



Queensland

Charitable and Non-Profit Gaming Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 49

made under the

Charitable and Non-Profit Gaming Act 1999

General outline

Short title

Charitable and Non-Profit Gaming Amendment Regulation (No. 1) 2013
(the Amendment Regulation).

Authorising law

Section 186 of the *Charitable and Non-Profit Gaming Act 1999* (the Charitable Gaming Act) provides that the Governor-in-Council may make a regulation about a prize in a game.

Policy objectives and the reasons for them

The *Charitable and Non-Profit Gaming Regulation 1999* (the Regulation) prescribes prohibited prizes which must not be offered as a prize in a game. Section 19(1)(c) of the Regulation currently provides that for a game other than a lucky envelopes game or a promotional game, a prize of more than \$10,000 cash is prohibited.

A Category 3 game is a game, other than bingo, a promotional game or lucky envelopes game, the gross proceeds of which are more than \$20,000; or, if the game is conducted under a special Category 3 gaming licence, more than \$5,000.

The maximum allowable cash prize for a Category 3 game is limited by section 19(1)(c) of the Regulation.

The maximum allowable cash prize of \$10,000 was originally established in 1999. As Category 3 games are conducted by non-profit associations, this current limitation on cash prizes can be viewed as a barrier to effective fundraising and reinvestment in the general community. Increasing the maximum allowable cash prize to \$100,000 will assist non-profit associations that wish to conduct Category 3 games for fundraising purposes.

Achievement of policy objectives

The Amendment Regulation will achieve the objective by increasing the maximum allowable cash prize to \$100,000 for a Category 3 game.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the purposes of the Charitable Gaming Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative means to effectively achieve the policy objectives.

Benefits and Costs of implementation

There are no costs of implementation.

The benefit of the amendments are a non-profit association conducting a Category 3 game will be able to offer a cash prize of up to \$100,000 as either a single prize or part of another prize.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles as it does not affect the rights and liberties of individuals and does not erode the institution of Parliament.

The Amendment Regulation amends existing provisions in the Regulation and there is clear authorisation provided for each amendment in the Charitable Gaming Act. It is therefore appropriate to be placed in subordinate legislation.

Consultation

The Returned and Services League of Australia (Queensland Branch), BoysTown, Golden Casket Lottery Corporation Limited and the Fundraising Institute of Australia have been consulted and did not raise any concerns with the proposal.

Notes on Provisions

Clause 1 sets out the short title by which the Amendment Regulation will be known.

Clause 2 states the Amendment Regulation is to amend the *Charitable and Non-Profit Gaming Regulation 1999*.

Clause 3 amends section 19 of the Regulation to provide that the current maximum limit of \$10,000 for a cash prize does not apply to a Category 3 game. Clause 3 also amends section 19 to provide that, for a Category 3 game, the maximum limit for a cash prize is \$100,000.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Justice and Attorney-General.

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