



*Charitable and Non-Profit Gaming Act 1999*

# **Charitable and Non-Profit Gaming Regulation 1999**

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Queensland

# Charitable and Non-Profit Gaming Regulation 1999

## Contents

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	Page
1	Short title . . . . . 3
2	Commencement . . . . . 3
2A	Definition . . . . . 3
2B	Prescribed gross proceeds amounts for category 1, 2, and 3 games 3
3	Installation and operation of lucky envelope vending machines—Act, s 25 . . . . . 3
4	Requirements for printing lucky envelopes—Act, s 26 . . . . . 4
5	Application for issue or renewal of general licence—Act, s 43 . . . . . 5
6	Audit for category 2 or 3 gaming operations—Act, s 87 . . . . . 6
7	Requests to review decisions about claims for prizes—Act, s 96 . . . . . 6
8	Requests to resolve claims for prizes—Act, s 96 . . . . . 7
9	Requirements for approval of lucky envelope vending machine . . . . . 8
9A	Declaration of approved evaluators . . . . . 9
10	Entities to whom information may be disclosed—Act, s 183 . . . . . 9
11	Fees . . . . . 9
11A	Fee for particular investigations . . . . . 9
11B	How fee for investigation must be paid . . . . . 10
12	Evaluation of regulated general gaming equipment—Act, s 99 . . . . . 11
13	Prohibition on certain advertisements . . . . . 12
14	Players to have equal chance of winning prize . . . . . 13
15	Refunds . . . . . 13
16	Tickets to be issued only if correct price paid . . . . . 13
17	Order in which prizes to be drawn . . . . . 13
18	Insurance for certain prizes . . . . . 14
19	Prohibited prizes . . . . . 14
20	Designated day—Act, sch 2 . . . . . 15

Charitable and Non-Profit Gaming Regulation 1999

Contents

---

<b>Schedule 1A</b>	<b>Approved evaluators</b> .....	16
<b>Schedule 1</b>	<b>Entities</b> .....	17
<b>Schedule 2</b>	<b>Fees</b> .....	20

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# Charitable and Non-Profit Gaming Regulation 1999

## 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.

## 2A Definition

In this regulation—

*major prize*, for a game, means the most valuable prize offered in the game.

## 2B Prescribed gross proceeds amounts for category 1, 2, and 3 games

- (1) For the Act, section 14(1)(b), the prescribed amount is \$2,000.
- (2) For the Act, section 15(1)(c), the prescribed amounts are \$2,000 and \$50,000.
- (3) For the Act, section 16(1)(a), the prescribed amount is \$50,000.

## 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*).
- (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.

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**9A Declaration of approved evaluators**

Each entity mentioned in schedule 1A is declared to be an approved evaluator for section 100A of the Act.

**10 Entities to whom information may be disclosed—Act, s 183**

The entities prescribed for section 183(3)(a) of the Act are stated in schedule 1.

**11 Fees**

- (1) The fees payable under the Act are stated in section 11A and schedule 2.
- (2) A fee stated in schedule 2, item 9 may consist of, or include, an amount for part of an hour that is the equivalent of the relevant proportion of the hourly rate, stated in the schedule, worked out using 15-minute periods (wholly or partly completed).

**11A Fee for particular investigations**

- (1) This section applies to any of the following persons for whom the chief executive may undertake an investigation under the Act, section 48—
  - (a) an applicant for a lucky envelope printer licence;
  - (b) a business or executive associate of the applicant;
  - (c) a management member of the applicant.
- (2) This section also applies to a person who is a business or executive associate of a lucky envelope printer licence holder for whom the chief executive may undertake an investigation under the Act, section 69(2).
- (3) The person must pay to the chief executive the reasonable costs of conducting the investigation.

*Examples of costs of conducting the investigation—*

- costs of outsourcing professional services, for example, legal or accounting services

- internal costs, including staff costs
- travel and accommodation costs incurred inside or outside the State or overseas

## **11B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 11A for an investigation.
- (2) The chief executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The chief executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the chief executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the chief executive’s estimate or latest estimate of the fee payable under section 11A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the chief executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the chief executive must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—
    - (i) refund any overpayment to the relevant person; or
    - (ii) require, in writing, the relevant person to pay to the chief executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant

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person under this section and the amount of the fee.

- (8) For subsection (7), an investigation is finished in relation to a relevant person if—
- (a) both of the following apply—
    - (i) the chief executive considers the relevant person has failed to comply with a requirement made by the chief executive under the Act, section 70 in relation to the investigation;
    - (ii) the chief executive considers the investigation is finished; or
  - (b) the chief executive considers the investigation has been completed for the chief executive's purposes under the Act, section 69(2).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the chief executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.

## **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.

### **13 Prohibition on certain advertisements**

An advertisement for a game must not state, suggest or imply that the game will be drawn under the supervision of—

- (a) the State; or
- (b) a representative of the State; or
- (c) a public service officer.

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**14 Players to have equal chance of winning prize**

- (1) Each person who is issued with a ticket for a game must have a fair and equal chance of winning the major prize in the game when the game is drawn.
- (2) However, subsection (1) does not apply to the following games—
  - (a) a lucky envelopes game;
  - (b) a calcutta sweep as it relates to the auction held for the sweep;
  - (c) a promotional game that allows for 1 round in which players are eliminated.

**15 Refunds**

- (1) This section applies if a person pays a fee to enter a game but the person is not issued with a ticket or the person's ticket for the game is not included in the draw.
- (2) The person conducting the game must refund the fee to the person as soon as practicable.

**16 Tickets to be issued only if correct price paid**

- (1) A ticket for a game may be issued to a player only if the player has paid the correct price for the ticket.
- (2) However, if the game has a series of draws over a period, a ticket may be issued to the player if the player has paid the amount that is enough to entitle the ticket to be entered in the next draw for the game.

**17 Order in which prizes to be drawn**

- (1) If more than 1 prize is offered in a game, the major prize must be drawn first and the other prizes drawn in descending order of the prize number and value.
- (2) However, subsection (1) does not apply if an alternative order of drawing is notified when tickets in the game are issued.

(3) Also, subsection (1) does not apply to a game involving an instant result ticket.

(4) In this section—

*instant result ticket* means a ticket that the player immediately knows if the player has won a prize by scratching or doing something else to it.

## **18 Insurance for certain prizes**

An existing prize with a value of more than \$5,000 must be insured against loss or damage for an amount equal to its current valuation for the period from when tickets for the game go on sale to the day the prize is given to the winner.

## **19 Prohibited prizes**

(1) The following must not be offered as a prize for a game—

- (a) for a lucky envelopes game played using a scratch and reveal lucky envelope ticket—more than \$250 in cash;
- (b) for another lucky envelopes game—more than \$500 in cash;
- (c) for a category 3 game—more than \$100,000 in cash;
- (d) for a game other than a lucky envelopes game, a category 3 game or a promotional game—more than \$25,000 in cash;
- (e) a tobacco product;
- (f) a weapon or ammunition;
- (g) a surgical procedure;
- (h) another item the sale or acquisition of which is restricted by legislation of the State or Commonwealth;
- (i) a ticket or other chance in a game that is not approved under a gaming Act.

(2) Also, for a game other than a promotional game, alcohol must not be offered as a prize unless the alcohol has a retail value of \$1,000 or less.



(3) In this section—

*scratch and reveal lucky envelope ticket* means a ticket which is scratched to reveal numbers, letters or symbols that may entitle the player to a prize.

*tobacco product* see the *Tobacco Advertising Prohibition Act 1992* (Cwlth), section 8.

*weapon* see the *Weapons Act 1990*, schedule 2.

## **20 Designated day—Act, sch 2**

For schedule 2 of the Act, definition *designated day*, paragraph (b)(ii), 11 November 2018 is prescribed.

## **Schedule 1A    Approved evaluators**

section 9A

BMM Australia Pty Ltd ACN 084 016 044

ENEX Pty Ltd ACN 096 299 099

GTA Pty Ltd ACN 082 989 446

QALAB Pty Ltd ACN 136 553 832

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## **Schedule 1      Entities**

### **section 10**

Alberta Gaming and Liquor Commission, Canada  
Alcohol and Gaming Commission of Ontario, Canada  
Alcohol and Gaming Division Nova Scotia, Canada  
Australian Capital Territory Gambling and Racing  
Commission  
Australian Competition and Consumer Commission  
Australian Crime Commission  
Australian Customs Service  
Australian Federal Police  
Australian Securities and Investments Commission  
Australian Security Intelligence Organisation  
Australian Taxation Office  
Australian Transaction Reports and Analysis Centre  
(AUSTRAC)  
British Columbia Gaming Policy and Enforcement Branch,  
Canada  
Casino Liquor and Gaming Control Authority, New South  
Wales  
Casino Regulatory Authority of Singapore  
Centrelink  
Colorado Division of Gaming, USA  
Colorado State Patrol, USA  
Crime and Corruption Commission, Queensland  
Department of Immigration and Citizenship  
Department of Internal Affairs, New Zealand

Schedule 1

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Department of Racing, Gaming and Liquor, Western Australia  
Department of Treasury and Finance, Revenue, Gaming and  
Licensing Division, Tasmania  
Department of Treasury and Finance, South Australia  
Gambling Commission, Great Britain  
Gambling Commission, New Zealand  
Gaming and Wagering Commission of Western Australia  
Gaming Board of the Commonwealth of the Bahamas  
Independent Gambling Authority, South Australia  
Interpol  
Lotteries Commission of South Australia  
Lotterywest, Western Australia  
Louisiana State Police, USA  
Missouri State Highway Patrol, USA  
Mpumalanga Gaming Board, South Africa  
National Indian Gaming Commission, USA  
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 Crime Commission  
New South Wales Liquor Administration Board  
New South Wales Office of Liquor, Gaming and Racing  
New South Wales Police Service  
New Zealand Police  
Northern Territory Licensing Commission  
Northern Territory Police  
Office of Fair Trading, Queensland

Office of State Revenue, Queensland  
Office of the Liquor and Gambling Commissioner, South  
Australia  
Pueblo of Isleta Gaming Regulatory Agency, USA  
Queensland Police Service  
Racing, Gaming and Licensing Division, Northern Territory  
Racing Services Tasmania  
South Australia Police  
South Dakota Commission on Gaming, USA  
Tasmanian Gaming Commission  
Tasmania Police  
The Mississippi Gaming Commission, USA  
Victorian Commission for Gambling Regulation  
Victoria Police  
Western Australia Police Service  
Western Cape Gambling and Racing Board, South Africa  
WorkCover Queensland

## Schedule 2 Fees

### section 11

	\$
1 Application for bingo centre licence (Act, s 43)	338.40
2 Application for renewal of bingo centre licence (Act, s 43)	338.40
3 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—	
(a) more than \$50,000 but not more than \$100,000	468.60
(b) more than \$100,000 but not more than \$500,000	936.90
(c) more than \$500,000	1,874.00
4 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—	
(a) more than \$50,000 but not more than \$100,000	936.90
(b) more than \$100,000 but not more than \$500,000	1,874.00
(c) more than \$500,000	3,749.00
5 Application for 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—	
(a) more than \$50,000 but not more than \$100,000	468.60
(b) more than \$100,000 but not more than \$500,000	936.90
(c) more than \$500,000	1,874.00
6 Application for 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—	

	\$
(a) more than \$50,000 but not more than \$100,000	936.90
(b) more than \$100,000 but not more than \$500,000	1,874.00
(c) more than \$500,000	3,749.00
7 Application for lucky envelope printer licence (Act, s 43)	4,692.00
8 Application for renewal of lucky envelope printer licence (Act, s 43)	4,692.00
9 Evaluation by the chief executive of regulated general gaming equipment (Act, s 99(2)(a)), for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation	234.30
(ii) intermediate evaluation	292.80
(iii) advanced evaluation	344.80
(iv) administration for an evaluation	175.60
(b) giving advice for an evaluation	175.60
(c) holding meetings for an evaluation	175.60

*Note—*

See section 11(2) in relation to a fee for part of an hour.