

# **Charitable and Non-Profit Gaming (Prohibited Prizes) Amendment Regulation 2017**

Explanatory notes for SL 2017 No. 64

made under the

*Charitable and Non-Profit Gaming Act 1999*

## **General Outline**

### **Short title**

*Charitable and Non-Profit Gaming (Prohibited Prizes) Amendment Regulation 2017.*

### **Authorising law**

Section 186 of the *Charitable and Non-Profit Gaming Act 1999*.

### **Policy objectives and the reasons for them**

The Charitable and Non-Profit Gaming Rule 2010 currently prescribes that an advertised prize in an art union (other than a tipping competition) must be at least 20 percent of the estimated gross proceeds of the game. Section 19(1)(d) of the *Charitable and Non-Profit Gaming Regulation 1999* (the Regulation), in turn, restricts the amount of cash able to be offered as a prize for a game other than a lucky envelopes game, a category 3 game or a promotional game to not more than \$10,000.

Some specific types of art unions award prizes in excess of the 20 percent of the estimated gross proceeds. The game parameters of these specific art unions promote that 50 percent of the actual gross proceeds will be returned as a cash prize while the remaining 50 percent will be set aside for a charitable purpose. Therefore, at times, the cash prizes relating to such art unions can exceed \$10,000.

The Amendment Regulation amends the Regulation to increase the maximum cash prize able to be offered for a game other than a lucky envelopes game, a category 3 game or a promotional game to \$25,000 so that eligible associations and other authorised entities have the opportunity to offer higher cash prizes for the games they conduct as part of their charitable endeavours.

### **Achievement of policy objectives**

The amendment will allow for a game other than a lucky envelopes game, a category 3 game or a promotional game to offer up to \$25,000 in cash as prizes, rather than the current limit of \$10,000. The current limit of \$10,000 was originally established in 1999.

## **Consistency with policy objectives of authorising law**

The object of the Charitable and Non-Profit Gaming Act is to ensure that, on balance, the State and the community as a whole benefit from general gaming.

The amendment is unlikely to lead to a proliferation in general gaming. Its purpose is to enable existing charitable and non-profit gaming products to continue to operate in accordance with established game parameters.

## **Benefits and costs of implementation**

There are no costs of implementation. The option to offer a higher cash prize for a game is at the discretion of the eligible association or other authorised entity conducting that game.

It is not expected that the proposed amendment will affect how most category 2 games are conducted as most are structured to return the minimum value of prizes which are prescribed in the Rule. This amendment will only affect certain types of games which promote higher cash prize values

The modest increase to the maximum allowable cash prize is unlikely to conflict with the government's responsible gambling initiatives.

Category 2 games are not required to be licensed however associations conducting such games are required, by legislation, to maintain adequate gaming records for each game conducted and keep accurate accounting records.

## **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

## **Notes on Provisions**

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

Clause 2 states that the regulation to be amended is the Charitable and Non-Profit Gaming Regulation.

Clause 3 amends section 19(1)(d) of the Charitable and Non-Profit Gaming Regulation to increase the maximum allowable cash prize for a game other than a lucky envelopes games, a category 3 game or a promotional game from \$10,000 to \$25,000.

## **Consultation**

The Office of Best Practice Regulation advised that no further analysis under the RIS guidelines is required as the amendment is unlikely to result in any adverse impacts on business, government or the community.