctness of the contents of and information provided with the application;
- (n) a statement regarding the authority of the person or persons making the application.

### **Part 6—Instant lottery ticket supplier's licence application**

The following details must be included in or provided with an application for an instant lottery ticket supplier's licence:

- (a) the name, address and contact details of the applicant;
- (b) the name, address and contact details of the applicant's business;
- (c) a description of the nature of the applicant's principal business;
- (d) the name and address of each partner, director, manager or other person controlling the management of the business supplying the tickets under the licence;

- (e) whether or not in the last 10 years the applicant has—
  - (i) been licensed or registered in any other Australian state or territory to supply instant lottery tickets;
  - (ii) been refused the right or restricted in the right to carry on a trade, business or profession for which some form of registration, licence or other authority is required by law (whether in this State or another Australian state or territory);
  - (iii) been convicted (in this State or another jurisdiction) of an offence other than traffic or parking offences;
  - (iv) carried on a business (in this State or another jurisdiction) under any other name other than the name shown on the application;
  - (v) had judgment given against them (in this State or another jurisdiction) in civil proceedings in which fraud, misrepresentation or dishonesty was an element;
  - (vi) been wound up, placed in receivership, declared bankrupt, compounded with creditors or been the subject of similar proceedings (in this State or another jurisdiction) arising out of an inability to pay debts;
  - (vii) had any previous experience in the supply of instant lottery tickets;
- (f) the details relevant to any of the items listed in paragraph (e);
- (g) details of the classes of instant tickets to be supplied under the licence;
- (h) a letter from the applicant's ADI manager certifying as to the applicant's banking record and history with the ADI;
- (i) declaration regarding the truth and correctness of the contents of and information provided with the application;
- (j) a statement regarding the authority of the person or persons making the application.

## **Schedule 2—Financial Statements**

### **Part 1—Major lottery licence financial statement**

The following details must be included in the financial statement for a lottery conducted under a major lottery licence:

- (a) the name of the association holding the licence;
- (b) the licence number;
- (c) the dates and locations of the prize draws in the lottery;
- (o) the name, address, contact details and status of the scrutineer required to witness the lottery draw or draws under regulation 24(s)(iii);
- (e) the names and contact details of the prize winners;
- (f) details of the gross proceeds and net proceeds of the lottery;
- (g) details of the distribution of the net proceeds of the lottery including—
  - (i) the names of each recipient; and
  - (ii) the amount each recipient received;

- (h) an auditor's report on the audit conducted of the association's accounts and the tickets sold, unsold or lost in relation to the lottery that includes—
  - (i) the name, address and contact details of the auditor; and
  - (ii) the qualifications of the auditor; and
  - (iii) the results of and any comments on the audit of the accounts and ticket sales; and
  - (iv) certification by the auditor as to the correctness of the information provided in the financial statement;
- (i) a declaration regarding the truth and correctness of the contents of and information provided with the financial statement, and a statement regarding the authority of the person to do so, on behalf of the licensee.

## **Part 2—Major bingo licence financial statement**

The following details must be included in the financial statement in relation to major bingo sessions conducted under a major bingo licence:

- (a) the name of the association holding the licence;
- (b) the licence number;
- (c) the dates of the quarter ending to which the statement relates;
- (d) details of the bingo sessions held during the quarter including—
  - (i) the dates of each session; and
  - (ii) the gross proceeds of each session; and
  - (iii) the net proceeds of each session; and
  - (iv) the details of the prizes for each bingo game in the session; and
  - (v) the details of the gross proceeds of each bingo game in the session; and
  - (vi) details of any jackpots of the games in the session;
- (e) the details of the distribution of the net proceeds of the bingo sessions including—
  - (i) the names of each recipient; and
  - (ii) the amount each recipient received;
- (f) the certification of the authorised member or members of the management committee of the association as to the correctness of the information provided in the financial statement;
- (g) a statement as to the authority of the person or persons providing and certifying the statement.

## **Part 3—Instant lottery licence financial statement**

The following details must be included in the financial statement in relation to an instant lottery conducted under an instant lottery licence:

- (a) the name of the association holding the licence;
- (b) the licence number;

- (c) the time period to which the statement relates;
- (d) the details of the lotteries conducted including—
  - (i) the ticket codes;
  - (ii) number of complete boxes of tickets sold;
  - (iii) the serial numbers of the tickets for each complete box of tickets sold;
  - (iv) the total value of all the prizes in respect of each complete box of tickets sold;
  - (v) the total face value of the tickets in respect of each complete box of tickets sold;
  - (vi) the gross proceeds received from each complete box of tickets sold;
  - (vii) the net proceeds received from each complete box of tickets sold;
- (e) the details of the distribution of net proceeds of the lottery including—
  - (i) the name of each recipient;
  - (ii) the amount received by each recipient;
- (f) an auditor's report on the audit conducted of the association's accounts and ticket sales in relation to the lottery that includes—
  - (i) the name, address and contact details of the auditor; and
  - (ii) the qualifications of the auditor; and
  - (iii) the results of and any comments on the audit of the accounts and ticket sales; and
  - (iv) certification by the auditor as to the correctness of the information provided in the financial statement;
- (g) a declaration regarding the truth and correctness of the contents of and information provided in the financial statement, and a statement regarding the authority of the person to do so, on behalf of the licensee.

### **Schedule 3—Fees**

1	Application for lottery licence	\$6.25
2	Application for trade promotion lottery licence—Standard fee calculated on the basis of the total value of all prizes in the lottery as follows:	
	(a) for a total value of not more than \$10 000	\$144.00
	(b) for a total value of more than \$10 000 but not more than \$50 000	\$526.00
	(c) for a total value of more than \$50 000 but not more than \$100 000	\$918.00
	(d) for a total value of more than \$100 000 but not more than \$200 000	\$1 576.00
	(e) for a total value of more than \$200 000	\$2 890.00

However, if the terms of the lottery provide for allocation of prizes among a number of States or Territories of the Commonwealth, the fee is to be calculated on the basis of the total value of only those prizes that are capable of being awarded to winners in this State.

3	If an application for a trade promotion lottery licence requests that the licence be granted 5 business days or less from the day on which the application is received by the Minister—fee calculated on the basis of the total value of all prizes in the lottery as follows:	
	(a) for a total value of not more than \$10 000	\$288.00
	(b) for a total value of more than \$10 000 but not more than \$50 000	\$1 052.00
	(c) for a total value of more than \$50 000 but not more than \$100 000	\$1 836.00
	(d) for a total value of more than \$100 000 but not more than \$200 000	\$3 152.00
	(e) for a total value of more than \$200 000	\$5 780.00
	However, if the terms of the lottery provide for allocation of prizes among a number of States or Territories of the Commonwealth, the fee is to be calculated on the basis of the total value of only those prizes that are capable of being awarded to winners in this State.	
4	Application by holder of trade promotion lottery licence to Minister for variation of terms of lottery to which licence applies	\$46.90
5	Application for grant of supplier's licence	\$1 328.00
6	Application for renewal of supplier's licence	\$130.00

## **Schedule 4—Revocations and transitional provisions**

### **Part 1—Revocation of *Lottery and Gaming Regulations 1993***

The *Lottery and Gaming Regulations 1993* are revoked.

### **Part 2—Transitional provisions**

A licence granted and in force under the revoked regulations immediately before the commencement of these regulations will, on the commencement of these regulations, be taken to have been granted under these regulations.

#### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 17 April 2008

No 35 of 2008

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