

# NORTHERN TERRITORY OF AUSTRALIA

## GAMING CONTROL (COMMUNITY GAMING) REGULATIONS 2006

As in force at 14 April 2020

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 14 April 2020

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## GAMING CONTROL (COMMUNITY GAMING) REGULATIONS 2006

### Regulations under the *Gaming Control Act 1993*

#### Part 1 Preliminary matters

##### 1 Citation

These Regulations may be cited as the *Gaming Control (Community Gaming) Regulations 2006*.

##### 2 Definitions

In these Regulations, unless the contrary intention appears:

**approval**, of an association, means approval to conduct gaming granted under Part 4.

**approved association** means an association granted approval.

**association** means:

- (a) an association, society, institution or body carrying on its activities entirely or partly in the Territory and formed or carried on for any of the following purposes:
  - (i) religious, educational, benevolent or charitable;
  - (ii) providing medical treatment or attention;
  - (iii) promoting or encouraging literature, science, art or a cultural activity;
  - (iv) recreation or amusement;
  - (v) beautifying or improving a community centre; or
- (b) any other association, society, institution or body certified in writing by the Director to be an association for the Act.

**attendance or membership lottery** means a lottery in which a person is entitled by his or her presence at a place, or membership of an association, and without further charge, to be a participant included in the draw.

**authorised person**, for an association, means the person authorised under regulation 42(2).

**calcutta** means a game conducted in the following (or a substantially similar) manner:

- (a) each player pays a fee for a chance to win by lot a right in respect of a participant in an event;
- (b) those rights are auctioned, the holder of each right being entitled to elect:
  - (i) to sell the right and receive 50% of the proceeds of the sale; or
  - (ii) to retain the right by making and paying 50% of the highest bid;
- (c) the prize pool, comprising the entry fees and net auction proceeds less any deductions permitted by these Regulations, is distributed to the ultimate holders of the rights in respect of successful participants in the event.

**constitution** means the instrument comprising the objects, purposes, activities and rules of an association and includes any memorandum and articles of association.

**draw**, in relation to a game, means the determination of a prize-winner or prize-winners whether by actually drawing a ticket or by some other method.

**free entry lottery** means either of the following:

- (a) a lottery in which a ticket of admission to a meeting or other function is also a ticket in the lottery;
- (b) an attendance or membership lottery.

**game** means any lottery or game referred to in Part 2.

**governing body** means the committee or board (however described) that has the management of an association.

**interstate trade lottery** means a trade lottery:

- (a) for which a permit has been granted in a State or another Territory; and
- (b) the result of which is to be determined in that State or Territory.

**major lottery** means a lottery in which the total value of tickets available for sale exceeds \$20 000.

**major trade lottery** means a trade lottery in which the total value of the prizes offered exceeds \$5 000.

**mini-lotto** means a lottery, similar in nature to Tattslotto, in which 6 winning numbers are drawn at random from a total of between 7 and 40 numbers.

**minor lottery** means a lottery in which the total value of tickets available for sale is \$5 001 to \$20 000.

**minor trade lottery** means a trade lottery in which the total value of the prizes offered does not exceed \$5 000.

**organiser** means a person who promotes or conducts gaming and includes an approved association and an authorised person.

**permit** means a permit to conduct gaming granted under Part 3.

**raffle** means a lottery in which the total value of tickets available for sale or the total amount of the entry fees to be charged does not exceed \$5 000.

**sweepstake** means a game conducted in the following (or a substantially similar) manner:

- (a) each player pays a fee for a chance to win by lot a right in respect of a participant in an event;
- (b) the prize pool, comprising the entry fees less deductions permitted under these Regulations, is distributed to the holders of the rights in respect of successful participants in the event.

**the Act** means the *Gaming Control Act 1993*.

**ticket** includes, if the type of game requires it, a right to participate in a game whether or not:

- (a) a physical record of entry into the game is issued; or

- (b) a fee is paid to enter into the game.

**value** means the following:

- (a) in relation to a prize of goods – the retail value;
- (b) in relation to a prize of services – the market value;
- (c) in relation to a prize of real property – the market value.

### **3 Games of chance in nature of lottery**

- (1) In administering these Regulations, the Director may determine that a game of chance is a lottery.
- (2) A game of chance determined to be a lottery is taken to be one of the following lotteries and the regulations relevant to the lottery apply in relation to the game:
  - (a) if the total value of tickets available for sale in the game exceeds \$20 000 – a major lottery;
  - (b) if the total value of tickets available for sale in the game is \$5 001 to \$20 000 – a minor lottery;
  - (c) if the total value of tickets available for sale in the game or the total entry fee to be charged does not exceed \$5 000 – a raffle.
- (3) This regulation does not apply in relation to a game that the Minister has determined under section 53 of the Act is not a lottery.

## **Part 2            Community gaming**

### **Division 1        Community gaming not requiring permits**

#### **4            Sweepstakes, calcuttas and bingo**

- (1) An approved association may conduct any of the following games without holding a permit to do so:
  - (a) a sweepstake;
  - (b) a calcutta;
  - (c) bingo.
- (2) The game must be conducted in accordance with the conditions of the association's approval and any rules prescribed for the game.



**5            Free entry lotteries**

- (1) An approved association may conduct a free entry lottery without holding a permit to do so.
- (2) An approved association conducting an attendance or membership lottery must not offer a prize of an amount exceeding \$10 000.
- (3) The free entry lottery must be conducted in accordance with the conditions of the association's approval.

**6            Raffles**

- (1) An approved association may conduct a raffle without holding a permit to do so.
- (2) The raffle must be conducted in accordance with the conditions of the association's approval.

**7            Mini-lotto and tipping competitions**

- (1) An approved association may conduct a lottery in the nature of mini-lotto or a tipping competition without holding a permit to do so.
- (2) An approved association conducting mini-lotto or a tipping competition must not offer prizes exceeding a total of \$5 000 in value.
- (3) The mini-lotto or tipping competition must be conducted in accordance with the conditions of the association's approval.

**8            Minor trade lotteries**

- (1) A person (including an approved association) carrying on a trade or business in the Territory may conduct a minor trade lottery without holding a permit to do so.
- (2) The person must not contravene these Regulations.

**9            Interstate trade lotteries**

- (1) A person carrying on a trade or business in the Territory may conduct an interstate trade lottery without holding a permit to do so, other than the relevant interstate permit.
- (2) A person conducting an interstate trade lottery is subject to directions by the Director.
- (3) The person must not contravene the Director's directions, these Regulations or the conditions of the interstate permit.

## **Division 2            Community gaming requiring permits**

### **10            Major lotteries and minor lotteries**

An approved association proposing to conduct a major lottery or minor lottery must apply under Part 3 for a permit to conduct the gaming.

### **11            Major trade lotteries**

A person (including an approved association) carrying on a trade or business in the Territory who is proposing to conduct a major trade lottery must apply under Part 3 for a permit to conduct the gaming.

## **Division 3            Prohibited games**

### **12            No conduct of prohibited games**

- (1) For section 47(b) of the Act, a person (including an approved association) must not conduct, or cause or allow to be conducted, a game specified in the Schedule.
- (2) Subregulation (1) does not apply to a person who is otherwise permitted by the Act or the *Gaming Machine Act 1995* to conduct, or cause or allow to be conducted, a game specified in the Schedule.

## **Division 4            Conduct of community gaming**

### **13            Determining prize-winner in attendance or membership lottery**

- (1) If an approved association conducts an attendance or membership lottery, the authorised person must ensure the association determines the prize-winner within 4 weeks after the date on which the prize reaches the amount offered.
- (2) The winner must be determined by one of the following methods:
  - (a) holding repeated draws until the winner is determined;
  - (b) awarding the prize to the participant with the nearest correct entry.

### **14            Change of place, date or time of draw in major or minor lottery**

- (1) If a situation beyond the control of an approved association has prevented, or may prevent, a major lottery or minor lottery being conducted in accordance with these Regulations or a condition of the permit held for the lottery, the authorised person may apply to

the Director for approval to change the place, date or time of the draw from that specified in the permit.

- (2) The Director may approve or refuse to approve the change, stating the reasons for a refusal.
- (3) The authorised person must give public notice of an approved change of place, date or time of a draw in accordance with the approval.

**15                      Publication of results of major or minor lottery**

- (1) After an approved association has held the draw in a major lottery or minor lottery, the association must:
  - (a) publish the result in accordance with the rules of the lottery and the conditions of the permit held for the lottery; or
  - (b) if there are no relevant rules or conditions – not later than 14 days after the draw, publish the result in a newspaper circulating in the area where the lottery was conducted.
- (2) If the result is published under subregulation (1)(b) and the value of the prize is \$1 000 or more, the approved association must publish the name of the prize-winner.

**16                      Refund etc. if certain lottery tickets not included in draw**

- (1) If a raffle ticket, major lottery ticket or minor lottery ticket sold by an approved association is not included in the draw for the lottery, the authorised person must, within 60 days after the draw, take all reasonable steps to refund the amount the purchaser paid for the ticket.
- (2) If the authorised person is unable to locate the purchaser within the specified time, the authorised person must pay the purchase price to the Director for payment into the Community Benefit Fund.

**17                      Required statement if lottery publicised before permit granted**

- (1) This regulation applies in relation to a lottery for which a permit must be granted under Part 3.
- (2) If the organiser of the lottery gives information or issues publicity about the lottery before the permit is granted, the organiser must state in the information or publicity that the lottery is subject to the grant of a permit and will not proceed if a permit is not granted.

Maximum penalty:            17 penalty units.

**18            Conduct of minor trade lottery**

- (1) A person conducting a minor trade lottery must not charge an entry fee or valuable consideration for participation in the lottery.
- (2) However, a person may be required to purchase goods or services to qualify for entry in a minor trade lottery if the chance to win a prize is secondary to the commercial transaction and occurs after, and as a result of, the transaction.
- (3) Each entry in a minor trade lottery must have an equal probability of winning the major prize.

**19            Restriction on games for promotion of certain clubs**

- (1) This regulation applies to a club or similar organisation that is prohibited by its constitution, the terms of a licence, or a law in force in the Territory, from offering its services or other benefits of membership to persons who are not members of the club or genuine guests of club members.
- (2) The club must not:
  - (a) advertise a game for the promotion of the club or its activities to any person who is not a club member or genuine guest of a club member; or
  - (b) allow any person who is not a club member or genuine guest of a club member to enter such a game.

Maximum penalty:        17 penalty units.

**20            Prohibited prizes**

- (1) A prize or part of a prize offered in a game must not consist of any of the following:
  - (a) firearms or weapons;
  - (b) ammunition or explosives;
  - (c) tobacco products;
  - (d) solely liquor;
  - (e) solely money and liquor.
- (2) A prize offered in a game may include liquor only if the value of the liquor comprises a minor component of the total value of the prize.

- (3) If liquor comprises a minor component of the total value of a prize, the liquor must not be advertised or represented as a major component of the prize.
- (4) The organiser of a game must not award to a person under 18 years of age a prize that includes liquor or other goods or services which, under a law in force in the Territory, are prohibited to be sold or supplied to such a person.
- (5) If a person under 18 years of age wins a prize referred to in subregulation (4), the organiser must pay the person a monetary amount equivalent to the value of the goods or services not awarded.
- (6) A person who contravenes subregulation (1), (2), (3), (4) or (5) in conducting a calcutta, sweepstake or bingo commits an offence.

Maximum penalty:        17 penalty units.

- (7) A person who contravenes subregulation (1), (2), (3), (4) or (5):
  - (a) in conducting a lottery commits an offence against section 38(2) of the Act; or
  - (b) in conducting a trade lottery commits an offence against section 39(2) of the Act.

## **21        Maintenance of prizes**

- (1) The organiser of a game must carefully preserve all the prizes offered in the game until the prize-winners take possession of them or they are disposed of in accordance with these Regulations.
- (2) The organiser of a game in which a prize is real property must maintain the improvements on the real property and keep it insured for the full market value against loss or damage until the date of transfer to the prize-winner.
- (3) The organiser of a game in which a prize is real property is, until the real property is transferred to the prize-winner:
  - (a) liable for the outgoings on the real property; and
  - (b) entitled to receive the rents and profits from the real property.

## **22        Application to substitute prize**

- (1) The organiser of a game may apply in writing to the Director for approval to substitute a prize offered in the game.

- (2) The application must include the following:
  - (a) a description and the value of the prize that was to have been awarded;
  - (b) a description and the value of the substituted prize;
  - (c) the reason for the substitution.
- (3) The application must be accompanied by documentary evidence verifying the value of the substituted prize.
- (4) If the application relates to a prize with a value of \$500 or more, the applicant must give details of the following:
  - (a) the steps intended to be taken to inform participants in the game about the substitution;
  - (b) if applicable – the opportunity to be given to participants in the game to obtain refunds of amounts paid for tickets.
- (5) The Director may refuse to consider the application if it is not in accordance with this regulation.

## **23            Unclaimed prizes**

- (1) If a prize (other than perishable goods) in a game conducted by an approved association remains unclaimed for more than 3 months after the date on which the prize is won, the approved association must pay or deliver the prize to the Director.
- (2) The Director must:
  - (a) if the unclaimed prize is comprised of money – pay the money into the Community Benefit Fund; or
  - (b) if the unclaimed prize is not comprised of money – sell the prize in the manner the Director considers will bring a reasonable price and pay the proceeds into the Community Benefit Fund.
- (3) If the unclaimed prize contains perishable goods, the approved association may dispose of the goods in a manner that will bring a reasonable price and may apply the amount to the aid and support of the approved association.

## **Division 5                Records and finances relating to community gaming**

### **24                Records to be kept for all games**

- (1) The organiser of a game must keep full records of the conduct of the game, including details of the following:
  - (a) the entries received;
  - (b) the allocation of prizes;
  - (c) the income and expenditure associated with the game.
- (2) The organiser must:
  - (a) keep the records in writing in the English language or so as to enable the records to be readily accessible and convertible into writing in the English language; and
  - (b) keep all receipts, invoices and other records relating to the income and expenditure associated with the game; and
  - (c) maintain records of discounts, rebates or other allowances provided in relation to the purchase of items offered as prizes in the game.
- (3) The organiser must:
  - (a) keep the records relating to a major lottery, or a trade lottery in which the total value of the prizes offered is more than \$20 000, for not less than 7 years after all the prizes have been awarded or otherwise disposed of in accordance with these Regulations; and
  - (b) keep the records relating to any other game for 2 years after all the prizes have been awarded or otherwise disposed of in accordance with these Regulations.

Maximum penalty:        17 penalty units.

### **25                Records and statement for major or minor lottery**

- (1) The organiser of a major lottery or minor lottery must keep the unsold tickets and the butts of the tickets sold in the lottery for 12 months after the draw or for a shorter time approved by the Director in a particular case.

- (2) Not later than 2 months after an approved association has held the draw in a major lottery or minor lottery, the association must lodge with the Director a statement including the following details:
  - (a) the prizes of the lottery that are unclaimed or have not been awarded, including their value and the name and address of the person who has custody of them;
  - (b) the money received by or on behalf of the approved association in connection with the lottery, including details of the sources of the money;
  - (c) all other expenses incurred in the promotion or conduct of the lottery, including payments for services rendered in connection with the lottery.

## **26                      Audit of approved association's financial records**

- (1) An approved association must ensure the financial records relating to all games conducted by the association during its financial year are audited by a registered company auditor within the meaning of the Corporations Act 2001 or by a person with appropriate qualifications who is approved by the Director.
- (2) The registered company auditor or approved person must prepare a statement as to whether the financial records relating to the games conducted during the association's financial year give a true and fair view of the financial matters relating to those games.
- (3) If the registered company auditor or approved person issues a qualified audit report, the approved association must submit a copy of the report to the Director not later than 14 days after the approved association receives the report.

Maximum penalty:        17 penalty units.

- (4) The Director may, by written notice, require an approved association to submit a copy of an audit report within the period specified in the notice.
- (5) The financial records relating to games may be audited under this regulation as part of the annual audit of the financial affairs of the association.



**27            Banking of proceeds by approved associations**

As soon as practicable after conducting a game, an approved association must pay the proceeds of the game into an account at an ADI.

Maximum penalty:        17 penalty units.

**Division 6            Control of community gaming**

**28            Director may direct organiser of lottery to conduct draw**

If circumstances require it, the Director may direct the organiser of a lottery to conduct the draw in the lottery and award the prize or prizes.

**29            Lottery conducted contrary to Regulations, permit or approval**

- (1) This regulation applies if:
  - (a) an approved association has conducted a raffle, major lottery or minor lottery in a manner not in accordance with these Regulations, a condition of the association's approval or a condition of a permit granted for the lottery; or
  - (b) a person has conducted a trade lottery in a manner contrary to these Regulations or a condition of a permit granted for the lottery.
- (2) The Director may do any of the following:
  - (a) validate the draw in the lottery;
  - (b) invalidate the draw in the lottery and direct that a further draw take place under the Director's supervision and in accordance with conditions the Director considers appropriate;
  - (c) rescind the lottery and direct the organiser of the lottery to take the action the Director considers appropriate.
- (3) If the Director rescinds a raffle, major lottery or minor lottery, the organiser of the lottery must do the following:
  - (a) not later than 60 days after the date of rescission – take all reasonable steps to refund the total amount each purchaser paid for entry into the lottery;

- (b) if unable to locate any of the purchasers within the specified time – pay to the Director, for payment into the Community Benefit Fund, the total amount paid by the purchasers for entry into the lottery.

Maximum penalty:        17 penalty units.

- (4) This regulation does not affect the liability of a person to be prosecuted for an offence against the Act or these Regulations.

### **30                      Complaints about conduct of game**

- (1) A person who is dissatisfied with the conduct of a game may make a written complaint to the Director setting out the grounds for the complaint.
- (2) The Director must take all reasonable steps to investigate the complaint.
- (3) After investigating the complaint, the Director may:
  - (a) direct an approved association, authorised person or any other person to adopt, vary or cease to carry out a practice in the conduct of the game; or
  - (b) to resolve the complaint, give any person a direction (including a direction about the awarding of a prize) consistent with the Act, these Regulations and the conditions of any relevant approval or permit.
- (4) An approved association, authorised person or other person given a direction by the Director must not contravene the direction.

Maximum penalty:        17 penalty units.

## **Part 3                      Permits to conduct community gaming**

### **Division 1                General**

#### **31                      Application for permit**

- (1) An approved association or other person required under Part 2, Division 2 to apply for a permit to conduct gaming must lodge with the Director an application for the relevant permit.
- (2) The application must be in an approved form.
- (3) The Director may give the applicant written notice requiring the applicant to provide further information relevant to the application.

**32                      Grant or refusal to grant permit**

- (1) After considering an application for a permit, the Director may grant or refuse to grant the permit.
- (2) If the Director refuses to grant the permit, the Director must give the applicant for the permit a written notice stating the reasons for the refusal.

**33                      Compliance with conditions of permit**

An approved association or other person who holds a permit must conduct the gaming for which the permit is granted in accordance with the conditions of the permit.

**34                      Variation etc. of condition or cancellation of permit**

- (1) The Director may, by written notice to the holder of a permit:
  - (a) vary or revoke a condition of the permit; or
  - (b) impose new conditions on the permit; or
  - (c) cancel the permit.
- (2) The holder of a permit may apply to the Director for the variation of a condition of the permit or the cancellation of the permit and the Director may, by written notice:
  - (a) vary the condition or cancel the permit; or
  - (b) refuse to vary the condition or cancel the permit, stating the reasons for the refusal.

**35                      Expiry of permit**

Unless previously cancelled, a permit expires on the date specified in the permit.

**Division 2                      Major lotteries and minor lotteries**

**36                      Application for permit to conduct major or minor lottery**

- (1) Subject to subregulation (2), an application for a permit to conduct a major lottery or minor lottery must include the following particulars:
  - (a) the name and address of the approved association making the application and of the authorised person for the association;
  - (b) the purpose for which the lottery is to be conducted;

- (c) the rules of the lottery, the manner in which tickets will be sold and the method of determining the winners;
  - (d) the total number of tickets to be available for sale and the value of each ticket;
  - (e) the period during which tickets will be on sale;
  - (f) the date, time and place for the draw;
  - (g) a draft layout of the ticket;
  - (h) the prize structure, including a description and the value of each prize to be offered, any conditions that may apply to the awarding of prizes, and the location at which prizes will be on display;
  - (i) a statement of whether the lottery is to be conducted on behalf of the approved association by an agent or other person in return for a fee, wages or salary and the extent to which it is anticipated this will affect the amount of lottery proceeds to be applied to the purpose of the lottery;
  - (j) any other particulars relevant to the application and reasonably required by the Director.
- (2) The Director may vary the particulars to be included in a specific application or class of applications.

### **37                      Consideration of application for major or minor lottery permit**

In considering an application for a permit to conduct a major lottery or minor lottery, the Director must take into account the following matters:

- (a) whether the conduct of the lottery will be in accordance with the Act, these Regulations and any conditions of the approved association's approval;
- (b) whether the lottery will be conducted in good faith for the purposes stated in the application;
- (c) if the lottery is to be conducted on behalf of the approved association by an agent or other person in return for a fee, wages or salary – whether a disproportionate amount of the proceeds will be used for that purpose;
- (d) whether the total value of the prize or prizes to be offered will be more than one third of the total value of the total number of tickets that will be available for sale;

- (e) the manner in which the prize or prizes offered will be displayed or described;
- (f) any conditions that may apply to the awarding of prizes;
- (g) whether the lottery will be viable in terms of the following matters:
  - (i) the total value of the tickets available for sale;
  - (ii) the total number of the tickets available for sale and the value of each ticket;
  - (iii) a description and the value of each prize offered;
  - (iv) the period during which the tickets will be offered for sale;
- (h) whether the constitution of the approved association provides for fundraising in the manner proposed;
- (i) whether the stated purpose of the lottery is in accordance with the objects of the approved association;
- (j) the previous performance of the approved association in conducting gaming and whether the approved association has been or is in breach of these Regulations;
- (k) the likelihood of the lottery, if conducted in the manner proposed, proceeding to a satisfactory conclusion;
- (l) whether the lottery is likely to cause public offence or is otherwise contrary to the public interest;
- (m) any other matter relevant to the application.

### **38                      Permit to conduct major or minor lottery**

A permit granted to an approved association to conduct a major lottery or minor lottery must be in writing and must include the following particulars:

- (a) the name and address of the approved association and authorised person;
- (b) the total number of tickets available for sale in the lottery and the value of each ticket;
- (c) the period during which tickets will be on sale;
- (d) the date, time and place of the draw;

- (e) a description and the value of each prize offered;
- (f) the conditions to which the permit is subject, including the following:
  - (i) the conduct of the lottery must not contravene the Act, these Regulations or the conditions of the permit;
  - (ii) the lottery must be conducted in good faith for the purpose specified in the application;
  - (iii) each entry must have an equal probability of winning the major prize.

### **Division 3                      Major trade lotteries**

#### **39                      Application for permit to conduct major trade lottery**

- (1) Subject to subregulation (2), an application for a permit to conduct a major trade lottery must include the following particulars:
  - (a) the name of the person proposing to conduct the major trade lottery;
  - (b) the name and address of the trade or business in respect of which the major trade lottery is to be conducted;
  - (c) the rules of the major trade lottery, the manner in which tickets will be issued and the method of determining the winners;
  - (d) the prize structure, including a description and the value of each prize to be offered, any conditions that may apply to the awarding of prizes, and the location at which prizes are to be on display;
  - (e) the period during which the major trade lottery will be conducted;
  - (f) the date, time and place of the draw;
  - (g) the method of notifying the prize-winners and publishing the results of the draw;
  - (h) any other particulars relevant to the application and reasonably required by the Director.
- (2) The Director may vary the particulars to be included in a specific application or class of applications.

**40                      Consideration of application for major trade lottery permit**

In considering an application for a permit to conduct a major trade lottery, the Director must take into account the following matters:

- (a) whether the conduct of the major trade lottery will be in accordance with the Act and these Regulations;
- (b) whether the major trade lottery will be conducted in good faith;
- (c) any other matter relevant to the application.

**41                      Permit to conduct major trade lottery**

- (1) A permit granted to a person to conduct a major trade lottery must be in writing and must include the following particulars:
  - (a) the name and address of the trade or business the major trade lottery is promoting;
  - (b) the period during which the major trade lottery will be conducted;
  - (c) the date, time and place of the draw;
  - (d) a description and the value of each prize offered;
  - (e) the conditions to which the permit is subject, including the following:
    - (i) the conduct of the major trade lottery must not contravene the Act, these Regulations or the conditions of the permit;
    - (ii) the person conducting the major trade lottery must not charge an entry fee or valuable consideration for participation in the lottery;
    - (iii) each entry must have an equal probability of winning the major prize.
- (2) Despite subregulation (1)(e)(ii), a person may be required to purchase goods or services to qualify for entry in a major trade lottery if the chance to win a prize is secondary to the commercial transaction and occurs after, and as a result of, the transaction.

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## **Part 4                      Approval of associations to conduct community gaming**

### **42                      Application for approval of association**

- (1) The governing body of an association proposing to conduct gaming must apply to the Director for approval.
- (2) Before applying for approval, the association must:
  - (a) authorise a member of the association to act on its behalf in applying these Regulations; and
  - (b) obtain from the member a signed notice of consent to act on behalf of the association in applying these Regulations, stating the person's full name, address and contact details.
- (3) The application must be in the approved form and must be accompanied by:
  - (a) one of the following:
    - (i) a copy of the certificate of incorporation of the association;
    - (ii) a copy of the advice of an incorporating authority that the association is ineligible for incorporation;
    - (iii) a statement by the governing body giving reasons why the association is not incorporated; and
  - (b) a copy of the constitution of the association in force at the date of the application, certified as a true copy of the original by the secretary or public officer of the association or by a person authorised by the association to make the certification; and
  - (c) a document identifying the members of the governing body; and
  - (d) a copy of the authorised person's notice of consent to act in that capacity.
- (4) The Director may require the governing body to provide additional information or documents relevant to the application.

### **43                      Grant of approval or refusal to grant approval**

- (1) The Director may grant an association approval or may refuse to grant approval.



- (2) Before granting approval, the Director may require the association to amend its constitution or apply to the relevant incorporating authority for incorporation.
- (3) The approval of an association:
  - (a) must be by written notice; and
  - (b) is subject to the conditions referred to in regulation 44; and
  - (c) may be subject to additional conditions imposed by the Director and specified in the notice of approval.
- (4) If the Director refuses to grant approval, the Director must give the association a written notice stating the reasons for the refusal.

#### **44 Conditions of approval**

- (1) The conditions of approval are that the approved association:
  - (a) must not contravene the Act, these Regulations or any additional conditions imposed by the Director; and
  - (b) must, as soon as practicable after the authorised person ceases to act in that capacity, authorise another member of the approved association to be the authorised person; and
  - (c) must, not later than 14 days after holding the annual general meeting, lodge with the Director a notice in an approved form identifying the members of the governing body of the approved association; and
  - (d) must notify the Director, in writing, not later than 14 days after any of the following occurs:
    - (i) the authorised person ceases to act in that capacity;
    - (ii) the street or postal address of the approved association changes;
    - (iii) an alteration is made to the constitution that relates to the objects or purposes of the approved association or to the non-profit or dissolution clauses;
    - (iv) the approved association ceases to carry out its objects or purposes;
    - (v) a resolution is passed by the approved association that it be wound up;

- (vi) the Commissioner within the meaning of the *Associations Act 2003* or a court orders the dissolution of the approved association; and
- (e) must, not later than 14 days after the approved association has authorised a member to be the authorised person, lodge with the Director a copy of the member's notice of consent to act in that capacity.
- (2) If the approved association notifies the Director under subregulation (1)(d)(iii), it must also lodge a copy of the resolution authorising the alteration to its constitution, certified as a true copy of the original by the secretary or public officer of the association or by a person authorised by the association to make the certification.

#### **45 Variation or revocation etc. of conditions of approval**

- (1) The Director may, by written notice to an approved association stating the reasons for the action:
  - (a) vary or revoke conditions of its approval; or
  - (b) impose new conditions on its approval.
- (2) An approved association may apply to the Director for a variation or revocation of a condition of its approval and the Director may, by written notice:
  - (a) vary or revoke the condition; or
  - (b) refuse to vary or revoke the condition, stating the reasons for the refusal.

#### **46 Suspension or revocation of approval**

- (1) The Director may suspend or revoke the approval of an approved association on any of the following grounds:
  - (a) the approval was based on information, documents or statements in the application for approval that were false or misleading in a material particular;
  - (b) the approved association has contravened the Act, these Regulations, a condition of its approval or a condition of a permit;
  - (c) the Director considers the integrity of a game conducted by the approved association may be threatened;

- (d) the Director considers the approved association has acted contrary to its constitution or the public interest;
  - (e) an alteration to the constitution of the approved association is inconsistent with the requirements for continued approval.
- (2) The Director must give the governing body of the approved association written notice of the proposal to suspend or revoke the association's approval, stating the following:
  - (a) whether the Director proposes to suspend or revoke the approval;
  - (b) the grounds for the proposed suspension or revocation;
  - (c) the governing body may, not later than 14 days after the date of the notice, give the Director a written submission stating the reasons why the Director should not suspend or revoke the approval.
- (3) After the expiry of the time allowed for giving a submission, the Director must consider any submission made by the governing body and must do one of the following:
  - (a) determine to take no further action in respect of the proposed suspension or revocation;
  - (b) suspend the approval for a specified period or until the association takes a specified action;
  - (c) revoke the approval.
- (4) A suspension may be subject to conditions specified in the notice of suspension.
- (5) The Director must give the governing body written notice of the Director's determination or action.

**47 Immediate suspension of approval in exceptional circumstances**

- (1) The Director may immediately suspend the approval of an approved association if an act, omission or other thing constituting a ground for suspension or revocation under regulation 46 is sufficiently serious to warrant immediate suspension.

- (2) An act, omission or other thing is sufficiently serious to warrant immediate suspension if it threatens:
  - (a) the integrity of a game conducted by the approved association; and
  - (b) the interests of the participants in the game.
- (3) The Director must give the governing body of the approved association a notice stating:
  - (a) the reasons for the immediate suspension; and
  - (b) that the governing body may, not later than 14 days after the date of the notice, give the Director a written submission stating the reasons why the Director should remove the suspension.
- (4) The notice may include conditions relating to any game being conducted by the approved association at the time the notice is given.
- (5) The approved association must not contravene a condition included in the notice.

Maximum penalty:        17 penalty units.
- (6) If after considering a submission from the governing body the Director refuses to remove the suspension, the Director must give the governing body a written notice stating the reasons for the refusal.
- (7) The notice of reasons for the refusal must be given not later than 28 days after the submission is received.

## **Part 5                      Repeals and transitional matters for Gaming Control (Community Gaming) Regulations**

### **48                      Repeal**

The *Gaming Control (Community Gaming) (Sweepstakes) Regulations 1996* (Regulations No. 49 of 1996) are repealed.

### **49                      Saving of former approvals of associations**

The approval of an association to conduct gaming in force immediately before the commencement of these Regulations is taken to have been granted under these Regulations.

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**Schedule      Prohibited games**

regulation 12

American Roulette  
Baccarat  
Big Six Wheel (Money Wheel)  
Blackjack  
Craps  
Keno  
Pai Gow  
Poker (all versions)  
Poker machines  
Sic Bo (Big and Small)  
Two Up

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## ENDNOTES

### 1 KEY

Key to abbreviations

<b>amd</b> = amended	<b>od</b> = order
<b>app</b> = appendix	<b>om</b> = omitted
<b>bl</b> = by-law	<b>pt</b> = Part
<b>ch</b> = Chapter	<b>r</b> = regulation/rule
<b>cl</b> = clause	<b>rem</b> = remainder
<b>div</b> = Division	<b>renum</b> = renumbered
<b>exp</b> = expires/expired	<b>rep</b> = repealed
<b>f</b> = forms	<b>s</b> = section
<b>Gaz</b> = <i>Gazette</i>	<b>sch</b> = Schedule
<b>hdg</b> = heading	<b>sdiv</b> = Subdivision
<b>ins</b> = inserted	<b>SL</b> = Subordinate Legislation
<b>lt</b> = long title	<b>sub</b> = substituted
<b>nc</b> = not commenced	

### 2 LIST OF LEGISLATION

***Gaming Control (Community Gaming) Regulations (SL No. 6, 2006)***

Notified	15 February 2006
Commenced	15 February 2006

***Penalties Amendment (Justice and Treasury Legislation) Act 2010 (Act No. 38, 2010)***

Assent date	18 November 2010
Commenced	1 February 2011 ( <i>Gaz</i> S6, 1 February 2011)

***Licensing (Repeals and Consequential Amendments) Act 2014 (Act No. 44, 2014)***

Assent date	5 December 2014
Commenced	1 January 2015 ( <i>Gaz</i> S130, 19 December 2014, p 2)

***Gaming Control (Community Gaming) Amendment Regulations (SL No. 38, 2017)***

Notified	29 November 2017
Commenced	29 November 2017

***Licensing (Director-General) Repeal Act 2020 (Act No. 4, 2020)***

Assent date	9 March 2020
Commenced	14 April 2020 ( <i>Gaz</i> G13, 1 April 2020, p 2)

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: rr 1, 2, 12, 44 and 48.

### 4 LIST OF AMENDMENTS

rr 2 – 3	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
r 5	amd No. 38, 2017, r 4
r 9	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87

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r 14	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
r 16	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
r 17	amd Act No. 38, 2010, s 3
rr 19 – 20	amd Act No. 38, 2010, s 3
rr 22 – 23	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
r 24	amd Act No. 38, 2010, s 3
r 25	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
r 26	amd Act No. 38, 2010, s 3; Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
r 27	amd Act No. 38, 2010, s 3
r 28	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
rr 29 – 30	amd Act No. 38, 2010, s 3; Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
rr 31 – 32	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
r 34	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
rr 36 – 37	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
rr 39 – 40	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
rr 42 – 46	amd Act No. 44, 2014, s 145; Act No. 4, 2020, s 87
r 47	amd Act No. 38, 2010, s 3; Act No. 44, 2014, s 145; Act No. 4, 2020, s 87