

Queensland



Charitable and Non-Profit Gaming Act 1999

CHARITABLE AND NON-PROFIT GAMING REGULATION 1999

**Reprinted as in force on 21 June 2002
(includes amendments up to SL No. 138 of 2002)**

Reprint No. 2B

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the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This regulation is reprinted as at 21 June 2002. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



CHARITABLE AND NON-PROFIT GAMING REGULATION 1999

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CHARITABLE AND NON-PROFIT GAMING REGULATION 1999

[as amended by all amendments that commenced on or before 21 June 2002]

1 Short title

This regulation may be cited as the *Charitable and Non-Profit Gaming Regulation 1999*.

2 Commencement

This regulation commences on 1 December 1999.

3 Installation and operation of lucky envelope vending machines—Act, s 25

(1) This section applies if a person who conducts lucky envelopes (“**person A**”) arranges with the occupier of premises for the installation of a lucky envelope vending machine at the premises, for the sale of person A’s lucky envelopes.

(2) Person A must not allow the occupier, or an employee or agent of the occupier (the “**occupier**”), to help or become involved with person A in the operation of the machine or the sale of lucky envelopes from the machine.

(3) However, subsection (2) does not prevent the occupier from—

- (a) paying to a winner, on behalf of person A, a prize won in a lucky envelope from the machine if person A has authorised the occupier in writing to pay prizes; or
- (b) telling person A about difficulties and faults in the operation of the machine or that the machine has been tampered with in any way; or
- (c) if the machine is electrically operated—ensuring that the supply of electricity to the machine is connected and turned on.

(4) Person A must not give the occupier any money or other consideration for the installation or operation of the machine, other than—

- (a) an amount of not more than 5% of the gross proceeds of each game of lucky envelopes sold from the machine; or
- (b) an amount to reimburse the occupier for a prize paid by the occupier under subsection (3)(a).

4 Requirements for printing lucky envelopes—Act, s 26

(1) Each lucky envelope for a game of lucky envelopes must have printed or displayed on it—

- (a) the serial number of the game; and
- (b) the price of the lucky envelope.

(2) The serial number must be from the sequence of serial numbers that is allocated by the chief executive to the person who holds the lucky envelope printer licence.

(3) A serial number must not be used more than once.

(4) Lucky envelopes must be—

- (a) securely sealed on all sides; and
- (b) made of a material that does not allow the contents of the playing panel to be seen without opening or scratching the playing panel.

(5) At least 6% of the lucky envelopes in a game must be prize-winning envelopes.

(6) The prize-winning envelopes must be randomly distributed among the lucky envelopes.

(7) The total value of the prizes available in a game of lucky envelopes must be at least 40% of the amount that would be received if all the envelopes in the game were sold at the price on the envelopes.

(8) A cash prize in a game of lucky envelopes, in which a ticket is scratched to reveal numbers, letters or symbols that may entitle the player to a prize, must not be more than \$250.

(9) A cash prize in any other game of lucky envelopes must not be more than \$500.

5 Application for issue or renewal of general licence—Act, s 43

(1) For section 43(2) of the Act, the time prescribed for making application for issue of a general licence is—

- (a) if, for a particular application, the chief executive decides a period of time that is shorter than the period of time prescribed in paragraph (b)—the period of time decided by the chief executive; or
- (b) if the chief executive does not decide a period of time—
 - (i) for a bingo centre licence—at least 28 days before the applicant intends to allow bingo to be conducted under the licence; and
 - (ii) for a category 3 gaming licence—at least 28 days before the applicant intends to conduct a game under the licence; and
 - (iii) for a lucky envelope printer licence—at least 28 days before the applicant intends to print lucky envelopes under the licence; and
 - (iv) for a special category 3 gaming licence—at least 21 days before the applicant intends to conduct a game under the licence.

(2) For section 43(2) of the Act, the time prescribed for making application for renewal of 1 of the following types of licences is at least 28 days before the licence is due to expire—

- (a) a bingo centre licence;
- (b) a category 3 gaming licence;
- (c) a lucky envelope printer licence.

6 Audit for category 2 or 3 gaming operations—Act, s 87

For section 87(1)(a) of the Act, the amount prescribed is \$10 000.

7 Requests to review decisions about claims for prizes—Act, s 96

(1) This section prescribes, for section 96(6) of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 96(4)(a) of the Act, to review a decision of a person who conducted a game (the “**person’s decision**”).

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(2) The chief executive must either review, or refuse to review, the person's decision.

(3) The chief executive may refuse to review the person's decision only if the chief executive considers the request was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the person's decision, the chief executive must—

- (a) give written notice of the chief executive's decision to the person and claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive's decision.

(5) If the chief executive decides to review the person's decision, the chief executive must—

- (a) give the person a copy of the claimant's request; and
- (b) by written notice given to the person invite the person, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the person's decision within 1 month after receiving the notice (the "**submission period**").

(6) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers relevant to the review; and
- (b) request a report of the investigation be given to the chief executive.

(7) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the person and claimant; and
- (b) consider any report given to the chief executive under subsection (6); and
- (c) make a decision about the review; and
- (d) give the person and claimant a written notice stating the decision and the reasons for the decision.

8 Requests to resolve claims for prizes—Act, s 96

(1) This section prescribes, for section 96(6) of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 96(4)(b) of the Act, to resolve a claim for payment of a prize.

(2) The chief executive must ask the person who conducted the game to immediately try to resolve the claim.

(3) If, within 14 days of making the request under subsection (2), the chief executive is not advised of the resolution of the claim by the person or claimant, the chief executive must by written notice given to the person invite the person, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the claim within 1 month after receiving the notice (the “**submission period**”).

(4) The chief executive may—

- (a) cause an investigation to be made about a matter the chief executive considers relevant to the claim; and
- (b) request a report of the investigation be given to the chief executive.

(5) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made in the submission period by the person and claimant; and
- (b) consider any report given to the chief executive under subsection (4); and
- (c) make a decision about the claim; and
- (d) give the person and claimant a written notice stating the decision and the reasons for the decision.

(6) However, the chief executive is not required to take or complete action under subsection (5) if the chief executive is advised by the person or the claimant, and is satisfied, that the claim has been resolved.

9 Requirements for approval of lucky envelope vending machine

For section 100(2)(b)(i) of the Act, the features prescribed are—

- (a) a coin rejection and return facility if the machine fails to operate; and

- (b) a lockable money box accessible only to the person conducting the game; and
- (c) an adequate system of accounting and audit controls to enable all sales of lucky envelopes through the machine to be reconciled and accounted for; and
- (d) adequate locking devices to prevent vandalism, and the theft of lucky envelopes and money in the machine.

10 Confidentiality of information—Act, s 183

The persons prescribed for section 183(3)(a) of the Act are the chief executives, however described, of the entities mentioned in schedule 1.

11 Fees

The fees payable under the Act are in schedule 2.

12 Evaluation of regulated general gaming equipment—Act, s 99

(1) For section 99(1)(a) of the Act, an evaluation carried out by the chief executive may include 1 or more of the following types of evaluation—

- (a) basic evaluation;
- (b) intermediate evaluation;
- (c) advanced evaluation.

(2) In this section and in schedule 2—

“advanced evaluation” means an evaluation of any of the following things relating to regulated general gaming equipment—

- (a) communications protocols;
- (b) monitoring systems;
- (c) random number generators.

“basic evaluation” means an evaluation of any of the following things relating to regulated general gaming equipment—

- (a) artwork;
- (b) cabinet design;
- (c) documentation, including for example, operational manuals.

“intermediate evaluation” means an evaluation of any of the following things relating to regulated general gaming equipment—

- (a) hardware, other than hardware subject to basic evaluation;
- (b) software, other than software subject to advanced evaluation;
- (c) the mathematical treatise of the derivation of the theoretical return to a player.

SCHEDULE 1**ENTITIES**

section 10

Alberta Gaming and Liquor Commission, Canada
Australian Bureau of Criminal Intelligence
Australian Capital Territory Gambling and Racing Commission
Australian Customs Service
Australian Federal Police
Australian Securities and Investments Commission
Australian Security Intelligence Organisation
Australian Taxation Office
British Columbia Gaming Commission, Canada
Casino Control Authority, New Zealand
Colorado Division of Gaming, USA
Colorado State Police, USA
Crime and Misconduct Commission
Department of Gaming and Racing, New South Wales
Department of Industries and Business, Northern Territory
Department of Internal Affairs, New Zealand
Department of Treasury and Finance, South Australia
Gaming Board for Great Britain
Gaming Board of the Commonwealth of the Bahamas
Gaming Supervisory Authority, South Australia
Independent Gambling Authority, South Australia
Interpol
Liquor Licensing Division, Queensland

SCHEDULE 1 (continued)

Lotteries Commission of South Australia
Lotteries Commission of Western Australia
National Crime Authority
Nevada Gaming Commission, USA
Nevada Gaming Control Board, USA
New Jersey Casino Control Commission, USA
New Jersey Division of Gaming Enforcement, USA
New South Wales Casino Control Authority
New South Wales Crime Commission
New South Wales Liquor Administration Board
New South Wales Police Service
New Zealand Police
Northern Territory Police
Office of Fair Trading, Queensland
Office of Gambling Regulation, Victoria
Office of the Liquor and Gaming Commissioner, South Australia
Office of Racing, Gaming and Liquor, Western Australia
Queensland Police Service
Racing Services Tasmania
South Australia Police
Tasmanian Gaming Commission
Tasmania Police
Victorian Casino and Gaming Authority
Victoria Police
Western Australian Gaming Commission
Western Australian Police Service

SCHEDULE 2**FEES**

section 11

	\$
1. Application for bingo centre licence (Act, s 43)	185.00
2. Renewal of bingo centre licence (Act, s 43)	185.00
3. Application for lucky envelope printer licence (Act, s 43)	2 575.00
4. Renewal of lucky envelope printer licence (Act, s 43)	2 575.00
5. Application for category 3 gaming licence (Act, s 43) under which the applicant intends to conduct only 1 game if the highest estimated gross proceeds for the game are—	
• more than \$20 000 but not more than \$100 000 . .	258.00
• more than \$100 000 but not more than \$500 000 .	515.00
• more than \$500 000	1 030.00
6. Application for category 3 gaming licence (Act, s 43) under which the applicant intends to conduct more than 1 game if the highest estimated gross proceeds for 1 game are—	
• more than \$20 000 but not more than \$100 000 . .	515.00
• more than \$100 000 but not more than \$500 000 .	1 030.00
• more than \$500 000	2 060.00
7. Renewal of category 3 gaming licence (Act, s 43) under which the applicant intends to conduct only 1 game if the highest estimated gross proceeds for the game are—	
• more than \$20 000 but not more than \$100 000 . .	258.00
• more than \$100 000 but not more than \$500 000 .	515.00
• more than \$500 000	1 030.00

SCHEDULE 2 (continued)

	\$
8. Renewal of category 3 gaming licence (Act, s 43) under which the applicant intends to conduct more than 1 game if the highest estimated gross proceeds for 1 game are—	
• more than \$20 000 but not more than \$100 000 . .	515.00
• more than \$100 000 but not more than \$500 000 .	1 030.00
• more than \$500 000	2 060.00
9. Evaluation of regulated general gaming equipment (Act, s 99), for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation	132.00
(ii) intermediate evaluation	165.00
(iii) advanced evaluation	198.00
(iv) administration for an evaluation	99.00
(b) giving advice for an evaluation	99.00
(c) holding meetings for an evaluation	99.00

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 June 2002. Future amendments of the Charitable and Non-Profit Gaming Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	prev	= previous
amd	= amended	(prev)	= previously
amdt	= amendment	proc	= proclamation
ch	= chapter	prov	= provision
def	= definition	pt	= part
div	= division	pubd	= published
exp	= expires/expired	R[X]	= Reprint No.[X]
gaz	= gazette	RA	= Reprints Act 1992
hdg	= heading	reloc	= relocated
ins	= inserted	renum	= renumbered
lap	= lapsed	rep	= repealed
notfd	= notified	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 1992
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	1 December 1999
1A	to SL No. 137 of 2000	14 July 2000
1B	to SL No. 270 of 2001	4 January 2002
2	to SL No. 270 of 2001	1 February 2002
2A	to SL No. 128 of 2002	14 June 2002

5 List of legislation

Charitable and Non-Profit Gaming Regulation 1999 SL No. 283

made by the Governor in Council on 18 November 1999
notfd gaz 19 November 1999 pp 1149–52
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 1999 (see s 2)
exp 1 September 2010 (see SIA s 54)

amending legislation—

Gaming Legislation Amendment Regulation (No. 2) 2000 SL No. 136 pts 1, 3

notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)

Treasury Legislation Amendment Regulation (No. 1) 2000 SL No. 137 pts 1, 3

notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)

Gambling Legislation Amendment Regulation (No. 1) 2001 SL No. 270 s 1, pt 3

notfd gaz 21 December 2001 pp 1482–8
commenced on date of notification

Gambling Legislation Amendment Regulation (No. 1) 2002 SL No. 128 pts 1, 3

notfd gaz 7 June 2002 pp 575–8
commenced on date of notification

Gambling Legislation Amendment Regulation (No. 2) 2002 SL No. 138 pts 1, 3

notfd gaz 14 June 2002 pp 697–700
commenced on date of notification

6 List of annotations

Evaluation of regulated general gaming equipment—Act, s 99
s 12 ins 2002 SL No. 128 s 7

SCHEDULE 1—ENTITIES
sub 2000 SL No. 136 s 7
amd 2002 SL No. 138 s 14

SCHEDULE 2—FEES
amd 2000 SL No. 137 s 6
sub 2001 SL No. 270 s 6
amd 2002 SL No. 128 s 8; 2002 SL No. 138 s 15