



Queensland Government

Treasury

Charitable and Non-Profit Gaming Act 1999

Your Guide to

CATEGORY 4

**Promotional
Games**

Queensland Office of
Gaming Regulation

The *Charitable and Non-Profit Gaming Act 1999* provides for category 4 games otherwise called promotional games.

What is a Game?

A “**game**” is a game, scheme or arrangement offering prizes, whether or not tickets are sold or distributed, in which the winners are decided:

- (a) entirely or partly by chance; or
- (b) by a competition or other activity having an outcome depending on chance, for example, a guessing competition.

Entry into a promotional game MUST BE FREE.

What is a Promotional Game?

A promotional game is a game conducted to promote goods or services.

Who Can Conduct a Promotional Game?

Any person may conduct a promotional game.

Do I Need a Licence or Permit to Conduct a Promotional Game?

No.

Length of Time for Conducting a Promotional Game

A promotional game must be drawn on the day, within one year of the day it starts, stated in the terms and conditions for the game.

Prohibited Prizes

Prohibited prizes in a promotional game are:

- a tobacco product;
- surgery;
- a weapon or ammunition;
- any other item the sale or acquisition of which is restricted by legislation of the State or Commonwealth;
- a ticket or other chance in a game that is not approved under a gaming act.

Participation by Minors

A person involved in the conduct of a promotional game must not accept an entry form for the game from a minor if a prize for the game includes alcohol or a gaming product.

“**Gaming product**” means—

- (a) a voucher or other acknowledgement for playing—
 - (i) a game under the *Casino Control Act 1982* or
 - (ii) a gaming machine under the *Gaming Machine Act 1991* or

- (iii) an approved keno game under the *Keno*
- (b) a ticket in a game of lucky envelopes or a promotional game that is scratched to reveal numbers, letters or symbols that may entitle the player of the game to a prize or
- (c) a lottery ticket under the *Lotteries Act 1997* or
- (d) a ticket or other acknowledgement for a bet under the *Wagering Act 1998*.

Advertisements

An advertisement for a promotional game must include details of the cost a person incurs in telephoning the person's entry in the promotional game.

Entering

Entry to a promotional game must be **free**.

If entry to the promotional game involves:

- sending an entry form or other document stated in the conditions of entry for the game, the cost of sending the entry must not be more than the price of a standard local postage stamp; or
- telephoning a stated number, the cost of telephoning must not be more than 55 cents.

A person conducting a promotional game must not, directly or indirectly,

receive all or part of an amount that has been contributed towards the cost of entry.

Also, the cost charged by a telephone service provider for the telephone service to the person conducting the promotional game must not be more than the prevailing rate for the service.

If a player is required to buy goods or services to be eligible to enter the promotional game, the costs of buying the goods or services must not be more than the prevailing market value of the goods or services.

The terms and conditions of the promotional game must be readily available to all players and complied with.

The terms and conditions must include the following information for the promotional game:

- the name of the person conducting it;
- eligibility requirements for players;
- a description and the retail value of each of the prizes;
- the closing and drawing dates;
- the order in which prizes will be drawn (if not drawn in descending order of value)
- how prize winners will be notified;
- whether results will be published and, if so, the way in which they will be published;

- whether the prize will jackpot or be redrawn if the winning player is not present;
- whether the game involves a round in which players are eliminated.

Instant Result Tickets

Instant result tickets must be made in a way that ensures the contents of the playing panel can not be seen other than by:

- breaking a secure tab; or
- scratching the playing panel; or
- a clearly pre-designated way of disclosing the contents of the playing panel.

“**Instant result ticket**” means a ticket that, by way of scratching or doing something else to it, the player immediately knows if the player has won a prize.

Drawing

Subject to any test of a player's knowledge, skills or judgment required to enter the promotional game, each player must have a fair and equal chance of winning the major prize in the game when the game is drawn.

If more than one prize is being offered in a promotional game, the major prize must be drawn first and the other prizes then drawn in descending order of number and value.

However, the above does not apply if an alternate order of drawing is notified at the time entries in the game are issued.

A promotional game must be drawn on the day, within one year of the day it starts, stated in the terms and conditions for the game.

Elimination of Players

If a promotional game allows for the elimination of players, the terms and conditions of the promotional game may allow for only one round of elimination.

Delivery of Prizes

For a promotional game the person conducting the game must deliver the prizes to the winners of the game within one month after winners are decided.

The above does not apply if:

- the prize winner agrees in writing that the prize may be delivered more than one month after the winners are decided; or
- after making all reasonable efforts, the person conducting the promotional game can not locate the prize winner.

Substitution of Prizes

Another prize may be substituted for a prize offered for a promotional game only if:

- the person conducting the game and the prize winner have agreed, in writing, to the substituted prize being substituted for the original prize; and
- the substituted prize is similar to and of the same or greater value than the original prize;

Locating Prize Winners

A person conducting a promotional game must make every reasonable effort to:

- locate the prize winners for the game; and
- deliver the prizes to the winners.

Period for Which Unclaimed Prizes to be Kept

Prizes in a promotional game must be kept for three months from the day the prize winner is decided.

However, this does not apply if the conditions of entry for the game provide for the re-drawing of winners

for unclaimed prizes or the jackpotting of unclaimed prizes.

If a prize in a promotional game is not claimed within three months from the day the prize winner is decided, the person conducting the game must draw another winner for the prize.

Retention of Records

General gaming records shall be kept for a period of 5 years unless a shorter period is approved by the chief executive.

Bingo as a Promotional Game

A promotional game that is bingo, may be conducted only:

- in a newspaper or magazine; or
- at premises for which a bingo centre licence is in force; or
- by an eligible association, during a bingo session, at premises other than premises that are, or part of which are licensed under the *Liquor Act 1992*.

Penalties

The Charitable and Non-Profit Gaming Act 1999 prescribes heavy penalties for associations/individuals who fail to comply with the various provisions designed to ensure that the integrity of charitable gaming is maintained.

Want to Know More

Please contact QOGR's client service area on **(07) 3872 0999** or Toll Free on **1800 064 848** (outside Brisbane) or by mail to **Queensland Office of Gaming Regulation, Locked Bag 180, City East Qld 4002**.

This guide has been prepared to provide associations/individuals

conducting games with basic information regarding the conduct of those games.

Associations/individuals conducting games should familiarise themselves with the provisions of the *Charitable and Non-Profit Gaming Act 1999* together with the *Charitable and Non-Profit Gaming Regulation 1999* and the *Charitable and Non-Profit Gaming Rules 1999*.

Copies of the legislation are available from **Goprint Bookshops at 371 Vulture Street, Woolloongabba Qld 4102** and **135-147 George Street Brisbane Qld 4000** or by telephoning **(07) 3246 3399**.

**A Queensland Office of Gaming
Regulation publication**

Locked Bag 180
CITY EAST QLD 4002
Tel (07) 3872 0999
Fax (07) 3872 0998
Email info@qogr.qld.gov.au
Web Site www.qogr.qld.gov.au

Queensland Office of
Gaming Regulation

| | | |
|---------|------------------|---------------|
| Issue 1 | Initial printing | December 1999 |
| Issue 2 | Print version | January 2000 |
| Issue 3 | PDF version | July 2000 |
| Issue 4 | PDF version | May 2002 |
| Issue 5 | Print version | October 2003 |
| Issue 6 | Print version | February 2005 |
| Issue 7 | PDF version | May 2006 |