

South Australia

# Lotteries Regulations 2021

under the *Lotteries Act 2019*

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# Part 1—Preliminary

## 1—Short title

These regulations may be cited as the *Lotteries Regulations 2021*.

## 2—Commencement

These regulations come into operation on the day on which the *Lotteries Act 2019* comes into operation.

## 3—Interpretation

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

*Act* means the *Lotteries Act 2019*;

*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;
- (k) a purpose approved by the Commissioner;

**auditor** means—

- (a) a person who is a member of—
  - (i) CPA Australia; or
  - (ii) Chartered Accountants Australia and New Zealand; or
  - (iii) the Institute of Public Accountants; or
- (b) a person, or a person of a class, approved by the Commissioner;

**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;

**card jackpot lottery** means a game comprising draws where the person whose ticket is drawn wins the right to select a card from a display board to determine if they are the winner of a prize, which ends when a person whose ticket is drawn selects the major prize winning card (or a specified winning card) from the display board;

**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;

**face value**, in relation to tickets in a lottery, means the amount obtained by multiplying the total number of tickets available in the lottery by the individual ticket price;

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

**fundraiser lottery licence** means a lottery licence of a class specified in regulation 13;

**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 lottery ticket*** means a lottery ticket (not being a lottery ticket printed by or on behalf of the Lotteries Commission of South Australia) that—

- (a) is sealed or in some other way conceals the number, letter or symbol giving rise to the winning chance; and
- (b) is realisable immediately after its purchase by the participant in the lottery;

***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 a licence under Part 5 of the Act;

***lottery licence*** means a licence issued under Part 3 of the Act;

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

***major bingo session*** means bingo played at a bingo session where the gross proceeds of the session exceed \$1 000;

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

***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),

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 \$1 000;

***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, a Calcutta sweepstakes or a card jackpot lottery;

**minor trade promotion lottery** means a trade promotion lottery, other than a major trade promotion lottery or a trade promotion (instant prize) lottery, of which the total value of all the prizes does not exceed \$5 000;

**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;

**organisation** means—

- (a) any incorporated organisation other than a registered corporation that returns profits to its members; or
- (b) any unincorporated organisation that has—
  - (i) at least 10 members; and
  - (ii) a management committee appointed or elected by the members of the organisation; and
  - (iii) a written constitution;

**participation lottery** means a lottery conducted by an organisation—

- (a) of which the total value of all the prizes does not exceed \$5 000; and
- (b) in which only members, or a class of members, of the organisation have a right to participate; and
- (c) where participation in the lottery does not depend on the payment of an entrance fee or other benefit (other than payment of any membership fee to become a member of the organisation);

**prohibited goods or services** means goods or services prohibited by notice under section 7 of the Act;

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

**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 Commissioner to be a scrutineer;

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

**supplier's licence** means a licence under Part 4 of the Act;

**sweepstakes** means a scheme under which money is paid into a pool the whole or part of which is distributed as prizes to those persons who have drawn, or have acquired from the drawer, the winning chances (according to the terms of the scheme) arising out of the results of a race, game or other sporting event conducted within or outside the State;

**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 lottery licence of a class specified in regulation 18;

**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; and
- (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; and
- (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 organisation will not be taken to receive a benefit from the net proceeds of a lottery conducted by the organisation by virtue only of the fact that they, as a member of the organisation, shares with the other members in the facilities or services provided by the organisation; 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, except in the case of a minor lottery if—
  - (i) the tickets for the lottery are sold on the same day, and at the same place, as the lottery is drawn; and
  - (ii) the details of the draw (including any rules about being present at the drawing of the lottery) are disclosed to purchasers of tickets at the time of purchase.



- (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 organisation and the person is a member of the organisation; 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.
- (5) For the purposes of these regulations, an advertisement will not be taken to contain information unless the information is displayed so as to be clearly visible having regard to the nature of the advertisement and its size or length.

## **Part 2—Permitted lotteries**

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

#### **4—Minor lotteries**

A minor lottery that is a fundraiser is declared to be a lottery that is permitted without the need for a licence under Part 3 of the Act if—

- (a) the lottery is conducted by an organisation on its own behalf; and
- (b) the prizes do not include any prohibited goods or services; and
- (c) the organisation, in conducting the lottery, complies with the minor lottery rules set out in Schedule 1.

#### **5—Minor bingo sessions**

Bingo played at a minor bingo session that is a fundraiser is declared to be a lottery that is permitted without the need for a licence under Part 3 of the Act if—

- (a) the bingo session is conducted by an organisation on its own behalf; and
- (b) the prizes do not include any prohibited goods or services; and
- (c) the organisation, in conducting the bingo session, complies with the minor bingo session rules set out in Schedule 2.

## **6—Sweepstakes**

A sweepstakes that is a fundraiser is declared to be a lottery that is permitted without the need for a licence under Part 3 of the Act if—

- (a) the sweepstakes is conducted by an organisation 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 organisation, in conducting the sweepstakes, complies with the sweepstakes rules set out in Schedule 3.

## **7—Card jackpot lotteries**

A card jackpot lottery that is a fundraiser is declared to be a lottery that is permitted without the need for a licence under Part 3 of the Act if—

- (a) the lottery is conducted by an organisation on its own behalf; and
- (b) the gross proceeds of each draw in the lottery do not exceed \$500; and
- (c) the prizes do not include any prohibited goods or services; and
- (d) the organisation, in conducting the lottery, complies with the card jackpot lottery rules set out in Schedule 4.

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

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

A lottery (of a kind other than an instant lottery) is declared to be a lottery that is permitted without the need for a licence under Part 3 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**

- (1) A minor trade promotion lottery is declared to be a lottery that is permitted without the need for a licence under Part 3 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) subject to subregulation (2), the person conducting the lottery complies with the minor trade promotion lottery rules set out in Schedule 5.
- (2) If the holder of the casino licence—
  - (a) conducts a minor trade promotion lottery; and
  - (b) requires a person participating in the lottery to comply with an attendance requirement,

the lottery is, despite the minor trade promotion lottery rule set out in Schedule 5 rule 4(1), a permitted lottery for the purpose of the Act, if—

- (c) the attendance requirement applies to all ticket holders in respect of a specified draw; and
- (d) the attendance requirement is disclosed—
  - (i) in all advertisements of the lottery (other than advertisements on television, radio or at the cinema); and
  - (ii) in any terms and conditions of the lottery.
- (3) In this regulation—

***attendance requirement*** means a requirement that the holder of a ticket in a specified draw be present at a draw to claim a prize;

***casino licence*** has the same meaning as in the *Casino Act 1997*.

## **10—Participation lotteries**

A participation lottery is declared to be a lottery that is permitted without the need for a licence under Part 3 of the Act if—

- (a) the lottery is conducted by an organisation on its own behalf; and
- (b) the total value of all the prizes does not exceed \$5 000; and
- (c) the prizes do not include any prohibited goods or services; and
- (d) the organisation, in conducting the lottery, complies with the participation lottery rules set out in Schedule 6.

## **11—Calcutta sweepstakes**

A Calcutta sweepstakes is declared to be a lottery that is permitted without the need for a licence under Part 3 of the Act if—

- (a) the Calcutta is conducted by an organisation 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 organisation, in conducting the Calcutta, complies with the Calcutta sweepstakes rules set out in Schedule 7.

## Division 3—Miscellaneous

### 12—Breach of lottery rules

- (1) In the event of a contravention of, or failure to comply with, any lottery rules applicable to a permitted lottery, the person conducting the lottery is guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (2) In any prosecution for an offence under subregulation (1), it is a sufficient defence if the defendant proves to the satisfaction of the court that the defendant took all reasonable steps to prevent the occurrence of the contravention or failure to which the prosecution relates.

## Part 3—Licensed lotteries

### Division 1—Fundraiser lotteries

#### 13—Classes of fundraiser lottery licence

The classes of licence that may be issued for the conduct of lotteries that are fundraisers are limited to the following:

- (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 the Act, 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 the Act, 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 the Act, these regulations and the conditions of the licence.

#### 14—Refusal of fundraiser lottery licence

- (1) In accordance with section 15(3)(b) of the Act, the Commissioner may refuse to grant an application for a fundraiser lottery licence if satisfied that—
  - (a) the grant of the licence would not be consistent with 1 or more of the prescribed requirements; or
  - (b) in the case of an application for a major lottery licence—
    - (i) the lottery to which the application relates does not appear to be financially viable; or

- (ii) the applicant has previously conducted a major lottery that has turned out not to be financially viable and the Commissioner 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; or
    - (iii) the applicant has previously conducted a major lottery and has failed to comply with the reporting requirements or has failed to provide a financial statement required under these regulations; or
  - (c) in the case of an application for a major bingo licence—
    - (i) there is some relationship or arrangement between the applicant and another organisation that holds a major bingo licence; and
    - (ii) by virtue of that relationship or arrangement, proceeds derived by the applicant from conducting major bingo sessions would benefit that other organisation; and
    - (iii) to grant the licence would therefore give that other organisation an unfair advantage over other holders of major bingo licences.
- (2) For the purposes of subregulation (1)(a), the *prescribed requirements* are as follows:
- (a) the licence may only be granted to an organisation, or a person acting on behalf of an organisation, to conduct lotteries on behalf of the organisation;
  - (b) the whole of the net proceeds of the lottery to be conducted under the licence must be applied for 1 or more approved purposes;
  - (c) no part of the net proceeds of the lottery may be applied for the benefit of—
    - (i) a member of the organisation; or
    - (ii) a registered corporation that returns profits to its members.

### **15—Specified conditions**

In accordance with section 16(1)(a) of the Act, the following conditions are specified:

- (a) 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 Schedule 8;
- (b) 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 Schedule 9;
- (c) 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 Schedule 10.

### **16—Designated conditions**

- (1) The Commissioner may designate any conditions of a licence as *designated conditions* for the purposes of this regulation.

- (2) A person who has been the holder of a licence that has ceased but that included a designated condition must not contravene or fail to comply with the designated condition.
- Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) In any prosecution for an offence under subregulation (2), it is a sufficient defence if the defendant proves to the satisfaction of the court that the defendant took all reasonable steps to prevent the occurrence of the contravention or failure to which the prosecution relates.

## **17—Term of licence**

- (1) In accordance with section 18(1)(a) of the Act—
- (a) a major bingo licence has effect for the period determined by the Commissioner and specified in the licence (which will be a period of not less than 12 months); and
  - (b) an instant lottery licence has effect for the period determined by the Commissioner and specified in the licence (which will be a period of not less than 12 months).
- (2) In accordance with section 18(2) of the Act—
- (a) a major bingo licence or an instant lottery licence may be renewed for a further period if the applicant notifies the Commissioner in a manner, and at a time, determined by the Commissioner; or
  - (b) the Commissioner may refuse an application for renewal of a licence if the Commissioner is satisfied that the licensee has breached or failed to comply with obligations under the Act or on any other reasonable ground.

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

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

The classes of licence that may be issued for the conduct of trade promotion lotteries are limited to the following:

- (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 the Act, 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 the Act, these regulations and the conditions of the licence.

## 19—Refusal of trade promotion lottery licence

In accordance with section 15(3)(b) of the Act, the Commissioner may refuse to grant an application for a trade promotion lottery licence if satisfied that—

- (a) the lottery would not be consistent with a code of practice under section 15 of the *Gambling Administration Act 2019*; or
- (b) 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—Specified conditions

- (1) In accordance with section 16(1)(a) of the Act, the following conditions are specified:
  - (a) 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 Schedule 11 (except as provided in subregulation (2));
  - (b) a trade promotion (instant prize) lottery is subject to a 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 Schedule 12.
- (2) The holder of the casino licence may, despite the major trade promotion lottery rule set out in Schedule 11 rule 4(1), require a person participating in a lottery to comply with an attendance requirement if—
  - (a) the attendance requirement applies to all ticket holders in respect of a specified draw; and
  - (b) the attendance requirement is disclosed—
    - (i) in all advertisements of the lottery (other than advertisements on television, radio or at the cinema); and
    - (ii) in the terms and conditions of the lottery.
- (3) In this regulation—

***attendance requirement*** means a requirement that the holder of a ticket in a specified draw be present at a draw to claim a prize;

***casino licence*** has the same meaning as in the *Casino Act 1997*.

## 21—Designated conditions

- (1) The Commissioner may designate any conditions of a licence as ***designated conditions*** for the purposes of this regulation.
- (2) A person who has been the holder of a licence that has ceased but that included a designated condition must not contravene or fail to comply with the designated condition.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) In any prosecution for an offence under subregulation (2), it is a sufficient defence if the defendant proves to the satisfaction of the court that the defendant took all reasonable steps to prevent the occurrence of the contravention or failure to which the prosecution relates.

## Part 4—Suppliers of lottery products

### 22—Prescribed lottery products

For the purposes of the definition of *lottery product* in section 22 of the Act, the following kinds of products are prescribed:

- (a) instant lottery tickets;
- (b) vending machines that dispense instant lottery tickets;
- (c) bingo sheets.

### 23—Application

An application for the grant of a licence under Part 4 of the Act must be accompanied by such documents and information as the Commissioner requires.

## Part 5—Miscellaneous

### 24—Trade promotion lottery entry costs—prescribed amount

For the purposes of paragraph (c)(ii) of the definition of *trade promotion lottery* in section 4 of the Act, the prescribed amount is 50 cents plus the amount of any GST in respect of the call or message.

### 25—Commissioner may waive compliance with lottery rules

- (1) The Commissioner may, on application made by or on behalf of the holder of a lottery licence or a person who conducts or proposes to conduct permitted lotteries, by instrument in writing waive compliance with a specified lottery rule if the Commissioner 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—
- (a) may be granted subject to such conditions as the Commissioner thinks fit and specifies in the instrument of waiver; and
  - (b) operates from the date specified by the Commissioner in the instrument of waiver (which may be earlier than the day on which the waiver is granted by the Commissioner); and
  - (c) does not render lawful any conduct occurring before the date of operation of the waiver.
- (3) A person who contravenes a condition imposed under subregulation (2)(a) is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.



## **26—Identification of winning ticket etc**

A person who discloses the identity of a winning ticket before it is acquired by a person entering a lottery, or who otherwise interferes with any tickets or other equipment used for the purposes of a lottery in a way that discloses the likelihood of a particular ticket or entry winning a prize, is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$315.

## **27—Commission agents must pay lottery ticket proceeds by cheque or deposit**

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

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **28—Keeping of accounts relating to licensed lotteries conducted by organisations**

Subject to these regulations, an organisation 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 Commissioner, on request, at any time during that period.

Maximum penalty: \$1 250.

Expiation fee: \$160.

## **29—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: \$2 500.

Expiation fee: \$315.

- (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 Schedule 5, Schedule 11 or Schedule 12 (as the case requires), the trader is guilty of an offence.

Maximum penalty: \$2 500.

Expiation fee: \$315.

- (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 their part to take reasonable care to avoid commission of the offence.

### **30—Inducements to enter lottery**

A person who conducts a lottery (other than a major lottery, a major bingo session, an instant lottery 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: \$1 250.

Expiation fee: \$160.

### **31—Prohibition on entry**

- (1) An organisation, or a member of the management committee of an organisation, must not enter a lottery conducted by the organisation or management committee.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A person must not enter a lottery if the person is involved (whether as principal, agent or employee) in the conduct or promotion of the lottery.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **32—Payment of cash prizes**

The payment of a cash prize of more than \$1 000 must—

- (a) be offered to be made by cheque or by deposit in an ADI account; and
- (b) be made as soon as reasonably practicable after the winner of the prize is determined.

Maximum penalty: \$1 250.

Expiation fee: \$160.

### **33—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 prizes must be dealt.

- (2) The person conducting a lottery must deliver each prize in the lottery to the winner of the prize unless, after making reasonable attempts, the winner is unable to be contacted and the prize remains unclaimed at the end of the relevant period.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (3) The person conducting a lottery must keep and preserve each prize in the lottery until it is delivered to or claimed by its winner, or is disposed of in accordance with this regulation, whichever occurs first.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (4) Subject to subregulation (5), a prize in a lottery (other than a trade promotion (instant prize) lottery) that has not been delivered to or claimed by its winner must be kept and preserved for no less than—
  - (a) in the case of a licensed lottery—2 months after the drawing of the lottery; or
  - (b) in the case of a permitted lottery—1 month after the drawing of the lottery.
- (5) A prize need not be kept and preserved for the period specified in subregulation (4) if—
  - (a) the prize is perishable and is likely to deteriorate before that period expires; or
  - (b) the prize is a ticket or tickets for an event that is due to take place before that period expires.
- (6) If a prize—
  - (a) remains unclaimed at the expiry of the period specified in subregulation (4); or
  - (b) is perishable and has not been delivered to or claimed by its winner within a reasonable time before it is likely to deteriorate; or
  - (c) is a ticket or tickets for an event and has not been delivered to or claimed by its winner within a reasonable time before the event is due to take place,the person who conducted the lottery must redraw the lottery, unless the Commissioner approves the prize being disposed of in another appropriate manner, and the winner will be taken to have forfeited any right to the prize.
- (7) If a person who conducted a lottery conducts a redraw to distribute any unclaimed prizes, they must comply with any requirements relating to the original draw in conducting the redraw.
- (8) 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 and the winner will be taken to have forfeited any right to the prize.
- (9) In this regulation—

*relevant period*, in relation to a prize, is the period for which the prize must be kept and preserved (if it is not delivered to or claimed by its winner) in accordance with this regulation.

### 34—Advertising of lotteries

- (1) An organisation or person conducting a lottery 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 improving a person's personal or financial position or relieving personal or financial difficulties or providing for the payment of expenses or debts; 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) if the lottery is a fundraiser—
    - (i) the advertising or promoting must not exaggerate the connection between the lottery and the use to which the organisation intends to apply the proceeds of the lottery; and
    - (ii) 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—
      - (A) includes sufficient information for a reasonably informed person to understand the odds of winning or the overall return to the participant; and
      - (B) 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.
- (2) The Commissioner may direct that a person stop, remove or change advertising that the Commissioner considers to be in contravention of subregulation (1).
- (3) A person who fails to comply with a direction under subregulation (2) is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **35—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, in carrying out an audit, audit the accounts for the distribution of proceeds and report whether the proceeds were deposited and applied in accordance with these regulations; and

- (d) 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
- (e) report any reasonable suspicion of irregularities or a contravention of the Act or regulations; and
- (f) must, on completing an audit, provide a certificate as to the results of the audit that includes the particulars required by the Commissioner.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **36—Publication of financial statements**

The Commissioner may, if the Commissioner considers it is in the public interest to do so, publish, on a website determined by the Commissioner, a financial statement provided to the Commissioner in accordance with these regulations, or a summary of, or extract from, any such statement.

### **37—Fees**

The Commissioner may waive or remit the whole or any part of a fee prescribed for the purposes of the Act (and the regulations under the Act).

## **Schedule 1—Minor lottery rules**

### **1—Application of Schedule**

This Schedule sets out the rules that an organisation must comply with in conducting a minor lottery that is a fundraiser.

### **2—Distribution of proceeds of lottery**

- (1) The whole of the net proceeds of the lottery must be applied for 1 or more approved purposes.
- (2) The total amount of proceeds applied for 1 or more approved purposes must not be less than 20% of the gross proceeds of the lottery.
- (3) No part of the net proceeds of the lottery may be applied for the benefit of—
  - (a) a member of the organisation; or
  - (b) a registered corporation that returns profits to its members.

### **3—Tickets and draws**

- (1) Each ticket in the lottery must give rise to an equal chance of winning the major prize.
- (2) If bonus or bundled tickets are to be on offer to purchasers of a certain number of tickets in the lottery—
  - (a) details of the bonus or bundled offer must appear on the face of each ticket in the lottery or the information provided to purchasers at the time of purchase and in the terms and conditions of the lottery; and
  - (b) the bonus or bundled offer must apply throughout the whole period during which tickets are on sale.

- (3) 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—
  - (a) the name of the organisation conducting the lottery, and the date, place and time for the drawing of the lottery, must be clearly printed on each ticket or must be otherwise made available to the purchaser at the time of purchase; and
  - (b) the butt of each ticket sold in the lottery must have the name and address (or telephone number or email address) of the purchaser of the ticket clearly written on it; and
  - (c) the lottery must be drawn on the day and at the place and time so specified.
- (4) The lottery must not be drawn electronically except by way of a random number generator that draws a winner at random.
- (5) The organisation must make information related to a system referred to in subrule (4) available to the Commissioner on request.
- (6) In this rule—

***bundled tickets*** means tickets offered at a discount for purchasing a certain number of tickets in the lottery.

#### **4—Prizes**

- (1) 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.
- (2) If the gross proceeds from the lottery are insufficient to meet the cost of the prizes in the lottery, the organisation must make up the deficiency from its other funds, and must notify the Commissioner in writing as soon as it becomes apparent that such a deficiency will arise.
- (3) If a prize is not delivered to its winner at the time the winning ticket is drawn, the winner must, within 7 days of the draw, be notified in writing of the prize they have won and the particulars of how the prize is to be delivered or collected.
- (4) 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.

#### **5—Record keeping and provision of information**

- (1) The organisation must keep accurate records of—
  - (a) the number of tickets available for sale; and
  - (b) the number of tickets sold; and
  - (c) the number of tickets returned unsold; and
  - (d) the details of the lottery draw, including the time, date, location and method of the draw; and
  - (e) 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
  - (f) the gross proceeds of the lottery; and

- (g) the details of the distribution of net proceeds of the lottery including—
    - (i) the name of each recipient; and
    - (ii) the amount received by each recipient; and
  - (h) the administrative costs of conducting the lottery.
- (2) The organisation must keep a copy of the records referred to in subrule (1) for a period of not less than 3 months from when the lottery is drawn and ensure that they are available for inspection by the Commissioner during that period.
- (3) The organisation conducting the lottery must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## **Schedule 2—Minor bingo session rules**

### **1—Application of Schedule**

This Schedule sets out the rules that an organisation must comply with in conducting a minor bingo session that is a fundraiser.

### **2—Conduct of bingo sessions**

- (1) No more than 5 bingo sessions may be conducted in any 1 week.
- (2) 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.
- (3) At least 2 persons who are members of the management committee or staff of the organisation must be present at the session.
- (4) 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.

### **3—Distribution of proceeds of bingo session**

- (1) The whole of the net proceeds of the bingo session must be applied for 1 or more approved purposes.
- (2) The total amount of proceeds applied for 1 or more approved purposes must not be less than 15% of the gross proceeds of the session.
- (3) No part of the net proceeds of the bingo session may be applied for the benefit of—
  - (a) a member of the organisation; or
  - (b) a registered corporation that returns profits to its members.

### **4—Bingo sheets**

- (1) All bingo sheets must be purchased from a licensed supplier of instant lottery tickets.
- (2) The organisation must keep all bingo sheets in a secure place.
- (3) 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.
- (4) No bingo sheet may be offered to a player free of charge.

- (5) The bingo game printed on a bingo sheet must be constituted of at least 15 different numbers.
- (6) 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.
- (7) 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.

## **5—Prizes**

- (1) The prizes must not accumulate (or *jackpot*) between a game played in 1 bingo session and a game played in another session.
- (2) If a jackpot is conducted during a session, the amount of the jackpot must not exceed 10% of the gross proceeds of the session.
- (3) 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).
- (4) 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.

## **6—Record keeping and provision of information**

- (1) The organisation must make an accurate record, in a form approved by the Commissioner, of—
  - (a) the bingo sheets used in each game of bingo played during a bingo session; and
  - (b) the gross proceeds and prizes of each game of bingo played during a bingo session,immediately after completion of the game and before the commencement of the next game.
- (2) The organisation must, within a reasonable time after the close of each session, make an accurate record of—
  - (a) the gross proceeds of the session; and
  - (b) the details of the distribution of net proceeds of the session including—
    - (i) the name of each recipient; and
    - (ii) the amount received by each recipient; and
  - (c) the administrative costs of conducting the session.
- (3) The organisation must keep a copy of the records referred to in subrules (1) and (2) for a period of not less than 3 months from the day on which the bingo session was conducted and ensure that they are available for inspection by the Commissioner during that period.
- (4) The organisation conducting the bingo session must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.



## Schedule 3—Sweepstakes rules

### 1—Application of Schedule

This Schedule sets out the rules that an organisation must comply with in conducting a sweepstakes that is a fundraiser.

### 2—Conduct of sweepstakes

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*.

### 3—Distribution of proceeds of sweepstakes

- (1) The whole of the net proceeds of the sweepstakes must be applied for 1 or more approved purposes.
- (2) 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.
- (3) No part of the net proceeds of the sweepstakes may be applied for the benefit of—
  - (a) a member of the organisation; or
  - (b) a registered corporation that returns profits to its members.

### 4—Tickets and draws

- (1) A ticket in the sweepstakes must not be sold to a person under the age of 18 years.
- (2) Each ticket in the sweepstakes must be of equal value and give rise to an equal chance of being drawn.
- (3) 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—
  - (a) the following information must be clearly printed on each ticket or must be otherwise made available to the purchaser at the time of purchase:
    - (i) the name of the organisation conducting the sweepstakes;
    - (ii) the name of the race;
    - (iii) the date, place and time for the draw;
    - (iv) how the purchaser may ascertain the winner of the sweepstakes; and
  - (b) the butt of each ticket sold in the sweepstakes must have the name and address (or telephone number or email address) of the purchaser of the ticket clearly written on it; and
  - (c) the draw must be carried out on the day and at the place and time so specified.
- (4) 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 that they have drawn.
- (5) 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.

## **5—Prizes**

- (1) The total value of the prizes in the sweepstakes must not be less than 20% of the gross proceeds of the sweepstakes.
- (2) If a prize is not delivered to its winner at the time the race is run, the winner must, within 7 days of the race being run, be notified in writing of the prize they have won and the particulars of how the prize is to be delivered or collected.
- (3) 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.

## **6—Record keeping and provision of information**

- (1) The organisation must keep accurate records of—
  - (a) the gross proceeds of the sweepstakes; and
  - (b) the administrative expenses of conducting the sweepstakes; and
  - (c) the distribution of all prizes to the prize winners and the details of any unclaimed prizes and the manner in which they were dealt.
- (2) The organisation must keep a copy of the records referred to in subrule (1) for a period of not less than 3 months from when the race is run and ensure that they are available for inspection by the Commissioner during that period.
- (3) The organisation conducting the sweepstakes must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## **Schedule 4—Card jackpot lottery rules**

### **1—Application of Schedule**

This Schedule sets out the rules that an organisation must comply with in conducting a card jackpot lottery that is a fundraiser.

### **2—Prohibition on entry**

The following persons or bodies must not enter a lottery:

- (a) an owner, occupier or employee of the venue at which the lottery is conducted;
- (b) a person under the age of 18 years.

### **3—Conduct of lottery**

The lottery must not be conducted in a gaming area (within the meaning of the *Gaming Machines Act 1992*).

### **4—Distribution of proceeds of lottery**

- (1) The whole of the net proceeds of the lottery must be applied for 1 or more approved purposes.

- (2) The administrative expenses of conducting the lottery must not exceed 10% of the gross proceeds of the lottery.
- (3) The total amount of proceeds applied for 1 or more approved purposes must not be less than 20% of the gross proceeds of the lottery.
- (4) No part of the net proceeds of the lottery may be applied for the benefit of—
  - (a) a member of the organisation; or
  - (b) a registered corporation that returns profits to its members.

## **5—Tickets and draws**

- (1) Each ticket in the lottery must be of equal value.
- (2) The determination of the winner must be undertaken in a fair and transparent manner with each ticket in a particular draw of the lottery having an equal chance of being drawn.
- (3) 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—
  - (a) the name of the organisation conducting the lottery, and the date, place and time for the drawing of the lottery, must be clearly printed on each ticket in the lottery or must be otherwise made available to the purchaser at the time of purchase; and
  - (b) the butt of each ticket sold in the lottery must have the name and address (or telephone number or email address) of the purchaser of the ticket clearly written on it; and
  - (c) the lottery must be drawn on the day and at the place and time so specified.
- (4) The lottery must be drawn on the date and at the time and place specified in the terms and conditions of the lottery.
- (5) No more than 1 lottery may be conducted at a venue at any given time.
- (6) A new deck of standard playing cards must be used for each lottery.
- (7) The cards in a lottery must be safely secured at all times during the lottery.
- (8) No more than 2 members of the management committee may have access to the display board during the lottery.
- (9) The position of the winning card must not be revealed to any person before or during the lottery.
- (10) A winner of the draw must be given a reasonable opportunity, of no less than 15 minutes, to select a card from the display board.
- (11) Each turned card that is not the winning card must be displayed face side up on the display board or removed from the board.
- (12) The draw and selection of a card must take place in the presence of at least 1 participant in the lottery.

## **6—Terms and conditions**

- (1) The terms and conditions of the lottery must include—
  - (a) how to enter the lottery; and
  - (b) the date, time and location of the draw; and
  - (c) the details of the prizes, including an estimate of the total prize value; and
  - (d) how the proceeds will be distributed; and
  - (e) how prizes may be claimed; and
  - (f) the rules of the lottery.
- (2) The terms and conditions of the lottery must be displayed next to the display board and available to participants.

## **7—Prizes**

If a winning card is not selected in a draw, the prizes may accumulate (or *jackpot*) to the next draw but must not exceed \$5 000 in total.

## **8—Record keeping and provision of information**

- (1) The organisation must keep accurate records of—
  - (a) the details of each draw; and
  - (b) 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
  - (c) the gross proceeds of the lottery; and
  - (d) the details of the distribution of net proceeds of the lottery including—
    - (i) the name of each recipient; and
    - (ii) the amount received by each recipient; and
  - (e) the administrative costs of conducting the lottery.
- (2) The organisation must keep a copy of the records referred to in subrule (1) for a period of not less than 3 months from when the lottery is drawn and ensure that they are available for inspection by the Commissioner during that period.
- (3) The organisation conducting the lottery must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## **Schedule 5—Minor trade promotion lottery rules**

### **1—Application of Schedule**

This Schedule sets out the rules that a person must comply with in conducting a minor trade promotion lottery.

### **2—Duration of lottery**

The duration of the lottery must not exceed 12 months.

### **3—Advertising requirements**

All advertisements of the lottery must contain the following information:

- (a) the name of the trader;
- (b) how a person may enter the lottery;
- (c) the nature and value of the prizes to be won;
- (d) how and where to get a copy of the full terms and conditions of the lottery.

### **4—Tickets and draws**

- (1) 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.
- (2) A ticket belonging to a person for a lottery that includes a prize of, or promotes, goods or services that the person, by reason of their age, would not otherwise be permitted to purchase is void.
- (3) The lottery must not be drawn electronically except by way of a random number generator that draws a winner at random.
- (4) The person conducting the lottery must make information related to a system referred to in subrule (3) available to the Commissioner on request.
- (5) A lottery draw must be held on the date and at the time and place specified for the draw in the terms and conditions of the lottery.
- (6) The winners of the drawn prizes in the lottery must be determined by lot.
- (7) A list of the drawn prizes and their winners, or the winning ticket numbers, in the lottery must be displayed or published in a place that is appropriate to where the lottery was promoted or conducted for at least 7 days after the day on which the lottery was drawn.

### **5—Terms and conditions**

The terms and conditions of the lottery must include the date, time and place (or dates, times and places) for the drawing of the lottery.

### **6—Prizes**

- (1) If a prize is not delivered to its winner at the time the winning ticket is drawn, the winner must, within 7 days of the draw, be notified in writing of the prize that they have won and the particulars of how the prize is to be delivered or collected.
- (2) 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.

### **7—Record keeping and provision of information**

- (1) The person conducting the lottery must keep 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 for not less than 3 months after the drawing of the lottery or, if there is more than 1 drawing of the lottery, the final drawing of the lottery and ensure that they are available for inspection by the Commissioner during that period.

- (2) The person conducting the lottery must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## **Schedule 6—Participation lottery rules**

### **1—Application of Schedule**

This Schedule sets out the rules that an organisation must comply with in conducting a participation lottery.

### **2—Conduct of lottery**

The lottery must not be conducted in a gaming area (within the meaning of the *Gaming Machines Act 1992*).

### **3—Draws**

The lottery must be drawn on the date and at the time and place specified in any terms and conditions of the lottery published to members of the organisation.

### **4—Notification of winners**

Winners must—

- (a) if the terms and conditions of the lottery include a requirement that winners be present at the draw to claim their prize—be allowed a period of not less than 15 minutes after the draw to claim their prize; or
- (b) in any other case—be allowed a reasonable opportunity to claim their prize.

## **Schedule 7—Calcutta sweepstakes rules**

### **1—Application of Schedule**

This Schedule sets out the rules that an organisation must comply with in conducting a Calcutta sweepstakes.

### **2—Conduct of Calcutta**

The Calcutta may only be conducted on the outcome of—

- (a) 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
- (b) the final of the foot race known as the "Bay Sheffield".

### **3—Distribution of proceeds of Calcutta**

- (1) 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.
- (2) The administrative expenses of conducting the Calcutta must not exceed 10% of the gross proceeds of the Calcutta.

#### **4—Tickets and draws**

- (1) A ticket in the Calcutta must not be sold to a person under the age of 18 years.
- (2) 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.
- (3) Each ticket in the Calcutta must be of equal value and give rise to an equal chance of being drawn.
- (4) 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—
  - (a) each ticket and the butt of each ticket must have the name of the organisation conducting the Calcutta, the name of the race and the date, place and time for the draw clearly printed on it; and
  - (b) the butt of each ticket sold in the Calcutta must have the name and address (or telephone number or email address) of the purchaser of the ticket clearly written on it; and
  - (c) the draw must be carried out on the day and at the place and time so specified.
- (5) 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 they have drawn.
- (6) 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.

#### **5—Prizes**

- (1) If a prize is not delivered to its winner at the time the race is run, the winner must, within 7 days of the race being run, be notified in writing of the prize they have won and the particulars of how the prize is to be delivered or collected.
- (2) 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.

#### **6—Record keeping and provision of information**

- (1) The organisation must keep accurate records of—
  - (a) the gross proceeds of the Calcutta; and
  - (b) the administrative expenses of conducting the Calcutta; and
  - (c) the distribution of all prizes to the prize winners and the details of any unclaimed prizes and the manner in which they were dealt.
- (2) The organisation must keep a copy of the records referred to in subrule (1) for a period of not less than 3 months from when the race is run and ensure that they are available for inspection by the Commissioner during that period.
- (3) The organisation conducting the Calcutta must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## Schedule 8—Major lottery rules

### 1—Application of Schedule

This Schedule sets out the rules that an organisation must comply with in conducting a lottery authorised by a major lottery licence.

### 2—Advertising requirements

An advertisement of the lottery must contain the following information:

- (a) the number of the lottery licence under which the lottery is conducted;
- (b) the nature and value of the prizes to be won;
- (c) how and where to get a copy of the full terms and conditions of the lottery;
- (d) the total number of tickets available in the lottery.

### 3—Distribution of proceeds of lottery

- (1) The whole of the net proceeds of the lottery must be applied for the approved purposes that are specified in the licence.
- (2) The total amount of proceeds applied for the approved purposes that are specified in the licence must not be less than 35% of the gross proceeds of the lottery.
- (3) No part of the net proceeds of the lottery may be applied for the benefit of—
  - (a) a member of the organisation; or
  - (b) a registered corporation that returns profits to its members.

### 4—Tickets and draws

- (1) Each ticket in the lottery must give rise to an equal chance of winning the major prize.
- (2) If bonus or bundled tickets are to be on offer to purchasers of a certain number of tickets in the lottery—
  - (a) details of the bonus or bundled offer must appear on the face of each ticket in the lottery or the information provided to purchasers at the time of purchase and in the terms and conditions of the lottery; and
  - (b) the bonus or bundled offer must apply as stated on the licence.
- (3) 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 Commissioner on granting the licence.
- (4) The number of tickets in the lottery must not exceed the number specified in the licence.
- (5) 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.
- (6) A ticket in the lottery must not be given or posted to a person for sale to or by that person without their prior consent.



- (7) No ticket in the lottery may be sold unless the name, address and telephone number (or email 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.
- (8) No ticket in the lottery may be sold before the day specified in the licence for the commencement of the lottery.
- (9) Before a lottery draw is held all butts of tickets sold before the draw or other records of entries or participants must be in the hands of the licensee.
- (10) Before the lottery is drawn or, if there is more than 1 drawing of the lottery, before the final drawing of the lottery, all unsold tickets and proceeds from ticket sales must be in the hands of the licensee.
- (11) The lottery must not be drawn electronically except by way of a random number generator that draws a winner at random.
- (12) The licensee must make information related to a system referred to in subrule (11) available to the Commissioner on request.
- (13) A lottery draw must be held—
  - (a) on the day and at the time and place specified for the draw in the licence; and
  - (b) under the supervision of the licensee; and
  - (c) —
    - (i) if the total prize value of the lottery is less than \$30 000—in the presence of a person who is not associated with the licensee or otherwise involved in the conduct of the lottery; or
    - (ii) if the total prize value of the lottery is \$30 000 or more—in the presence of a scrutineer who is not associated with the licensee or otherwise involved in the conduct of the lottery, or at the direction of the Commissioner; and
  - (d) in the presence of such of the ticket holders in the lottery who wish to be present.
- (14) The winners of the prizes in the lottery must be determined by lot.
- (15) The winning ticket numbers for each prize the value of which is over \$250 must be published within 30 days of the drawing of the lottery or, if there is more than 1 drawing of the lottery, the final drawing of the lottery in the location specified in the terms and conditions of the lottery.
- (16) In this rule—

***bundled tickets*** means tickets offered at a discount for purchasing a certain number of tickets in the lottery.

## **5—Terms and conditions**

The terms and conditions of the lottery must include—

- (a) if a third party has been engaged to promote or conduct the lottery on behalf of the organisation—the name of the third party and that they have been engaged to promote or conduct the lottery; and

- (b) if any of the net proceeds of the lottery will be distributed to an organisation that is not the organisation that conducted the lottery—the name of any organisation to which net proceeds of the lottery will be distributed.

## **6—Prizes**

- (1) 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.
- (2) The prizes in the lottery must consist of cash, goods or services.
- (3) 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 Commissioner in writing as soon as it becomes apparent that such a deficiency will arise.
- (4) If a prize is not delivered to its winner at the time the winning ticket is drawn, the winner must, within 7 days of the draw, be notified in writing of the prize they have won and the particulars of how the prize is to be delivered or collected.

## **7—Record keeping and provision of information**

- (1) The licensee must keep accurate records of—
  - (a) the number of tickets issued for sale; and
  - (b) the names and addresses of the persons to whom they were issued for sale; and
  - (c) the number of tickets sold; and
  - (d) the number of tickets returned unsold; and
  - (e) the details of the lottery draw, including the time, date and location of the draw; and
  - (f) 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
  - (g) the details of any unclaimed prizes and the manner in which they were dealt; and
  - (h) the name and address of the independent person who witnessed or scrutineered the draw.
- (2) The licensee must require a person to whom tickets are issued for sale to give a receipt for the tickets.
- (3) The licensee must keep a copy of the records referred to in subrule (1) for a period of not less than 1 year from when the lottery is drawn and ensure that they are available for inspection by the Commissioner during that period.
- (4) The licensee must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## **8—Financial requirements**

- (1) The licensee must—
  - (a) pay all money received from the sale of tickets in the lottery into an ADI account operated by the licensee; and
  - (b) 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
  - (c) cause those accounts to be audited by an auditor if required, subject to subrule (2).
- (2) The licensee must—
  - (a) if the total prize value of the lottery is less than \$30 000—within 1 month of the drawing of the lottery (or if there is more than 1 drawing of the lottery, within 1 month of the final drawing of that lottery), provide the Commissioner with a financial statement that includes the particulars required by the Commissioner; or
  - (b) if the total prize value of the lottery is \$30 000 or more—within 2 months of the drawing of the lottery (or if there is more than 1 drawing of the lottery, within 2 months of the final drawing of that lottery), provide the Commissioner with a financial statement—
    - (i) that includes the particulars required by the Commissioner; and
    - (ii) that is certified correct by the auditor who audited the accounts of the lottery.

## **Schedule 9—Major bingo session rules**

### **1—Application of Schedule**

This Schedule sets out the rules that an organisation must comply with in conducting a major bingo session authorised by a major bingo licence.

### **2—Advertising requirements**

An advertisement of a bingo session must state the number of the licence under which the session is conducted.

### **3—Conduct of bingo sessions**

- (1) The bingo sessions must be conducted at the place and on the days specified in the licence.
- (2) No more than 5 bingo sessions may be conducted in any 1 week.
- (3) 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.
- (4) A session of bingo must not exceed 3 hours duration.
- (5) The gross proceeds of a session of bingo must not exceed \$10 000.
- (6) The session must be conducted under the supervision of the organisation.

- (7) At least 2 persons who are members of the management committee or staff of the organisation must be present at the session.
- (8) 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.

#### **4—Distribution of proceeds of bingo session**

- (1) The whole of the net proceeds of the bingo session must be applied for the approved purposes that are specified in the licence.
- (2) The total amount of proceeds applied for the approved purposes that are specified in the licence must not be less than 20% of the gross proceeds of the session.
- (3) No part of the net proceeds of the bingo session may be applied for the benefit of—
  - (a) a member of the organisation; or
  - (b) a registered corporation that returns profits to its members.

#### **5—Bingo sheets**

- (1) All bingo sheets must be purchased from a licensed supplier of instant lottery tickets.
- (2) The licensee must keep all bingo sheets in a secure place.
- (3) The licensee 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.
- (4) 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.
- (5) No bingo sheet may be offered to a player free of charge.
- (6) The bingo game printed on a bingo sheet must be constituted of at least 15 different numbers.
- (7) Each bingo sheet used in the 1 game must bear the same serial number that is unique to that game.
- (8) 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.

#### **6—Prizes**

- (1) The prizes must not accumulate (or *jackpot*) between a game played in 1 bingo session and a game played in another session.
- (2) If a jackpot is conducted during a session, the amount of the jackpot must not exceed 10% of the gross proceeds of the session.
- (3) The total value of the prizes in every session of bingo must not be less than 20% of the gross proceeds of the session (less any amount for a jackpot).
- (4) 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.

## **7—Record keeping and provision of information**

- (1) The licensee must make an accurate record, in a form approved by the Commissioner, of—
  - (a) the bingo sheets used in each game of bingo played during a bingo session; and
  - (b) the gross proceeds, prizes and winners of prizes exceeding \$100 of each game of bingo played during a bingo session,immediately after completion of the game and before the commencement of the next game.
- (2) The licensee must, within a reasonable time after the close of each session, make accurate records of—
  - (a) the gross proceeds of the session; and
  - (b) the details of the distribution of net proceeds of the session including—
    - (i) the name of each recipient; and
    - (ii) the amount received by each recipient; and
  - (c) the administrative costs of conducting the session.
- (3) The licensee must keep a copy of the records referred to in subrules (1) and (2) for a period of 1 year after the expiry of the licence period and ensure that they are available for inspection by the Commissioner during that period.
- (4) The licensee must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## **8—Financial requirements**

- (1) The licensee must—
  - (a) pay all net proceeds received from the sale of bingo sheets in each bingo session conducted during the licence period into an ADI account operated by the licensee; and
  - (b) keep accurate accounts of all income and expenditure relating to each bingo session conducted during the licence period, being accounts that are separate from the other accounts kept by the licensee; and
  - (c) cause those accounts to be audited annually by an auditor, subject to subrule (2).
- (2) The licensee must—
  - (a) if the gross proceeds during the reporting period are less than \$100 000—within 1 month after each anniversary of the issue of the licence and within 1 month of the expiry of the licence period, provide the Commissioner with a financial statement that includes the particulars required by the Commissioner; or

- (b) if the gross proceeds during the reporting period are \$100 000 or more—within 2 months after each anniversary of the issue of the licence and within 2 months of the expiry of the licence period, provide the Commissioner with a financial statement—
  - (i) that includes the particulars required by the Commissioner; and
  - (ii) that is certified correct by the auditor who audited the accounts of each bingo session conducted during the licence period.

## **Schedule 10—Instant lottery rules**

### **1—Application of Schedule**

This Schedule sets out the rules that an organisation must comply with in conducting an instant lottery authorised by an instant lottery licence.

### **2—Advertising requirements**

An advertisement of the lottery must state the number of the lottery licence under which the lottery is conducted.

### **3—Distribution of proceeds of instant lottery**

- (1) The whole of the net proceeds of the lottery must be applied for the approved purposes that are specified in the licence.
- (2) The total amount of proceeds applied for the approved purposes that are specified in the licence must not be less than 20% of the gross proceeds of the lottery.
- (3) No part of the net proceeds of the lottery may be applied for the benefit of—
  - (a) a member of the organisation; or
  - (b) a registered corporation that returns profits to its members.

### **4—Tickets**

- (1) The tickets for the lottery must be purchased from a licensed supplier of instant lottery tickets.
- (2) An instant lottery ticket must not be sold to a person under the age of 18 years.
- (3) Each ticket in the lottery must be of equal value and give rise to an equal chance of winning.
- (4) The licensee must display, at or near the place at which the tickets in the lottery are being sold, a sign stating—
  - (a) the nature and value of each prize to be won in the lottery; and
  - (b) the restrictions on entry,unless that information appears on the tickets.

### **5—Prizes**

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.

## **6—Record keeping and provision of information**

- (1) The licensee must keep accurate records of—
  - (a) the number of tickets sold and the number of tickets available for sale; and
  - (b) the name of the supplier from whom tickets were purchased; and
  - (c) the details of the lotteries conducted including—
    - (i) the serial numbers of the tickets sold in each lottery; and
    - (ii) the opening and closing date for each lottery; and
    - (iii) the class or type of each lottery; and
  - (d) the gross proceeds of the lottery; and
  - (e) the details of the distribution of net proceeds of the lottery including—
    - (i) the name of each recipient; and
    - (ii) the amount received by each recipient; and
  - (f) the administrative costs of conducting the lottery.
- (2) The licensee must, in relation to each lottery conducted during the licence period, keep a copy of the records referred to in subrule (1) for a period of not less than 1 year from the expiry of the licence and ensure that they are available for inspection by the Commissioner during that period.
- (3) The licensee must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## **7—Financial requirements**

- (1) The licensee must—
  - (a) pay all money received from the sale of tickets in each lottery conducted during the licence period into an ADI account operated by the licensee; and
  - (b) keep accurate accounts of all income and expenditure relating to each lottery conducted during the licence period, being accounts that are separate from the other accounts kept by the licensee; and
  - (c) cause those accounts to be audited annually by an auditor, subject to subrule (2).
- (2) The licensee must—
  - (a) if the gross proceeds during the reporting period are less than \$50 000—within 1 month after each anniversary of the issue of the licence and within 1 month of the expiry of the licence period, provide the Commissioner with a financial statement that includes the particulars required by the Commissioner; or
  - (b) if the gross proceeds during the reporting period are \$50 000 or more—within 2 months after each anniversary of the issue of the licence and within 2 months of the expiry of the licence period, provide the Commissioner with a financial statement—

- (i) that includes the particulars required by the Commissioner; and
- (ii) that is certified correct by the auditor who audited the accounts of each lottery conducted during the licence period.

## **Schedule 11—Major trade promotion lottery rules**

### **1—Application of Schedule**

This Schedule sets out the rules that a person must comply with in conducting a major trade promotion lottery authorised by a major trade promotion lottery licence.

### **2—Duration of lottery**

The duration of the lottery must not exceed 12 months.

### **3—Advertising requirements**

All advertisements of the lottery must contain the following information:

- (a) the licence number;
- (b) how a person may enter the lottery;
- (c) the nature and value of the prizes to be won;
- (d) how and where to get a copy of the full terms and conditions of the lottery.

### **4—Tickets and draws**

- (1) 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.
- (2) A ticket belonging to a person for a lottery that includes a prize of, or promotes, goods or services that the person, by reason of their age, would not otherwise be permitted to purchase is void.
- (3) 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.
- (4) The lottery must not be drawn electronically except by way of a random number generator that draws a winner at random.
- (5) The licensee must make information related to a system referred to in subrule (4) available to the Commissioner on request.
- (6) A lottery draw must be held on the date and at the time and place specified in the licence.
- (7) Any lottery draw (including a draw in a lottery with more than 1 draw) where—
  - (a) the total value of all prizes in that particular draw is \$30 000 or more; or
  - (b) the Commissioner so directs,

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.



- (8) The winners of the drawn prizes in the lottery must be determined by lot.
- (9) The last name, initial of the first name and postcode of each winner of a prize the value of which is over \$250 must (except for any winner who has requested that their name and postcode not be so published) be published within 30 days of the drawing of the lottery or, if there is more than 1 drawing of the lottery, the final drawing of the lottery in the location specified in the terms and conditions of the lottery.

### **5—Terms and conditions**

The terms and conditions of the lottery must include the date, time and place (or dates, times and places) for the drawing of the lottery.

### **6—Prizes**

If a prize is not delivered to its winner at the time the winning ticket is drawn, the winner must, within 7 days of the draw, be notified in writing of the prize they have won and the particulars of how the prize is to be delivered or collected.

### **7—Record keeping and provision of information**

- (1) The licensee must keep accurate records of—
  - (a) the details provided by each participant in entering the lottery (whether by retaining the ticket butts, entry forms and other records relating to the conduct of the lottery or otherwise); and
  - (b) 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
  - (c) the details of the lottery draw, including the time, date, location and scrutineer of the draw.
- (2) The licensee must keep a copy of the records referred to in subrule (1) for a period of not less than 3 months after the drawing of the lottery or, if there is more than 1 drawing of the lottery, the final drawing of the lottery and ensure that they are available for inspection by the Commissioner during that period.
- (3) The licensee must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## **Schedule 12—Trade promotion (instant prize) lottery rules**

### **1—Application of Schedule**

This Schedule sets out the rules that a person must comply with in conducting a trade promotion (instant prize) lottery authorised by a trade promotion (instant prize) lottery licence.

### **2—Duration of lottery**

The duration of the lottery must not exceed 12 months.

### **3—Advertising requirements**

All advertisements of the lottery must contain the following information:

- (a) the name of the trader;

- (b) 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;
- (c) the duration of the lottery;
- (d) the nature and value of the prizes to be won;
- (e) if the full terms and conditions of the lottery are not included in the advertisement, how and where they may be obtained.

#### **4—Tickets**

- (1) Each ticket in the lottery must give rise to an equal chance of winning a prize in the lottery.
- (2) A ticket belonging to a person for a lottery that includes a prize of, or promotes, goods or services that the person, by reason of their age, would not otherwise be permitted to purchase is void.
- (3) 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.
- (4) The last name, initial of the first name and postcode of each winner of a prize the value of which is over \$250 must (except for any winner who has requested that their name and postcode not be so published) be published within 30 days of the close of the lottery or, if there is more than 1 close of the lottery, the final close of the lottery—
  - (a) in the location specified in the terms and conditions of the lottery; or
  - (b) in a place—
    - (i) that is appropriate to where the lottery was promoted or conducted; and
    - (ii) in which participants may reasonably expect to locate the information.

#### **5—Record keeping and provision of information**

- (1) The licensee must keep an accurate record of—
  - (a) the lottery period; and
  - (b) the details of the participants in the lottery (if relevant); and
  - (c) the distribution of all prizes to the prize winners and the details of any unclaimed prizes and the manner in which they were dealt.
- (2) The licensee must keep a copy of the records referred to in subrule (1) for a period of not less than 3 months from the close of the lottery and ensure that they are available for inspection by the Commissioner during that period.
- (3) The licensee must provide the Commissioner with such other information, and in such manner, as is reasonably required by the Commissioner for the purpose of monitoring compliance with these regulations.

## Schedule 13—Transitional provisions

### 1—Transitional provisions

- (1) The revoked regulations continue to apply in respect of the following:
  - (a) a lottery being conducted by a person or organisation in accordance with the revoked regulations that has not been completed before the relevant day;
  - (b) a lottery being conducted by a person or organisation under a licence to which Schedule 1 clause 14(1) of the Act applies, regardless of whether the lottery commenced before or after the relevant day;
  - (c) a licence to which Schedule 1 clause 14(2) of the Act applies.

- (2) In this clause—

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

*relevant day* means the day on which these regulations come into operation;

*revoked regulations* mean the *Lottery and Gaming Regulations 2008* as in force immediately before the relevant day.

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### Made by the Governor

with the advice and consent of the Executive Council  
on 28 October 2021

No 162 of 2021