

Index	Description
Queensland - Summary	Summary of key legislative requirements by NHFA activity type (eg JRFH, Doorknock Appeal, GRFW)
Queensland - Legislation overview	Provides a summary of the key legislation governing charitable fundraising
NSW - Summary	Summary of key legislative requirements by NHFA activity type (eg JRFH, Doorknock Appeal, GRFW)
NSW - Legislation overview	Provides a summary of the key legislation governing charitable fundraising
Victoria - Summary	Summary of key legislative requirements by NHFA activity type (eg JRFH, Doorknock Appeal, GRFW)
Victoria - Legislation overview	Provides a summary of the key legislation governing charitable fundraising
WA - Summary	Summary of key legislative requirements by NHFA activity type (eg JRFH, Doorknock Appeal, GRFW)
WA - Legislation overview	Provides a summary of the key legislation governing charitable fundraising
SA - Summary	Summary of key legislative requirements by NHFA activity type (eg JRFH, Doorknock Appeal, GRFW)
SA - Legislation overview	Provides a summary of the key legislation governing charitable fundraising
NT - Summary	Summary of key legislative requirements by NHFA activity type (eg JRFH, Doorknock Appeal, GRFW)
NT - Legislation overview	Provides a summary of the key legislation governing charitable fundraising
ACT - Summary	Summary of key legislative requirements by NHFA activity type (eg JRFH, Doorknock Appeal, GRFW)
ACT - Legislation overview	Provides a summary of the key legislation governing charitable fundraising
Tasmania - Summary	Summary of key legislative requirements by NHFA activity type (eg JRFH, Doorknock Appeal, GRFW)
Tasmania - Legislation overview	Provides a summary of the key legislation governing charitable fundraising

Separate matrices, checklists and templates for the creation of details of participation have been prepared for:
 - Free Entry Competitions, Giveaways & Reward Programs
 - Raffles & Art Unions
 These can be found on the Fundraising section of the Legal & Compliance page on The Beat.

Fundraising Institute of Australia

My charity has been approached by some of our supporters who would like to run some fundraising events for us. Do they need to apply for a licence to fundraise?

In all states except Victoria, Queensland and Northern Territory, your charity is required to supply a letter of authority stating the start and end dates of the fundraising activity, your fundraising licence number for that State and other information as required by your State fundraising legislation.

If you are in Victoria, the supporters will have to apply for an additional licence to fundraise on your behalf. This includes commercial traders you engage to fundraise on your behalf such as a call centre, face to face fundraising supplier or an online fundraising company.

If the appeal is being run in Queensland you may need to apply for a licence. Please contact the Queensland Office of Fair Trading for more information.

above is inconsistent with:

I am member of the public and would like to raise money for my charity. Do I need permission from a charity to fundraise on their behalf?

Yes. In all states of Australia, except Victoria, you will require a letter of authority from your charity to fundraise on their behalf.

In Victoria you will have to apply for a fundraising licence, whether you are an individual or a business.

Your chosen charity will be able to support you in your fundraising efforts and assist you in complying with fundraising legislation, in particular the banking and reporting requirements, which can be quite complex.

A simpler and more cost effective option is to volunteer your time and participate in your charity's existing fundraising programs. Contact your charity and see how you can help.

www.fia.org.au/AM/Template.cfm?Section=Frequently_asked_Questions&Template=/CM/HTMLDisplay.cfm&ContentID=9849

does not mention exemption in Victoria for fundraisers who collect less than \$10,000 in a year

Queensland - Summary

General *Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.*

In order to fundraise for charitable purposes in Queensland, the organisation must be registered in Queensland as a charity

Registered charities are required to lodge audited financial statements & an annual return (Collections Form 20) within 7 months of end of financial year (EOFY)

All appeals are to be authorised in writing, & the promoter (eg 3rd party fundraiser) is to be named in the authority

Name of the charity & the fact that it's registered under the Act to be specified at all times when making any appeal

Appeal for support definition is very broad & intended to capture all possible forms of fundraising/requests for support

Full name appearing in the Register of Charities must be used at all times. Organisations are not to tolerate use of any other name

Proposed amendments to the Constitution are required to be lodged (i.e. prior to adoption)

Promoter of each appeal (may be 3rd party) is required to keep specified records & submit audited accounts & other documents as required

"Devices" are regulated (eg badges, fake flowers) - JRFH, Go Red 4 Women, etc merchandise may be subject to this requirement

Where using services of a commercial fundraiser (i.e. paid 3rd party), the written contract needs to be approved by the Minister prior to fundraising activities commencing

See "A Guide to Commercial Agreements under s33 of the Collections Regulation 2008", current as at 20/4/11 which sets out the minimum requirements when drafting an agreement/contract with a commercial fundraiser

"A Guide to Commercial Agreements under s33 of the Collections Regulation 2008", current as at 20/4/11 also includes the minimum details to be disclosed during a telemarketing call. Telemarketing scripts need to be approved by the Dept of Justice & Attorney-General prior to use

If Division has staff whose principal duties are fundraising, employment contracts may require approval by Minister

Advertising disclosure requirements need to be met where commercial fundraiser (3rd party) is involved

Accounting requirements are covered in Act & Regulations

Issues for consideration JRFH may meet the definition of a door-to-door appeal. If it does, all collectors (aka children) will need to be issued with authorities to collect & badge/armband, etc

The full name appearing in the Register of Charities must be used at all times - this may be an issue if wanting to use "The Heart Foundation"

"Devices" are regulated (eg badges, fake flowers) - JRFH, Go Red 4 Women, etc merchandise may be subject to this requirement

Only a charity registered in Qld can fundraise in Qld (at present only Qld Division is registered) - the business may wish to give consideration as to whether any other Divisions should be registered in Queensland

Example: Gym waves membership fee in return for donation to a HF program. This may meet the 'commercial arrangements with business' provisions & may require the contract to be approved by the Minister prior to the promotion commencing. If it does not meet the commercial arrangements provision, an authorisation to fundraise may be required (see below)

Authority to Fundraise

Minimal guidance is given as to the form or content of an authority to fundraise (eg for the gym example above), however the Act does require that:

s11 The following conditions shall be observed in connection with every appeal for support—

(a) made for any charity registered under this Act—

(i) the appeal shall be authorised in writing by the governing body of the charity or by some person authorised either generally or in the particular case in that behalf by the said governing body;

(ii) all the conditions (if any) subject to which that authority is given shall be complied with in every respect;

(iii) the promoter of the appeal shall be named in that authority;

(iv) the name of the charity and the fact that it is registered under this Act shall be specified at all times when making the appeal;

(v) the conditions (if any) to which the registration of the charity is subjected under this Act shall be complied with in every respect;

(vi) the provisions of this Act relating to the appeal shall be complied with in every respect;

Consideration should be given as to whether wording should be incorporated into all relevant program, and any relevant competition, Terms & Conditions regarding participation by residents of other jurisdictions (interstate and overseas) - that the program is based on state/Australian legislation for participation by state/Australian residents, and participants should satisfy themselves that participating will not contravene the legislation in their state/country of residence

Staff & volunteers involved with programs/activities involving children, either as volunteers or the program/activity 'recipients', may require a Working with Children Check/Blue Card

Fundraising Type	JRFH	Collection Boxes (eg in shops)	Door-to-Door Collections (Annual Doorknock Appeal)	Street Collections (rattling a tin, street stalls)	Regular Gifts (Face to Face solicitation)
Regulated by (Act)	Collections Act	Collections Act	Collections Act	Collections Act	Collections Act
Requirements & Restrictions	Possibly covered by 'devices' requirements. Devices required to be registered & advertising/disclosure requirements met	Boxes to be emptied at least once a month & contents accounted for	Days to be assigned by Minister - lodge applications: - within 1 year of D2D appeal	Days to be assigned by Minister - lodge applications: - 14+ days before street collection	May constitute door-to-door or street collection depending on how conducted
	May meet definition of door-to-door appeal - if so D2D requirements need to be met	Ensure proper procedures/supervision in place when opening boxes & accounting for contents	Includes sale of badges & other devices as well as tickets in art union, etc	Includes sale of badges & other devices as well as tickets in art union, etc	Advertising guidelines to be followed
	Badge/armlet & written authority to be issued to all collectors & accurate records maintained	Advertising guidelines to be followed	Includes making an invitation (therefore would include distribution of forms, etc for regular donations)	Includes making an invitation (therefore would include distribution of forms, etc for regular donations)	
	Receipts to be issued for all amounts given		Badge/armlet & written authority to be issued to all collectors & accurate records maintained	Badge/armlet & written authority to be issued to all collectors & accurate records maintained	
	Children under 15 not to act as collectors without prior written consent from parent/guardian. Where consent given, child must be accompanied by an adult		Paid collectors allowed - itinerary to be lodged 14+ days before collection	Paid collectors allowed - itinerary to be lodged 14+ days before collection	
	Collectors not to visit houses before 9am or after 5pm on any day		Children under 15 not to act as collectors without prior written consent from parent/guardian. Where consent given, child must be accompanied by an adult	Children under 15 not to act as collectors without prior written consent from parent/guardian. Where consent given, child must be accompanied by an adult	
	Advertising guidelines to be followed		Collectors not to visit houses before 9am or after 5pm on any day	Collecting boxes (tins) to be secure & be numbered, etc	
	Employees/volunteers may require Working with Children Check/Blue Card		Advertising guidelines to be followed	Advertising guidelines to be followed	

Regular Gifts (Other - DM letter, telemarketing, etc)	Major Gifts (eg Corporate)	Bequests	Memorial Gifts	Events (Movie night, Go Red 4 Women, Lunches)	Third Party Fundraising
Collections Act	Collections Act	Collections Act	Collections Act	Collections Act	Collections Act
Advertising guidelines to be followed	Advertising guidelines to be followed	Advertising guidelines to be followed	Possibly covered by envelope collection provisions:	Advertising guidelines to be followed	Contracts engaging promoters (3rd party fundraisers) require approval from the Minister prior to fundraising activities commencing
Telemarketing scripts require approval by the Dept of Justice & Attorney-General prior to use			Envelopes to have gummed flaps		Clauses to be included in contracts set out in "A Guide to Commercial Agreements under s33 of the Collections Regulation 2008" current as at 20/4/11
			All contributions must be received in sealed envelopes		All appeals must be approved in writing - therefore community fundraisers will need HF approval
			Advertising guidelines to be followed.		3rd party required to keep records
					Advertising guidelines to be followed
					Badge/armlet & written authority to be issued to all collectors & accurate records maintained by the promoter

Unsolicited Gifts	Sale of Goods (Pens, etc)	Raffle/Art Union	Other
		Charitable & Non-Profit Gaming Act	Collections Act
Collections Act	Collections Act	Collections Act	
Not caught as there is no solicitation involved	Possibly covered by 'devices' requirements. Devices required to be registered & advertising/disclosure requirements met	Only eligible associations (charity, etc) able to conduct Category 1,2 & 3 games; Cat 3 Gaming Licence required to conduct Category 3 games	
	Advertising guidelines to be followed	Games include: calcutta sweep, art union, promotional game, bingo, lucky envelopes; Art union includes raffles, lucky door prizes, chocolate wheels, guessing competitions, etc	
		Category 1 game - gross proceeds of game (or bingo session) not more than \$2,000. Exceptions are promotional games (Cat 4) and lucky envelopes (any value)	
		Category 2 game - gross proceeds of game (or bingo session) more than \$2,000 but not more than \$20,000. Exceptions are lucky envelopes - gross proceeds not more than \$5,000 & promotional games (cat 4)	
		Category 3 game - gross proceeds more than \$20,000 (or if game conducted under a special Cat 3 gaming licence \$5,000). Exceptions - bingo, promotional games & lucky envelopes	
		Must keep general gaming records at principal place of business or registered office (in Qld)	
		If engaging a 3rd party to assist with running game, contract requirements to be met	
		Eligible association not to enter into 3rd party operator agreement unless Chief Executive given a copy of proposed agreement at least 28 days before entering into agreement	
		Funny money & casino nights illegal	

Queensland - Legislation

		Notes
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Entity	NATIONAL HEART FOUNDATION OF AUSTRALIA (Q'LD. DIVISION) ACN 009691570	
Licences/ Authorities	Registered Charity No: CHO 0519 EOFY: 31/12 annually "everything current" as per Tracy @ Qld OFT 3:15pm 29/11/10 Qld Div is a Public Benevolent Institution, and endorsed as a Deductible Gift Recipient from 1/7/2000 - federal	
Act/s	Collections Act 1966 Collections Regulation 2008 Charitable and Non-Profit Gaming Act 1999 Charitable and Non-Profit Gaming Regulation 1999	
Regulator/s	Department of Justice and Attorney-General, Queensland Queensland Office of Gaming Regulation	
Links	Fair Trading Charities website (click here for link) Office of Liquor & Gaming Regulation (click here for link)	
	FUNDRAISING	
	Fair Trading Website - Charities (click here for link)	
	Organisation wishing to publicly fundraise in Qld for charity must be registered as a charity, registered as a sanctioned community purpose organisation, or authorised by a registered charity or sanctioned organisation to fundraise on its behalf.	
	Requirements & Reporting: After registration as a charity (or having a sanction granted), organisation must lodge: - audited statement of income & expenditure - balance sheet - Collections Form 20 - Annual return of charity or sanction - sent by Dept within one month of the end of the financial year (EOFY). Above 3 documents to be lodged within 7 months of EOFY. No fees apply to lodgement.	Documents to be lodged each year by Qld Division within 7 months of EOFY
	Registered charities & sanctioned appeals must be audited each year by qualified auditor or other approved person (CPA, CA, NIA member, etc) Upon winding up (or cessation of appeals for sanctioned appeals), audited financials to be lodged within one month.	Annual audit required Documents to be lodged within one month of winding up
	Collection boxes (e.g. left in shops or offices) must be emptied at least once a month, & contents accounted for. Governing body must ensure proper supervision of the opening & accounting of collection boxes.	
	Commercial arrangements with business Governing body or delegate must authorise all fundraising appeals in writing. Authority must contain name of promoter & any conditions on the authority. If the promoter conducts the appeal for commission/reward, charity & promoter must enter into a written agreement which Minister's Delegate must approve. Minister's approval not required if the benefit promoter offers is in the ordinary course of the promoter's business. Promoter must demonstrate appeal is ancillary to providing the benefit & outside the ordinary course of their business. Promoter must retain financial records for 6 years and correspondence for one year. Records include: - purpose of the appeal - authority to act as a promoter for the appeal - accurate records showing full details of the appeal's income & expenditure associated and how all money & property was dispersed.	3rd party promoters/fundraisers - contract to be approved by Delegate of Minister PRIOR to commencement of activity Note 3rd party has obligation to retain records in addition to HF obligations
	Collections Act (click here for link)	
	appeal for support, used in relation to any purpose, means any invitation (expressed or implied, and whether made verbally, or by writing or conduct, or by any advertisement), to the public, which is designed to obtain money or articles for that purpose, including— (a) any collection for that purpose; (b) any advertisement of any art union or the selling or offering for sale of any ticket or chance in any art union promoted or conducted for that purpose; (c) any notification to the public expressly or impliedly indicating that any proceeds of, or any moneys from, or any collections at, any dance, concert, social entertainment, bazaar, fair, fete, carnival, show, sport, game, or other diversion, activity, or function (whether of the classes previously enumerated or not) are intended or are to be appropriated for that purpose;	s5 Collections Act 1966
	(d) the holding of any dance, concert, social entertainment, bazaar, fair, fete, carnival, show, sports, game, or other diversion, activity, or function (whether of the classes previously enumerated or not) any proceeds of which, or any moneys from which, or any collections at which are appropriated or intended for that purpose; (e) any notification to the public expressly or impliedly indicating that any proceeds of, or any moneys from, the sale of any articles or the supplying of any service are intended or are to be appropriated for that purpose; (f) the sale of any articles or the supplying of any service, any proceeds of, or any moneys from which are appropriated or intended for that purpose; (g) any notification to the public, expressly or impliedly indicating that the whole or part of any fees for membership of any association are intended for or are to be appropriated for that purpose; (h) anything prescribed to be an appeal for support.	s5 Collections Act 1966
	Charity must be registered under the Collections Act 1966 in order to make an appeal for support.	s10 Collections Act 1966
	Conditions to be observed in making appeals: - appeal to be authorised in writing by the governing body of the charity or their delegate - all conditions (if any) subject to which authority is given are to be complied with - promoter of the appeal to be named in the authority - name of the charity & the fact that it is registered under the Collections Act 1966 to be specified at all times when making the appeal - conditions (if any) to which registration of the charity is subjected under the Act to be complied with - provisions of the Act relating to the appeal to be complied with.	s11 Collections Act 1966 Details to be included in promotion of appeal - name of charity, registration status, etc

	Door-to-door appeal means any appeal for support made by visiting places of residence/employment (or both), one after another, and making a collection, or making or distributing an invitation, or selling/offering for sale tickets/chances in an art union, or distributing/disposing of any device (badge, fake flower, etc), or doing anything else declared under Regs to be a door-to-door appeal. Does not include visiting places of residence/employment (or both) for the purpose of leaving, collecting, or obtaining moneys from collection boxes, or leaving, collecting or obtaining articles from collecting receptacles.	s14 Collections Act 1966
	Street collection means any appeal for support made in any street, and there: making a collection, or making/distributing an invitation, or distributing/disposing of any device (badge, fake flower, etc).	s14 Collections Act 1966
	The Minister is to assign day/s for door-to-door appeals & street collections.	s15/16 Collections Act 1966
	Restrictions on distribution of devices (badges, artificial flowers, etc).	s18 Collections Act 1966 This may include materials generated for: Go Red for Women; JRFH; Heart Foundation Walking; Heartmoves; Christmas cards, etc
	Charity shall not use or permit/suffer use of any name, other than its name appearing in the register of charities, in connection with any appeal for support made for or by the charity.	s20 Collections Act 1966 Full name to be used in appeals - and no other name - rules out usage of "The Heart Foundation" & requires usage of full "Heart Foundation of Australia (Q'ld division)"
	Need to lodge details of proposed amendments to Constitution prior to resolution with Chief Executive, and certified copy after passed.	s29 Collections Act 1966
	Promoter of each appeal for support shall keep & retain in the promoter's custody, until directed /authorised to destroy, hand over or otherwise dispose of that record, a record of the appeal for support in writing consisting of or showing: - purpose for which appeal was made - full name & address of promoter & promoter's authority for acting as promoter - accurate statement showing full details of all income & expenditure associated with the appeal (in the approved form), and of the moneys/property raised by/resulting from the appeal and of the disposal of all such moneys & property - audit report or copy thereof, if such a report is received by the promoter in relation to the appeal Promoter may hand over his/her record of the appeal for support to the governing body of the charity, & governing body shall then keep & retain records.	s30 Collections Act 1966
	Every charity & promoter, on the close of each prescribed period of time, shall: - prepare financial statements - comply with provision of the Collections Act 1966 relating to the manner of preparing & dealing with those financial statements, & allowing them to be inspected (by the public, member of charity, or otherwise), and lodgement of copies where required under the Act with the Chief Executive - cause the accounts to be audited by a registered auditor (or other person - CPA, CA, etc).	s31 Collections Act 1966 Both Heart Foundation and Promoter (3rd party) need to ensure financial records maintained/audited
	Every charity & promoter, on the close of each prescribed period of time, shall lodge with the Chief Executive a return in the prescribed form .	s32 Collections Act 1966 Both Heart Foundation and Promoter (3rd party) need to ensure returns lodged
	Collections Regulation (click here for link)	
	Collectors for door-to-door appeals or street collections must be issued with a distinctive armlet or badge and an authority in the approved form. Governing body must keep a record of each person to whom it issues an armlet/badge Only persons issued an armlet/badge to use them Collector issued with armlet/badge or authority must - sign the authority & produce it upon request - sign the armlet/badge (where possible) - wear the armlet/badge prominently when collecting - keep the authority & armlet/badge in his/her possession and return it to the promoter upon replacement, cessation of collecting, or request - return collecting box (with seal unbroken) or receipt book and cash to the promoter when the box is full or all receipts are used, upon request, if collector wants to cease collecting, or when finished collecting Promoter must take all reasonable steps to ensure each authority & armlet/badge is kept in safe custody.	Reg18 Collections Regulation 2008
	Application to have a day assigned for a door-to-door appeal or street collection must be in the approved form. Application must be made: - at least 14 days before street collection day; - within 1 year before door-to-door appeal day Failure to comply with 14 day/1 year requirement does not prevent Minister from assigning a day Applicant to be given notice of the Minister's decision to assign/refuse to assign a day in the approved form If assignment is given on conditions, notice must state the conditions.	Reg19 Collections Regulation 2008 Collection days - application to be lodged 14 days/1 year in advance
	If paid collectors are employed, association/promoter must give the Chief Executive a written itinerary showing: towns/suburbs proposed to be visited, and proposed dates for the visits. Itinerary to be given at least 14 days before proposed start of visits.	Reg20 Collections Regulation 2008 Applies if paid collectors are used in Qld
	If appeal for support conducted by way of envelope collection: - each envelope must have a gummed flap by which it can be securely closed - collector must not receive a contribution other than in an envelope that has been closed Envelope collection - means collection made by a person calling door-to-door, distributing envelopes in which an amount may be placed, and later collecting the envelopes.	Reg22 Collections Regulation 2008 May apply to memorial giving
	If the Minister assigns to a charity the exclusive right to distribute/dispose of a device when making an appeal or grants an application for alteration of a device: - Chief Executive must keep a register of assigned devices - register must include description of device & any alterations, date of assignment, period for which assignment is made, any conditions imposed. Governing body must keep a record of all devices acquired, distributed, sold or unsold, and give the Minister within 1 month after end of appeal, a certified copy of the record.	Reg23 - 25 Collections Regulation 2008 This may include materials generated for: Go Red for Women; JRFH; Heart Foundation Walking; Heartmoves; Christmas cards, etc
	Promoter must keep in his/her custody the following records for the period stated: - receipt books, receipts, cancelled cheques & correspondence about accounts for 6 years - correspondence other than about accounts for 1 year.	Reg29 Collections Regulation 2008 Document retention periods - note obligation lies with promoter - in some cases this will be Heart Foundation, in others it will be a 3rd party

	<p>Charity or promoter must keep the following records:</p> <ul style="list-style-type: none"> - cash book or statement of amounts received & paid - petty cash book - any other records required 	<p>Reg30 Collections Regulation 2008</p> <p>Both charity & 3rd party promoter to keep records</p>
	<p>If the Chief Executive considers it appropriate (nature or size of operations), Chief Executive may also require the keeping of:</p> <ul style="list-style-type: none"> - a ledger - receipt book of receipt forms - if tickets are sold, a register of bulk tickets - if collecting boxes are used, a register of collecting boxes - if devices are sold, a record of devices - a register of assets <p>Unless a receipt book is kept by way of a computer system record, it must</p> <ul style="list-style-type: none"> - contain receipt forms printed in duplicate & consecutively numbered; or - be kept on the numbered butt principle. 	
	<p>Charity must not allow a person to make, allow to be made or assist in making an appeal for commission or in expectation of reward unless:</p> <ul style="list-style-type: none"> - the charity & the person enter into a written agreement to do so; and - the agreement has been approved by the Minister. <p>Above does not apply:</p> <ul style="list-style-type: none"> - if person is an employee UNLESS employee's principal duties are fundraising, or - an appeal under which a benefit is offered to a contributor of an amount to the appeal if the person making the appeal provides the benefit as an undertaking in the ordinary course of the person's business and demonstrates that making/assisting in making the appeal is an undertaking ancillary to providing the benefit & outside the ordinary course of the person's business. 	<p>Reg33 Collections Regulation 2008</p> <p>May need to have employment contracts for fundraising staff approved by Minister</p> <p>See "A Guide to Commercial Agreements under s33 of the Collections Regulation 2008" current as at 20/4/11 which sets out the minimum requirements of any agreement/contract.</p>
	<p>Charity must ensure that:</p> <ul style="list-style-type: none"> - amounts collected from an appeal are, as soon as practicable, paid to the credit of a separate financial institution account in the name of the charity; and amounts payable to any persons for commission, expenses or otherwise relating to the appeal are paid from the amounts collected by cheque or EFT from the account, and cheque is to be signed by at least 2 signatories. <p>Above does not apply if the charity has entered into a written agreement in relation to the appeal with a person, and the person undertakes responsibility for providing any benefit, including payment of expenses, offered to a contributor of an amount to the appeal, and the agreement does not state that the amounts collected because of the appeal are to be paid to the charity's account.</p>	<p>Reg34 Collections Regulation 2008</p>
	<p>A person must not distribute a leaflet/publish an advertisement about an appeal under an agreement unless the leaflet/advertisement contains:</p> <ul style="list-style-type: none"> - name & address of the promoter and the charity - a statement showing particulars of the arrangement about the beneficial entitlements of the promoter & the charity; and - before the leaflet/advertisement is distributed/published, a copy of the leaflet/advertisement is given to & approved by the Chief Executive. 	<p>Reg35 Collections Regulation 2008</p> <p>Promotional material required to contain details of arrangements under agreement with 3rd parties (where applicable)</p>
	<p>Schedule 1 - Additional conditions for door-to-door and street collections</p> <ol style="list-style-type: none"> 1) Authority must clearly state the period (not more than 2 months) for which it is in force, and indicate that the charity is registered under the Act 2) Collector must give each person giving an amount to the association (whether in exchange for articles or otherwise) a ticket or receipt issued to the collector by the governing body unless the amount is given in exchange for a device, or a collecting box is used 3) receipts for all donations must be issued on carbon copy or numbered butt principle 4) Governing body must take reasonable steps to ensure all amounts collected are properly & promptly accounted for by the collector 5) Children under 15 must not act as a collector without previous written consent of parent/guardian, and if consent given child must be accompanied by an adult 	<p>Schedule 1 Collections Regulation 2008</p>
	<p>Schedule 1 cont.</p> <ol style="list-style-type: none"> 6) Collector must not visit any house before 9:00am or after 5:00pm on any day 7) Collector must not unreasonably annoy any person approached during a collection or stay in any place of residence/employment if asked to leave 8) Collector must not intimidate any person into making a donation 9) Each collecting box issued to a collector must be securely constructed to avoid tampering, sealed before issue to collector, clearly numbered, clearly labelled with association's name 10) Seal on a collecting box may only be broken by a person authorised to break the seal 	
	<p>Schedule 1 cont.</p> <ol style="list-style-type: none"> 11) Governing body must supervise properly the issue & opening of collecting boxes & accounting for the contents 12) collecting box left at place of residence/employment must be collected/emptied at least once a month & the amount removed must be accounted for 13) Each device offered for sale must: have the price clearly marked on it/attached to it, or if Minister considers it impracticable, offered for sale in a way the Minister considers clearly indicates the price. 	
	<ol style="list-style-type: none"> 14) Governing body of association must keep a record of all devices acquired, distributed, sold or unsold 15) Governing body must give Chief Executive a statement of receipts & expenditure of the appeal within 1 month after the day of the appeal 15) Collector must not take part in a collection known as a 'hijack' collection or wear a mask/use a toy firearm while collecting 17) Governing body must collect & account for donations invited by signs at a wishing well or similar at least once a month. 	
	<p>Schedule 2 - Accounting Requirements</p> <ol style="list-style-type: none"> 1) Orders for goods must be on charity's usual order form & signed by appointed official 2) Expenditure over \$100 approved/ratified by governing body & approval recorded in minute book 3) Payments of more than \$100 must be made by cheque or EFT 4) Cheques (other than wages, allowances, petty cash) must be crossed not negotiable 5) Payments must be supported by documentary evidence & receipts kept (where received) 6) Amounts received must be deposited into financial institution account & entered into cash book as soon as practicable 	<p>Schedule 2 Collections Regulation 2008</p> <p>Accounting/record keeping obligations</p>
	<ol style="list-style-type: none"> 7) Cash book must be balanced & reconciliation made between cash book & account balances regularly; reconciliation must be shown in cash book 8) Payments of less than \$100 from petty cash must be kept on imprest system & full details recorded in petty cash book 9) Register of assets must be kept if charity has assets other than cash in hand/in financial institution account 10) Income & expenditure account must be prepared from books of charity or promoter 	

	<p>11) Copy of income & expenditure account, audited balance sheet & return of office bearers must be given to the Minister by a responsible officer of the charity within 7 months of EOFY, if the Minister requests the documents, or within 1 month after cessation of functioning of the charity</p> <p>12) Accounts of continuing charity must be audited at least once a year</p> <p>13) Tickets & receipts must be: authorised, consecutively numbered, and recorded in register of bulk tickets or register of receipt books</p> <p>14) Receipts issued to a collector must be in bound book form, state the full name of the charity & be kept on the carbon copy or numbered butt principle.</p>	
	GAMING/LOTTERIES/COMPETITIONS	
	Trade Promotion Lotteries (Category 4 Promotional Games) - refer Trade Promotion Lotteries Matrix	
	Guide to Category 1 Games (click here for link)	
	<p>Game - game, scheme or arrangement offering prizes, whether or not tickets are sold or distributed, in which winners are decided: entirely or partly by chance; or by a competition/other activity having an outcome depending on chance, eg guessing competition. Examples of Category 1 games - art union, bingo, calcutta sweep.</p> <p>Category 1 Game</p> <p>- bingo where gross proceeds of all games in the session are not more than \$2,000</p> <p>- other games where gross proceeds are not more than \$2,000</p> <p>Association or individual can conduct a Category 1 game.</p>	
	Art Union includes raffles (meat tray, etc), sweeps (other than calcutta sweeps), chocolate wheels, punchboards, lucky dips, lucky door prizes, guessing game competitions (eg weight of the bull).	
	Category 1 art union must be drawn not more than 4 months after ticket sales begin. Where art union depends upon event/series of events, it must be drawn within one month of the event, or one month of the last event in the series.	
	Category 1 art union prohibited prizes: more than \$10,000 in cash, surgery, tobacco products, weapon/ammunition, restricted items, alcohol exceeding \$1,000 value.	
	Tickets must not be sold to a minor if a prize includes alcohol or a gaming product. Total value of prizes must be at least 20% of the estimated gross proceeds of the art union. Expenses of conducting art union (other than cost of prizes) must be reasonable in relation to estimated gross proceeds & nature of the art union.	
	Tickets in a Category 1 art union must all be sold at the same price. Ticket bundling is acceptable (\$1 each or 3 for \$2). If bundled, same discount must be offered to all buyers. Tickets can only be issued if correct price has been paid. Tickets must not be sold after closing date.	
	Tickets not to be sent or delivered to a person unless: the person has paid for the ticket before being sent/delivered; or the person is the association's agent or ticket seller. Each ticket to be numbered consecutively, & if more than 1 series of tickets, each series identifiable by colour or other distinguishable characteristic.	
	If art union not conducted & drawn on the same day, tickets must: have name & address or phone number of entrant written on the butt (or recorded in another way). Person not eligible to enter if directly engaged in conducting the draw.	
	Each person to have a fair & equal chance of winning. Usual drawing methods are marble draw or ticket butts. Where an electronic raffle drawing machine is being used it must be ensured that full range of tickets sold are covered. If an unsold ticket number is drawn, another number to be drawn to determine winner. Where electronic device used, need to ensure it is truly random to ensure equal chance of winning.	
	Major prize must be drawn first. However alternate order allowed provided alternate order is clearly advertised. If a minor prize is drawn before the major prize, minor prize winner's ticket must be returned to the pool & be eligible to win the major prize.	
	Prizes to be delivered within 1 month of draw. Does not apply if winner agrees in writing that prize be delivered more than 1 month after draw or winner not able to be located despite reasonable efforts.	
	Prizes maybe substituted only if: association & winner have agreed in writing to the substitution; and the substituted prize is of the same or greater value than the original prize.	
	Association must make every reasonable effort to locate prize winners & deliver prizes to them. Prize to be kept for a reasonable period. If not claimed prize must be drawn again. Results to be published as advertised. If association has not provided information about way in which results will be published: winners must be given oral or written notice in person within 28 days of draw; and results must be published/made available in an appropriate way.	
	Accounting records to be kept correctly recording & explaining transactions for the art union. General gaming records to be kept for 5 years (unless shorter period approved by Chief Executive). Chief Executive may request a return be lodged.	
	Chief Executive may require association to have financial records for Category 1 art union audited.	
	"Bingo" is a game known as bingo, housie, or housie-housie, or a similar game, whatever called, in which: (a) each player is given a ticket with numbers, letters or symbols printed on it; and (b) the winner is decided by the player matching randomly selected numbers, letters or symbols to the numbers, letters or symbols on the player's ticket.	
	Prohibited prizes: as per Category 1 art union above. Total value of prizes in a bingo session (other than jackpot prizes) must not be more than 75% of the gross proceeds of the session. Does not apply to a bingo session if: all money received from sale of tickets in the session is return to players in the form of prizes; and premises are not licenced under the Liquor Act.	
	No prescribed percentages for expenses & net return however expenses to be reasonable in relation to estimated gross proceeds & the nature of the bingo session.	
	Minors not participate if a prize includes alcohol or a gaming product. All tickets to be sold at the same price, however ticket bundling allowed. If bundled tickets can be purchased, the same discount must be offered to all purchasers. Ticket can only be purchased if the player has paid the correct price. Tickets must be numbered consecutively in each series.	
	Persons ineligible to play: person directly engaged in calling or drawing of winning bingo numbers, person who acts as a spotter, members of the immediate family of these people.	
	Advertising must include: time & date of the bingo session; name of the association conducting the session. All prizes including jackpot prizes may be advertised.	
	Winner of a prize in a bingo game is the person: who claims the prize; and whose ticket is checked & found to be complete; a person who claims the prize in a call-back; if there is more than one winner in a game, monetary value of the prize to be divided equally; claim to a prize can not be recognised after the game is finished.	
	Prizes to be delivered immediately after winner is decided.	

	<p>General gaming records to be kept for 5 years. Association conducting Category 1 bingo must keep accounting records correctly recording & explaining the transactions for the bingo game. Chief Executive may request a return to be lodged concerning Category 1 bingo game. Chief Executive may require association to have financial records for a Category 1 bingo game audited.</p>	
	<p>Calcutta sweep: refer to Guide (link above).</p>	
	<p>Guide to Category 2 Games (click here for link)</p>	
	<p>Category 2 game: - bingo - gross proceeds more than \$2,000 but not more than \$20,000 - lucky envelopes - gross proceeds are not more than \$5,000 - other games - gross proceeds more than \$2,000 but not more than \$20,000 Eligible association (eg charity) can conduct a Category 2 game. No permit is required.</p>	
	<p>Category 2 art union must be drawn not more than a year after the day tickets commenced sale. Prohibited prizes for Category 2 art union: more than \$10,000 in cash, surgery, tobacco products, weapons/ammunition, other restricted items. Alcohol not to be offered unless value is \$1,000 or less. If a prize is an antique, gem, memorabilia or work of art, winner must be given a current written market valuation. If a prize is an animal, winner must be given a written market valuation; and a vet certificate. If a prize is a second hand motor vehicle, winner must be given a current roadworthy certificate, written market valuation, 3 month warranty, and a security interest certificate under the Motor Vehicles Securities Act. For other second hand prizes, written market valuation to be provided.</p>	
	<p>Prize valued at more than \$5,000 - must be insured against loss or damage for period from when tickets go on sale to day prize is delivered to winner.</p>	
	<p>Minors not to be sold ticket if prize includes alcohol or gaming products. Total value of prizes to be at least 20% of estimated gross proceeds of the art union. No prescribed percentages for expenses/net profit however expenses to be reasonable. Advertisements for Category 2 art union must include: closing & drawing dates, ticket price, order prizes to be drawn (if not descending order of value), details of how winners will be notified, name of the eligible association, description & retail value of each prize.</p>	
	<p>Ticket requirements: ticket = document/thing that evidences a person's right to participate in the Category 2 art union. All tickets to be sold at the same price. Ticket bundling (eg one for \$1 or 3 for \$2) is permitted - same discount must be offered to all ticket buyers. Ticket can only be issued if correct price paid. Tickets not to be sold after closing date for ticket sales.</p>	
	<p>Tickets not to be sent/delivered to a person unless they have either already paid for the ticket, or they're the association's agent/ticket seller.</p>	
	<p>Each ticket in a Category 2 art union to be numbered consecutively; if more than one series of tickets, each series to be identifiable by colour or other distinguishable characteristics. If more than one Category 2 art union being drawn on the same day, tickets in each draw must be identifiable. Each ticket must include: Name of the eligible association; closing & drawing dates; way in which winners notified; ticket price; order in which prizes drawn if not in descending order of value; ticket number; description & retail value of each prize.</p>	<p>Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat</p>
	<p>If not being conducted & drawn on the same day, tickets for the art union must: have the name & address or phone number of entrant legibly written on the butt/legibly recorded in another way that enables each winner to be identified; and for a guessing game competition, have the name & either address or phone number recorded in a way that enables each winner to be identified.</p>	
	<p>A person is not eligible to enter if they are: a member of the management committee of the association, directly engaged in conduct the draw, the eligible association (i.e. association can't buy tickets in its own art union), or a member of the immediate family of the above (spouse & family members residing at the same premises).</p>	
	<p>Extension of drawing date - eligible association may extend drawing date provided new date not more than 1 year after day tickets commenced sale. Association must take reasonable steps to notify the extension to ticket purchasers & ensure all remaining tickets include the new closing & drawing dates.</p>	
	<p>Drawing: each ticket to have a fair & equal chance of winning the major prize. Marble draw usually used, however if using ticket butts ensure every sold ticket butt included in the draw.</p>	
	<p>Where an electronic raffle drawing machine is used it must be ensured that the full range of tickets sold are covered by the draw. If an unsold ticket number is drawn, redraw to determine winner.</p>	
	<p>If an electronic device is used, association must ensure winners are selected at random to ensure fair & equal chance of winning.</p>	
	<p>Drawing order: if more than 1 prize, major prize to be drawn first. However alternate order permitted so long as order is clearly advertised at time of ticket sales. If a minor prize is drawn before the major prize, minor prize winner's ticket must be returned to the pool & be eligible to win the major prize.</p>	
	<p>Delivery of prizes - within one month of draw. Does not apply if winner agrees in writing that delivery may occur more than 1 month after draw, or winner not able to be located. Prize substitution: only permitted if winner agrees, and substituted prize is of similar/greater value. Association to make all reasonable efforts to locate winner & deliver prizes. If unable to locate winner, association must give written notice to the Chief Executive of the inability to locate the winner & the efforts made to locate them. Notice must be given within 7 days of becoming aware of inability to locate winner.</p>	
	<p>Unclaimed prizes to be kept for one year from day of draw. If not claimed within one year association may apply the prize or its sale proceeds to the association's purposes. Results to be published as per T&Cs. If no information given, winners must be given notice by mail within 28 days of the draw.</p>	
	<p>Eligible association conducting a Category 2 art union must keep general gaming records regarding conduct of the art union. Records must be kept at the association's principal place of business in Qld, registered office in Qld, or another place approved by the Chief Executive. Must keep accounting records correctly recording & explaining the financial transactions for the art union in a way that allows true & fair financial statements to be prepared & allows for convenient & proper auditing.</p>	
	<p>General gaming records to be kept for a period of 5 years. If art union has gross proceeds exceeding \$10,000, association must ensure association's financial accounts, records & statements for general gaming operations are audited. Audit to be completed within 3 months of EOFY. Accountant to give copy of audit report to the association immediately upon finishing the audit. Association must give copy to the Chief Executive immediately.</p>	
	<p>Chief Executive may issue a notice for the lodgement of a return for any Category 2 art union.</p>	
	<p>Category 2 Bingo. Gross proceeds more than \$2,000 but not more than \$20,000 per session. As per Category 1 bingo, however gaming records & audit requirements per Category 2 art union above.</p>	
	<p>Category 2 Calcutta Sweep - Refer to Guide.</p>	
	<p>Guide to Category 3 Games (click here for link)</p>	

	Category 3 games include art unions & calcutta sweepstakes. Gross proceeds more than \$20,000 (or \$5,000 for special Category 3 gaming - single art union for benefit of individuals needing help because of a disaster, or for benefit of a disadvantaged individual).	
	Must be an incorporated eligible association (charity, etc) to conduct a Category 3 game. A Category 3 Licence is required. General Category 3 licence valid for 1 year. Special Category 3 licence valid for 4 months. Fees apply (refer website for current fees).	
	Category 3 art union must be drawn on the day not more than one year after the day ticket sales commenced.	
	Prohibited prizes - as per Category 1 & 2 art unions. If prize is land, winner must be given: current valuation from a registered valuer; copy of the Certificate of Title, certificate from local government certifying: all rates paid & purposes for which the land may be used; certificate from Commissioner of Land Tax certifying there is no land tax charge on the land; if a dwelling or other structure is on the land, a certificate from a registered professional engineer/licensed builder/architect re the structural soundness & condition of the dwelling/building/structure & estimated cost of any repairs. If dwelling/building/structure is not new, a written undertaking from the permit holder that any defects which winner gives notice to the association of within 3 months of taking possession will be repaired as soon as practicable.	
	Requirements for other prize types (antique, gem, animals, 2nd hand vehicles, etc) same as for Category 2 games. Minors not to purchase ticket if prize includes alcohol or a gaming product. Total value of prizes must be at least 20% of estimated gross proceeds of the art union.	
	No prescribed percentages for expenses or net profit, however costs must be reasonable.	
	Advertisements for Category 3 art union must include: closing & drawing dates; ticket price; order prizes to be drawn (if not descending order of value); details of how winners will be notified; name of incorporated eligible association; licence number; description & retail value of each prize.	
	Ticket - document/thing that evidences a person's right to participate in the Category 3 art union. Tickets to be sold at the same price. Ticket bundling acceptable (eg one for \$1 or 3 for \$2). If bundled, same discount must be offered to all ticket buyers. Ticket may only be issued if correct price has been paid. Tickets not to be sold after closing date for sales.	
	Tickets not to be sent/delivered to a person unless: paid for ticket prior to sending/delivery; or the person is the association's agent or ticket seller.	
	Each ticket to include: name & either address or phone number of entrant written legibly on ticket butt or recorded in another way; name of incorporated eligible association; closing & drawing dates; way in which winners notified; ticket price; order prizes drawn in (if not descending order of value); ticket number; licence number; description & retail value of each prize.	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	Ineligible to enter: member of management committee of the association, person directly engaged in conducting the draw, the association (i.e. association can't buy tickets in it's own art union), member of the immediate family of the above (spouse & family members residing at same address).	
	Drawing date may be extended (to date not more than 1 year from commencement of ticket sales). Association must take reasonable steps to notify extension to ticket purchasers & ensure all remaining unsold tickets include the new closing & drawing dates.	
	Each person to have a fair & equal chance of winning. Usually marble draw used, however if ticket butts used, every sold butt must be included. Where electronic raffle drawing machine used it must be ensured that full range of tickets sold are covered by the draw. If unsold ticket number is drawn, redraw to determine winner. If electronic device used, association must ensure winners are selected at random allowing all ticket holders a fair & equal chance of winning.	
	If more than one prize, major prize to be drawn first. However alternate draw order permitted so long as clearly advertised. If minor prize drawn first, winners ticket to be returned to the pool & eligible to win major prize.	
	Prizes to be delivered within one month. Unless winner agrees in writing that prize may be delivered more than 1 month after draw; or if winner cannot be located.	
	Prizes maybe substituted only if: association & winner agree in writing to the substitution; and substituted prize is similar to & of the same/greater value than original prize. Within 7 days of entering into the agreement mentioned above, association must give Chief Executive details of the substitution & a copy of the agreement.	
	Must make every reasonable effort to locate winners & deliver prizes. If unable to locate winner, written notice to Chief Executive within 7 days of identifying inability to locate.	
	Period for claiming a prize is one year from draw date. Unclaimed prizes must be kept for one year from the draw date. If not claimed within one year association may apply prize or its sale proceeds to the association's purposes.	
	Results must be published according to terms & conditions. If no publishing details provided, prize winners must be given written notice within 28 days of the draw.	
	General gaming records must be kept about the conduct of the art union. Gaming records to be kept at the association's principal place of business in Qld, registered office in Qld or other place as approved by the Chief Executive. Accounting records - association must keep accounting records correctly recording/explaining financial transactions for the art union. and keep records in a way that allows true & fair financial statements to be prepared when necessary; and financial statements & accounts to be conveniently & properly audited.	
	Records to be kept for 5 years. Financial statements & accounts giving a true & fair view of financial operations re art unions must be prepared. Statements/accounts to include: trading accounts, if applicable; profit & loss accounts; balance sheet as at EOFY; other information prescribed under regulations.	
	Association must keep an account at an approved deposit-taking institution (ADI) used for banking & similar transactions for general gaming operations. Returns to be provided to Chief Executive for each art union as directed. Association's financial accounts, records & statements for general gaming operations are to be audited as soon as practicable after EOFY. Audit to be completed within 3 months of EOFY. Accountant must immediately give a copy of the audit report to the association. association must immediately give a copy of the audit report to the Chief Executive.	
	Special Category 3 art union - refer Guide.	Heart Foundation unlikely to run a special Category 3 art union
	Category 3 Calcutta Sweep - refer Guide.	
	Category 3 Game Licence Application (click here for link)	
	Application to be lodged at least 28 days prior to proposed commencement date.	
	Competitions & Raffles (click here for link)	

	<p>Art unions, raffles, bingo, lucky envelopes, calcutta sweeps and promotional games are regulated by the Charitable and Non-Profit Gaming Act 1999. Under the Act these different games are broken into Category 1, 2, 3 and 4 games.</p> <p>Category 1, 2 and 3 games</p> <ul style="list-style-type: none"> •may only be conducted by non profit associations. •are categorised by the estimated gross proceeds (ticket sales). An association intending to sell more than \$20,000 worth of tickets must apply for a Category 3 Gaming licence. 	
	<p>Category 4 promotional games</p> <ul style="list-style-type: none"> •are free entry draws conducted to promote goods or services. Any person may conduct a promotional game. •are normally conducted by businesses to promote the sale of products. •do not require a permit or licence to be conducted, however the person conducting the game must comply with legislative requirements detailed in the Guide for Category 4 Promotional Games. 	
	<p>Is a permit required to conduct funny money or casino nights?</p> <p>You cannot obtain a permit to conduct a Funny Money or Casino Night. This type of activity is an "unlawful game" under the Criminal Code Act 1899 if players risk a stake on the outcome. This includes players, at the conclusion of an event, using the chips or "funny money" to bid in an auction, or if the player with the highest number of chips receives a prize. However, if the method of playing or conducting such events is modified to remove the element of any player risking a stake on the outcome so that players play for entertainment only, then unlawful gaming will not occur.</p>	
	<p>The Criminal Code Act 1899 is enforced by the Queensland Police Service. If you are in any doubt of what constitutes an unlawful game, you should obtain independent legal advice before conducting a funny money or casino night.</p>	

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New South Wales - Summary

General

Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.

Organisation must hold an authority to fundraise in order to undertake fundraising activities in NSW

If activities are conducted in conjunction with a business (i.e. 3rd party), the trader (business) also has obligations

Best Practice Guidelines (BPGs) - are dated 2002 so some sections obsolete/out of date however they are useful for general guidance

BPGs - may be useful for finance team to refer to, as well as staff involved in engaging traders (3rd parties assisting in fundraising activities) and those involved in negotiating/drafting contracts

BPGs - staff involved in preparing/approving promotional materials should be aware of requirements. Includes material generated by traders (3rd parties) in promoting activities on the Heart Foundation's behalf

The sale of goods/services is not necessarily fundraising - eg booklets for information purposes - BPG Ch 32

Ensure complaints handling procedures are in place

NSW Division has obtained a Fundraising Authority - Variation to Conditions. Details of the variations are included on the NSW Legislation worksheet next to the standard authority conditions.

email received 28/4/11

For clarification purposes and future reference detailed below are the legislative requirements in relation to fundraising appeals conducted jointly with a trader or a person, in the course of a trade or business, who provides services directly related to the appeal;

- Authority condition 14 requires any advertisement, notice or information provided as part of a fundraising appeal to disclose the benefit to be received by the authorised fundraiser.
- The benefit to be received must be expressed as a percentage of the gross proceeds of the appeal or an actual amount.
- The disclosure can not be expressed as a percentage of the "wholesale" price of a product.

If any disclosure is limited to "we support", "proudly supporting", etc and there is no identifiable link to a product sale/purchase then a fundraising appeal has not been conducted and the legislation does not apply.

Any agreement in place whereby the authorised fundraiser will receive a benefit from a product sale/purchase is still a binding contract at law. The funds received would be reflected in the records of the authorised fundraiser as donations.

If you require any further assistance please contact me.

Steve Blackburn | Manager, Charities Licensing

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Issues for consideration

May need to consider whether prizes, etc for JRFH participants constitute a material benefit. If so they are not permitted for under 13s

The Act has a requirement that members of the same family/people living at the same address can not be co-signatories on bank accounts. It may be prudent to check there are no co-habiting signatories

Only a charity registered in NSW can fundraise in NSW (at present only NSW Division is registered). The business may wish to give consideration as to whether any other Divisions should be registered in NSW

Example: Gym waves membership fee in return for donation to a HF program. This does not require a Trader's Agreement (commercial third party fundraiser) as the gym does not receive any benefit. Instead, an Authority to Fundraise needs to be issued to the gym, just as it would for a member of the public raising funds, for example: at a ladies lunch in support of the Heart Foundation.

Authority to Fundraise:

Persons conducting or participating in a fundraising appeal on behalf of an authorised fundraiser

(1) The authorisation given by an authorised fundraiser to a person who conducts or participates in a fundraising appeal otherwise than as a face-to-face collector must:

- (a) be in writing, and
- (b) include the person's name, and
- (c) include the terms and conditions under which the authorisation is granted, and
- (d) include a description of the appeal or appeals to be undertaken, and
- (e) indicate the specific period for which the authorisation will apply, including the issue and expiry dates, and
- (f) be signed and dated by the authorised fundraiser (or a delegate of the authorised fundraiser or its governing body).

Consideration should be given as to whether wording should be incorporated into all relevant program, and any relevant competition, Terms & Conditions regarding participation by residents of other jurisdictions (interstate and overseas) - that the program is based on state/Australian legislation for participation by state/Australian residents, and participants should satisfy themselves that participating will not contravene the legislation in their state/country of residence

Staff & volunteers involved with programs/activities involving children, either as volunteers or the program/activity 'recipients', may require a Working with Children Check

Fundraising Type	JRFH	Collection Boxes (eg in shops)	Door-to-Door Collections (Annual Doorknock Appeal)	Street Collections (rattling a tin, street stalls)	Regular Gifts (Face to Face solicitation)
Regulated by (Act)	Charitable Fundraising Act	Charitable Fundraising Act	Charitable Fundraising Act	Charitable Fundraising Act	Charitable Fundraising Act
Requirements & Restrictions	Face to face fundraising - fundraiser to wear ID badge or card. Ensure minimum requirements met	Advertising - disclosure requirements to be met	Face to face fundraising - fundraiser to wear ID badge or card. Ensure minimum requirements met	Face to face fundraising - fundraiser to wear ID badge or card. Ensure minimum requirements met	Face to face fundraising - fundraiser to wear ID badge or card. Ensure minimum requirements met
	Minimum age for collectors is 8. Minimum age where receiving payment is 13 (see Variation: allows children aged 5+ where not paid)		If fundraiser is paid, ID badge/card to include words "Paid Collector"	Gross monies received by a participant to be counted in that person's presence & a receipt issued to the participant for the amount	If regular gifts given via direct deposit, etc, requirement to issue receipt annually for gross amount received during the year
	Gross monies received by a participant to be counted in that person's presence & a receipt issued to the participant for the amount (see Variation - JRFH funds may be collated by school & sent as an aggregated amount)		Gross monies received by a participant to be counted in that person's presence & a receipt issued to the participant for the amount (see Variation - Doorknock funds can be paid by credit card, cheque or money order)	Advertising - disclosure requirements to be met	Gross monies received by a participant to be counted in that person's presence & a receipt issued to the participant for the amount. (only if amounts actually given face to face)
	Receipts for all amounts to be issued		Receipts for all amounts to be issued		Advertising - disclosure requirements to be met
	Advertising - disclosure requirements to be met		Advertising - disclosure requirements to be met		
	Employees/volunteers may require a Working with Children Check				

Regular Gifts (Other - DM letter, telemarketing, etc)	Major Gifts (eg Corporate)	Bequests	Memorial Gifts	Events (Movie night, Go Red 4 Women, Lunches)	Third Party Fundraising
		Not regulated as fundraising - request that property be devised/bequeathed excluded from Charitable Fundraising Act			
Charitable Fundraising Act	Charitable Fundraising Act		Charitable Fundraising Act	Charitable Fundraising Act	Charitable Fundraising Act
Non-face to face fundraising - fundraisers to receive written authority to fundraise	Non-face to face fundraising - fundraisers to receive written authority to fundraise		Gross monies received by a participant to be counted in that person's presence & a receipt issued to the participant for the amount	Ensure relevant liquor licence in place if alcohol to be sold at event	Face to face fundraising - fundraiser to wear ID badge or card. Ensure minimum requirements met
If regular gifts given via direct deposit, etc, requirement to issue receipt annually for gross amount received during the year	Advertising - disclosure requirements to be met		Receipts for all amounts to be issued	Face to face fundraising - fundraiser to wear ID badge or card. Ensure minimum requirements met	Non-face to face fundraising - fundraisers to receive written authority to fundraise
Direct Marketing - requirements to provide info re source of lead, etc & reference to DNC			Advertising - disclosure requirements to be met	Depending on event, above ID requirements may not apply	Person conducting or participating in an appeal must be authorised by the authorised fundraiser - community fundraisers will need HF approval
Direct Marketing - cooling off period for contracts >\$100 (supply goods/services)				Advertising - disclosure requirements to be met	Telemarketers - to make certain disclosures
Advertising - disclosure requirements to be met					Record keeping requirements to be met
					Gross monies received by a participant to be counted in that person's presence & a receipt issued to the participant for the amount
					Advertising - disclosure requirements to be met
					Additional advertising disclosures required where appeal conducted jointly with a trader
					Traders required to maintain various records
					Trader Agreements to contain certain provisions.
					(see Variation: changes to banking of funds by trader, receipt requirements for online appeals by traders, issue of authorisations by traders)

Unsolicited Gifts	Sale of Goods (Pens, etc)	Raffle/Art Union	Other
Charitable Fundraising Act	Charitable Fundraising Act	Charitable Fundraising Act Lotteries & Art Unions Act	Charitable Fundraising Act
Best Practice Guidelines 4-230 If receive funds 'out of the blue', thank-you letter should include Act requirements	Face to face fundraising - fundraiser to wear ID badge or card. Ensure minimum requirements met	lotteries & competitions included in definition of fundraising appeal under Charitable Fundraising Act	
Receipts for all amounts to be issued (not required if received by direct deposit to bank account, etc)	Gross monies received by a participant to be counted in that person's presence & a receipt issued to the participant for the amount	Face to face fundraising - fundraiser to wear ID badge or card. Ensure minimum requirements met	
	Advertising - disclosure requirements to be met	Advertising - disclosure requirements to be met	
		Raffles (up to \$25,000), Art Unions (over \$25,000). Permit required for Art Union	
		Restrictions on prizes	
		Advertising disclosure requirements to be met, ticket requirements to be met	
		Certain prizes require specific disclosures	
		If 3rd party used to conduct art union, refer trader requirements re contract, disclosures, etc	
		Minimum % of gross proceeds requirements to be observed	
		Audited statements to Office of Liquor, Gaming & Racing (OLGR) within 2months of draw of art union	

New South Wales - Legislation

		Notes
	<i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i>	
Entity	NATIONAL HEART FOUNDATION OF AUSTRALIA (N.S.W. DIVISION) ACN 000253289	
Licences/ Authorities	NSW Charitable Fundraising Licence No 11311 NSW Division is a Health Promotion Charity & endorsed as a Deductible Gift Recipient effective 1/7/2000 - federal NSW Licence search (click here for link)	
Act/s	Charitable Fundraising Act 1991 Charitable Fundraising Regulation 2008 Lotteries & Art Unions Act 1901 Lotteries & Art Unions Regulation 2007	
Regulator/s	NSW Office of Liquor, Gaming and Racing, Department of the Arts, Sport and Recreation	
Links	Charitable Fundraising Home Page (click here for link) Charitable Fundraising Resources (click here for link) Promotions & Competitions - Fact Sheets (click here for link) Lotteries & Games of Chance Matrix (click here for link)	
	FUNDRAISING	
	Fundraising General Information (click here for link)	
	Organisation must hold an authority to fundraise in order to undertake fundraising activities in NSW. If appeal being conducted in conjunction with a business (3rd party, known as a 'trader'), 'trader' also has obligations. Fundraising: soliciting or receiving any money/property/other benefit from the public where representation is made (express or implied) that the appeal is for a charitable purpose. Examples of appeals: donations, sponsorship, telethons, lotteries & competitions, supply of food, supply of entertainment, supply of other good/services, in connection with any commercial undertaking.	
	A person/organisation conducting/participating in an appeal must be authorised in writing by the authorised fundraiser. Where conducted face to face, authority must be in the form of a consecutively numbered identification badge or card which includes the name & contact phone number of the fundraiser, name of the bear, issue & expiry dates. Badge must be worn by all volunteers or persons in receipt of a wage/fee/commission. Where collector receives remuneration badge must also include the words "Paid Collector".	
	When appeal is not conducted face to face, authority must be in writing and include details of the name of the authorised person, terms & conditions under which authorisation is granted, description of the appeal, specific period of authority. Must be signed & dated by the authorised fundraiser or delegate. Appeals may be conducted by commercial fundraisers/promoters. Referred to in NSW as 'traders'.	
	Where a trader is to conduct an appeal, it must be conducted jointly with the authorised fundraiser under a written agreement. Advertising by the trader must comply with requirements including: format & text must be approved by fundraiser; must provide details including: full name under which trader operates, place of business & telephone number of trader, details of the basis on which benefit to be received by the fundraiser & trader is calculated, start & end date of the appeal.	
	Minimum age for children participating in an appeal as a volunteer is 8 years & receiving payment 13 years. Must comply with code of practice where children are concerned (supervision, etc) Gross income from any fundraising appeal must be banked intact into a fundraising account. Where appeal is for donations only, must take all reasonable steps to ensure total expenses do not exceed 50% of gross proceeds. For other forms of fundraising (eg sale of goods/services) return must be fair & reasonable.	HF has a variation permitting participation of children aged 5+
	Authorised fundraiser required to maintain certain records including cash book, register of assets & minute book. Annual financial report must be prepared & include certain disclosures. Financial report must be audited. Incorporated organisations are not required to lodge returns unless requested to do so. Authorised Fundraisers are required to establish mechanisms to resolve internal disputes occurring within membership & complaints from the public. Must also establish a mechanism for dealing with conflicts of interest including maintenance of a pecuniary interest register where applicable.	
	Public access to information - max \$13 for 1st page and \$1 per page thereafter. Information that may be accessed includes copies of annual financial accounts for past 7 years, copy/extracts from constitution, names/ qualifications/ occupations of members of governing body. Where questioned on details of purpose of appeal such as appeal target, objectives, distribution of proceeds, etc, use best endeavours to provide answers.	
	Fundraising Application Form (click here for link)	
	Indicates records to be kept at an address in NSW unless otherwise approved. Indicates accounts must be audited within 6 months of end of financial year (EOFY) & lodged when renewing fundraising authority. Indicates all money received in the course of a fundraising appeal must be paid immediately into an approved deposit-taking institution (ADI) account. At least 2 co-signatories to authorise transactions. Account must only consist of monies raised from an appeal unless alternative arrangements approved.	
	Members of the same family or persons residing at the same address must not be co-signatories on the bank account. If members of the board/governing body are to be remunerated, refer Remuneration Fact Sheet.	NSW Division should determine whether there are any co-habiting signatories
	Best Practice Guidelines for Charitable Organisations (click here for link) Note BPGs dated 2002 & various sections out of date. Useful for general guidance however.	
	Charitable Fundraising Act (click here for link)	
	Fundraising appeal - soliciting/receiving any money, property or other benefit constitutes a fundraising appeal if the person represents that the purpose of the soliciting/receiving, or the purpose of an activity/enterprise of which the soliciting/receiving is a part, is or includes a charitable purpose. Doesn't matter whether money/benefit is solicited/received in person or by other means, or as a donation or otherwise (participation in lottery, art union or competition, sponsorship of walkathon, telethon, etc, in connection with the supply of food, entertainment or other goods & services, or in connection with any other commercial undertaking).	s5 Charitable Fundraising Act
	NOT fundraising - request that property be devised or bequeathed, or the giving of information as to the means by which any property may be devised or bequeathed.	s11 Charitable Fundraising Act

	<p>Trader must not conduct a fundraising appeal in connection with the supply of goods/services in the course of any trade/business, or otherwise partly for the trader's benefit, EXCEPT when:</p> <ul style="list-style-type: none"> - appeal is conducted jointly by the trader & charity holding authority to conduct appeal; - advertisements, notices, or information concerning appeal must identify trader & holder of authority; - advertisement, notice or information gives details (to the extent required by conditions of authority) of the intended distribution of funds raised or any guaranteed minimum payment or proportion of profits to be paid by the trader to any person/organisation as a result of the appeal. 	
	<p>Proceeds of appeal are to be banked intact into a separate fundraising bank/building society/credit union account. Account to have minimum 2 joint signatories.</p>	s20(6) Charitable Fundraising Act
	<p>Records to be kept by organisation that conducts/has conducted a fundraising appeal.</p> <ul style="list-style-type: none"> - Records to be kept in English - include any particulars required by regulations - be kept at registered office - be kept for a period of at least 7 years (or shorter period as approved by Minister) after receipt of the income or incurring of expenditure to which they related. 	s22 Charitable Fundraising Act
	<p>Audit Accounts of any organisation holding an authority to conduct fundraising appeal, in so far as accounts relate to receipts/expenditure in connection with appeals, must be audited annually by an auditor. Auditor to report on:</p> <ul style="list-style-type: none"> - true & fair view - accounts & records properly kept - money received properly accounted for & applied in accordance with Act & regulations - solvency of organisation. 	<p>s24 Charitable Fundraising Act</p> <p>If qualified audit, auditor required to report matter to the Minister immediately</p>
	<p>Charitable Fundraising Regulation (click here for link)</p>	
	<p>Face to face collectors must prominently display identification card or badge issued to them in compliance with a condition of the authority to conduct the appeal. Does not apply if appeal taking place as part of a fundraising event/function & it is clear to attendees that the appeal is being conducted by/on behalf of the holder of the authority.</p>	Reg11 Charitable Fundraising Regulation
	<p>Person conducting/participating in fundraising appeal other than face to face (eg telephone/mail) who receives wage/commission/fee must disclose fact that he/she is so employed & name of employer.</p>	Reg12 Charitable Fundraising Regulation
	<p>Public access to information - must provide copies of certain documents upon request (fee payable by requester).</p>	Reg13 Charitable Fundraising Regulation
	<p>Must advise Minister of changes to:</p> <ul style="list-style-type: none"> - Constitution regarding charitable objects/purpose of organisation; non-profit nature of the organisation regarding disposition of fundraising proceeds; or disposition of funds/assets from fundraising appeals to a not-for-profit (NFP) organisation with similar/identical charitable purposes in the event of winding up; - if organisation has branches that are not authorised fundraisers in their own right, details of any change to name, business address, postal address, email address, website address, address of registered office, telephone & fax number of any branch; 	Reg14 Charitable Fundraising Regulation
	<ul style="list-style-type: none"> - modifications to particulars of an existing trader, or if a new trader has been engaged: name, business address, postal address, email address, website address, phone & fax numbers; or if an organisation: full name, business address, postal address, email address, website address, phone & fax numbers. For organisations also: name of each director/owner of the business; - period for which trader authorised to conduct the appeal according to the written contract; and the type of appeal/s to be undertaken; - details of any change to name, address, telephone or fax number of the auditor; - decision to cease fundraising activities. <p>Notice to be given within 28 days of the change/engagement.</p>	Reg14 Charitable Fundraising Regulation cont.
	<p>Particulars to be shown in records of income and expenditure For the purposes of section 22 (2) (b) of the Act, the following particulars are to be included in relation to each fundraising appeal:</p> <p>(a) particulars of all items of gross income received or receivable, (b) particulars of all items of expenditure incurred (including the application or disposition of any income obtained from the appeal),</p>	Reg22 Charitable Fundraising Regulation
	<p>(c) particulars of the transactions to which the particulars in paragraph (a) or (b) relate. Note. Accordingly, particulars of all invoices, receipts, vouchers and other documents of prime entry relating to each fundraising appeal, and such working papers and other documents as are necessary to explain the methods and calculations by which accounts relating to the appeal are made up, must be included in the records kept under section 22 of the Act.</p>	
	<p>Authority Conditions (click here for link)</p>	NSW Division has obtained a Variation to its Authority Conditions - see notes below for details
	<p>(The below authority conditions are as per the Charitable Fundraising Regulation 2008, last amended 31/12/09, current as at 14/4/11. The authority conditions accessed via the link above were last amended 26/1/10 & vary slightly from those in the Regulations, including the numbering of the conditions)</p>	
	<p>Schedule 1 - Conditions of authority taken to have been granted under s16(6) of the Act (Clause 15) Part 1 General Conditions</p> <p>1 - Authorised fundraiser can conduct indefinite number of fundraising appeals within a maximum period of 12 months;</p> <p>2 - Proper & effective internal controls must be exercised by an auth. fundraiser over conduct of all fundraising appeals, including accountability for gross income & all articles obtained from appeal, and expenditure incurred.</p> <p>3 - Authorised fundraiser must ensure all assets obtained during/as a result of a fundraising appeal are safeguarded & properly accounted for.</p>	Schedule 1 Charitable Fundraising Regulation
	<p>4 - Maintenance of proper books of account & records required, including: cash book for each account into which fundraising monies deposited; register of assets; register of receipt books/computerised receipt stationery; register of tickets/computerised ticket stationery; petty cash book (if petty cash used); Minute book to be maintained; and If persons engaged to participate in a fundraising appeal (paid or voluntary), must keep a register of participants.</p> <p>5 - Authorised fundraiser that is an unincorporated association must send the Minister a return per s23 of the Act - if cease to conduct appeal, within 2 months of cessation; if gross income from appeals exceeds \$100,000 in any financial year; within 3months of adoption of audited financial statements at AGM OR 7 months after EOFY (whichever occurs sooner).</p>	
	<p>6 - Bank account into which fundraising monies deposited must include name of authorised fundraiser. If fundraising conducted jointly by authorised fundraiser & a trader & trader maintains account for deposits, account to consist only of money raised in appeal on behalf of the fundraiser. Payments of \$260 or more must be made by cheque or EFT.</p>	Best Practice Guidelines Ch 10 states amounts \$200 or more - BPG dated 2002, refer current Act/Regs as they are more recent

	<p>Funds can be deposited into a general account of the authorised fundraiser so long as accounting procedures are in place to ensure monies relating to each appeal can be clearly distinguished; or if money is collected at a branch/auxiliary of the authorised fundraiser & money paid into general account of the branch/auxiliary and accounting procedures are in place to ensure monies relating to each appeal can be clearly distinguished; or if monies collected by volunteers & paid into general account by credit card, cheque or EFT & the authorised fundraiser obtains each volunteer's receipt book & reconciles it with any deposit made by the volunteer.</p>	<p>Variation: allows - National Doorknock Appeal gross income collected by volunteer to be deposited to authorised fundraiser's account by credit card, personal/business cheque or money order provided each volunteer's receipt book is reconciled with funds received from the collector; JRFH sponsorship gross income collected by student to be deposited to bank a/c of the school & paid to auth fundraiser by means of cheque, provided summary of student sponsorship forms prepared by each school returned to auth fundraiser is reconciled with cheque received from the school;</p>
		<p>variation cont: allows - Appeal conducted by trader - gross income to be banked into account of the trader, provided income clearly identifiable, & is distributed to the auth fundraiser in accordance with written agreement between trader & auth fundraiser; Heart Challenges - monies received from fundraising events conducted by authorised participants may be deposited into their own bank account, provided auth fundraiser reconciles total net proceeds received from these fundraising events to the income & expenditure statement provided to the Foundation by each authorised participant.</p>
	<p>7 - Annual financial accounts/financial reports must contain: ~income statement/statement of financial performance, and balance sheet/statement of financial position. When aggregate gross income from any fundraising appeals exceeds \$100,000, must also contain notes detailing: ~details of accounting principles/methods adopted; ~information on any material matter/occurrence, including those of an adverse nature (eg operating loss from fundraising appeals); ~statement describing manner in which net surplus/deficit from fundraising appeals for period was applied; and ~details of aggregate gross income & direct expenditure in appeals in which traders were engaged.</p>	
	<p>Annual financial accounts of authorised fundraiser that is an organisation to include declaration by president/principal officer/other responsible member of governing body stating whether, in his/her opinion: income statement gives true & fair view; balance sheet gives true & fair view; provisions of the Act & Regs, and conditions attached to auth to fundraise have been complied with; internal controls are appropriate & effective.</p>	
	<p>If organisation is a company, this declaration is required in addition to the directors' declaration under s295 of the Corporations Act. Audited annual financial accounts to be submitted to an AGM of membership of the organisation within 6 months of conclusion of the financial year.</p>	
	<p>8 - Where fundraising appeal is for donations only (no goods/services), must take all reasonable steps to ensure expenses do not exceed 50% of gross income regardless of method of collection (door-to-door, in a public place, phone canvassing or any other manner). Where fundraising appeal does involve associated goods/services, must take all reasonable steps to ensure expenses are fair & reasonable.</p>	
	<p>9 - Receipts To be issued immediately, even if not requested, unless: money received through collection box, through supply of goods/services, through payroll deduction scheme, or deposited directly into bank account. Receipts used by a trader must be authorised & issued to the trader by the fundraiser, details to be recorded in registers maintained by trader and fundraiser.</p>	<p>Obligation to issue annual receipts to regular donors. Monies received by a participant in an appeal is to be counted in their presence - door-to-door & street collections. Variation: where online appeal conducted by trader through the trader's website for an auth fundraiser & other auth fundraisers, first mentioned auth fundraiser must ensure trader issues receipts in accordance with the agreement between the trader & that auth fundraiser. [also note subclause 6 is inconsistent with variation above re Doorknock, JRFH, trader & Heart Challenges monies being banked first by the collector/participant to their own account]</p>
	<p>Effective controls must be exercised over custody & accountability of receipts, including: ~ each receipt to be consecutively numbered as part of an ongoing series; ~ each receipt (not a ticket) must have name of fundraiser printed on it. If collection boxes or similar used, sufficient to issue a single receipt for gross monies cleared from each box. If money received by direct debit from donor's account, sufficient to issue a receipt to the donor for aggregate amounts received every 12 months. Gross money received by any participant in a fundraising appeal must be counted in the presence of the participant & a receipt issued to the participant for the amount. Receipt is taken to include a ticket.</p>	<p>Best Practice Guidelines - if holding a badge (or similar) sale day, will need to apply to Minister for exemption from requirement to issue receipt for each badge sold.</p>
	<p>10 - Record system must be instituted & maintained for all ID cards/badges issued to participants in a fundraising appeal whereby number assigned to & shown on each card/badge is correlated with name of person to whom it was issued, date of issue & date of return; All receipt books to have a number assigned to them & correlated with name of person to whom it was issued, issue date & return date; All collection boxes/similar devices to have number assigned & shown on each box/device & correlated with name of person to whom it was issued, location of box, date of issue & date of return.</p>	
	<p>11 - Authorisation given by authorised fundraiser to a member, employee or agent who conducts/participates in a fundraising appeal other than as a face to face collector must: be in writing; include persons name; include terms & conditions under which authorisation granted; include description of appeal/s to be undertaken; indicate specific period for which authorisation applies (issue & expiry dates); and must be signed & dated by delegate of authorised fundraiser.</p>	<p>Variation: "member, employee or agent" replaced with "person" for both non-face to face and face to face collections; for face to face collecting, requirement that authorisation must be signed/dated by authorised fundraiser (or delegate of auth fundraiser or its governing body) has been deleted;</p>

	<p>11...Authorisation given to a face to face collector must: be in the form of an identification card/badge; be consecutively numbered; include name & contact phone number of auth fundraiser; name of collector; if collector receives wage/commission/fee for services, include words "paid collector"; issue & expiry dates; signed & dated by delegate of authorised fundraiser; sufficient size to ensure details easily read; and must be recovered by the authorised fundraiser from the collector as soon as collection finishes. If appeal conducted jointly with a trader, person signing authorisation may be the trader but only if trader authorised to do so under written agreement with authorised fundraiser.</p>	<p>Variation cont: addition: in relation to online appeals conducted through a trader's website for an auth fundraiser, trader will issue authorities and/or identification badges to persons conducting/participating in fundraising appeal via email on behalf of the auth fundraiser provided the authorisations comply with conditions (1) and (2) respectively & this arrangement is detailed in the contract with the trader. [note: addition is inconsistent with 1(f) of this clause as it still requires the auth fundraiser to issue the authority for non-face to face collecting - was this meant to be deleted?]</p>
	<p>12 - Direct marketing If appeal involves solicitation by direct marketing (phone, electronic device such as fax, or direct mailing) authorised fundraiser to ensure: content of all communications not misleading/deceptive; if requested by person being solicited, advise source from which contact details obtained; upon request remove name & other details from source or render them unusable if not practicable to remove; details not to be sold without express consent of person to whom details relate; if contract entered into as a result of direct marketing for purchase of goods/services valued at more than \$100, 5 business day cooling off period applies; purchaser must be advised of cooling off period at time of entering contract; all DM via phone must comply with Telecommunications (Do Not Call Register) (Telemarketing and Research Calls) Industry Standard 2007</p>	<p>Industry Standard is administered by the Australian Communications & Media Authority (ACMA)</p>
	<p>13 - Collection boxes If box or similar device used it must be securely constructed, properly sealed, consecutively numbered, clearly labelled with name of authorised fundraiser. Proper supervision, security & control must be exercised over use & clearance of box/device.</p>	
	<p>14 Authorisation of expenditure If the authorised fundraiser is an organisation, all payments made in connection with: (a) any expenditure involved with the conduct of a fundraising appeal, and (b) any disposition of funds and profits resulting from a fundraising appeal, must be properly authorised by or on behalf of the organisation.</p>	
	<p>15 - Advertisements, notices & information Ads, notices & information provided as part of fundraising appeal must: clearly & prominently disclose name of authorised fundraiser; not be likely to cause offence; must be factual & not false/misleading. Person conducting or participating in appeal must use best endeavours to answer any question in relation to purpose/details of appeal, or arrange to find answers. In particular, if requested info must be given re: how gross income will be distributed.</p>	
	<p>15...If appeal conducted jointly with trader, or a person provides services directly related to the appeal (eg telemarketing services) in the course of a trade/business, additional requirements include: - all written/printed ads, notices & information must include full name of trader, address, phone, fax, email & website addresses of trader/person; details of basis on which benefit to be received by the authorised fundraiser is to be calculated/provided (not a percentage of "net" income), details of extent of benefit to be obtained by trader/business from the appeal (not a percentage of "net" income) and date of commencement & end of appeal.</p>	
	<p>15... Where appeal conducted jointly with trader, advertisements, notices, information provided/displayed: ~ format & text to be approved by fundraiser; ~ if name of trader shown, must be in same size print as name of fundraiser ~ logo of fundraiser (if used) to appear only once & not represent more than 10% of surface area ~ if appeal involves collecting donated goods/material, advertisement/notice/information must detail what will happen to goods/material collected</p>	
	<p>~ where appeal involves trader & collection of donated goods/material, details of basis for calculating/providing benefit to fundraiser to be expressed in advertisement/notice/information as: a percentage of average gross income derived/expected to be derived from all goods/material collected over period of appeal; if collection device is a bin, average dollar amount derived/expected to be derived from each bin each month; if advertisement/notice/information continuously displayed, details included must be reviewed at least every 12 months & updated at any time there is a significant change in details.</p>	
	<p>16 - details required when collection by way of collection bins (eg bins consecutively numbered, secure, emptied regularly, contents accounted for...).</p>	
	<p>17 - If a trader conducts an appeal involving supply of goods/services, records of goods/services supplied must be maintained by the trader, including date & number of units purchased/manufactured, cost, date & number of units sold & gross income obtained.</p>	
	<p>18 - Agreement with trader If fundraising appeal conducted jointly with a trader, return to auth fundraiser must be governed by a written agreement. Agreement must include at least: ~ amount of return/basis/method by which return calculated (NOT % of "net" income) & how payment effected; ~ commissions/wages/fees payable to trader or other persons from gross income; ~ details of type of expenses & limitation on amount of, expenses to be borne by trader & auth fundraiser as part of appeal;</p>	<p>If a trader will not keep their records at the registered office of the authorised fundraiser they will need to apply to the Minister for permission to keep them at another place.</p>
	<p>18... ~ basic rights, duties & responsibilities of both parties; ~ insurance risks to be covered by each party (public liability, workers comp, personal accident insurance for volunteers, third party property, etc); ~ details of records & documentation to be maintained by trader & requirement that trader keep them at registered office of the auth fundraiser; ~ details of specific internal controls & safeguards to be employed to ensure proper accountability for gross income from appeal;</p>	
	<p>18... ~ dispute resolution processes for disputes between trader & auth fundraiser, complaints from public & grievances from employees; ~ reporting requirements imposed on trader; ~ undertaking by trader to comply with Act, Regulations & Conditions of authority; ~ mechanism to deal with effect of addition/variation/deletion of existing condition of authority on the contract; ~ circumstances in which contract is/may be terminated.</p>	<p>Agreement with 3rd parties must also include Privacy clauses, and should be reviewed by legal prior to execution - email legal@heartfoundation.org.au</p>
	<p>19 - If auth fundraiser is an organisation it must be administered by a governing body of not fewer than 3 persons; and all business transacted by governing body in relation to fundraising activities must be properly minuted.</p>	
	<p>20 - Records can be removed from fundraiser's registered office: to be taken to auditor; as required by law or condition of authority; or if new location has been notified in writing to Dept of Arts, Sport & Recreation.</p>	

	21 - Conflict of interest Organisation to establish: register of pecuniary interests; and mechanism for dealing with any conflicts of interest that may arise.	
	22 - Organisation's constitution must establish mechanism for resolving internal disputes re: fundraising.	
	23 - Organisation to provide a mechanism to properly & effectively deal with complaints made by members of the public & grievances from employees re: fundraising.	
	24 - Records to be retained for 7 years (accounting records), and 3 years in any other case.	
	25 - Soliciting from occupants of motor vehicles prohibited.	
	Part 2 Participation of Children in Fundraising Appeals Division 1 General 26 - definitions - child participant & parent. 27 - A child must not participate in a fundraising appeal if the child is not 8 or older; Child must not receive wages/commission/other material benefit if not 13 or older.	Variation: addition:in relation to the authorised fundraiser's special fundraising appeal days & sponsorship programs, children may be authorised to participate if they do not receive any wages/commission/some other material benefit & the child has attained the age of 5 years. [Note: variation refers to subclause 12(2) which makes no sense - supposed to be 26(2)? and references Part 1 of Schedule 2 which does not appear to exist - meant to be Division 2 of Part 2 of Schedule 1?]
	Division 2 General conditions where children participate in fundraising appeals 28 - Application of division 29 - Parental consent requirements 30 - Supervision requirements: maximum 6 children simultaneously, supervisor to remain in close proximity, know whereabouts of child & make contact at least every 30 minutes; where children are under 11 supervisor is to be in constant contact. 31 - Child must work with at least one other child participant. 32 - Children not to be endangered.	Give consideration as to whether prizes, etc constitute a 'material benefit' In addition, it may be prudent to check that all relevant staff & volunteers the appropriate Working With Children check/blue card
	33 - Appropriate insurance to be held regarding children & their participation. 34 - Children not to enter private dwellings or deal with persons in motor vehicles. 35 - Hours of participation: max 4 hours on a school day, max 6 hours on non-school day; if outdoors, not before sunrise or after sunset; not later than 8:30pm if following day is a school day. 36 - Minimum breaks between shifts - 12 hours 37 - Maximum load for lifting - have regard for age/condition of child.	
	38 - Children to receive appropriate & sufficient nutritious food at reasonable hours & water available at all times; 39 - Toilet, hand washing & hand drying facilities must be accessible; 40 - Travel - child to be accompanied by parent or adult authorised by parent when travelling home after participation. Does not apply if child more than 12, distance to home less than 10km, public transport available & journey completed within daylight hours. 41 - child to be adequately clothed/protected from extremes of climate/temperature. 42 child not to be punished, socially isolated, immobilised, subjected to any other behaviour likely to humiliate or frighten.	
	Div 3 Additional conditions where child receives benefit 43 - App of Division 44 - Letter of employment/engagement to be issued to child participant containing details of terms & conditions under which employed/engaged. Must include: details of basis/method by which payment of wages/commission/other material benefit will be calculated/provided, including details of any guaranteed minimum payment/benefit; method by which payment will be effected; general conditions of employment; rights of employee. 45 - Record of employment must be maintained for each child including: full name, address, phone number; date of birth; description of nature of employment; details of consent provided by parents; name & address of person immediately responsible for child during appeal; if employer is a trader, employer must make records available to authorised fundraiser.	
	GAMING/LOTTERIES/COMPETITIONS	
	Gratuitous Lotteries & Trade Promotion Lotteries - see Trade Promotion Lotteries Matrix for details.	
	Promotions & Competitions (click here for link)	
	Fact Sheets (click here for link)	
	Raffles & guessing competitions - lottery where total prize value does not exceed \$25,000. No Permit required.	
	Art Union - lottery where total prize value exceeds \$25,000. Permit required.	
	Charity housie/cash housie (bingo) - permit required. Conditions apply.	
	Chocolate wheel - permit required. Conditions apply.	
	Gaming (casino) nights - no permit required. Conditions apply.	
	Gratuitous lotteries - no permit required. Conditions apply.	
	Hundred clubs & similar progressive lotteries - permit may be required. Conditions apply.	
	Lucky envelopes - permit required. Conditions apply.	
	Mini-number lotteries (lotto-style lotteries) - no permit required. Conditions apply.	
	Scratch & break open lotteries (no draw lotteries) - no permit required. Conditions apply.	
	Social housie (bingo) - no permit required. Conditions apply.	
	Sweeps & Calcuttas - permit may be required. Conditions apply.	
	Two-up - no permit required. Conditions apply.	
	Raffles Fact Sheet (click here for link)	
	Raffle: - can only be conducted to raise funds for a not-for-profit (NFP) organisation - No permit required, however rules to be followed - Organisers of raffle must be authorised to conduct the raffle by the charity. Charity may need a fundraising authority under the Charitable Fundraising Act 1991 - prize/s can include cash, however cannot exceed \$25,000	
	- if cash prize exceeds \$2,000, amount to be paid by crossed cheque/EFT - Any prizes allowed unless prohibited prize (cash in excess of \$25,000, tobacco products, firearms/ammunition, prohibited weapons, cosmetic surgery, liquor prizes more than 20 litres) - reasonable expenses can be incurred (purchase of prize/s, purchase of tickets, hiring/operating draw receptacle, rent premises for raffle, advertising/promotion of raffle, auditing of accounts, salaries/wages/commissions payable to organisers.	

	<ul style="list-style-type: none"> - remuneration or commission not allowed if total prize value is \$5,000 or less. If total prize value exceeds \$5,000 remuneration/commission is allowed but can only be paid to a person for services rendered in connection with the raffle if a written agreement is in place. Written agreement - refer fundraising authority issued under Charitable Fundraising Act - total allowable expenses must not exceed 60% of gross proceeds. 	
	<ul style="list-style-type: none"> - Benefiting organisation should receive at least 40% of gross proceeds. If this is not achieved, organisers must apply to the Office of Liquor, Gaming & Racing (OLGR) for approval to accept percentage achieved. Application to explain unusual & unexpected circumstances resulting in <40% outcome - ticket price - no maximum price, however all tickets must be same price. Acceptable to sell tickets at a discount but only if fully disclosed & offered to all purchasers consistently - no maximum number of tickets that can be sold. 	
	<ul style="list-style-type: none"> - Ticket format - purchasers portion & butt. If computer generated, butt not required if computer records contain same information as purchasers portion. - Purchasers portion must include same serial number as butt. If total prize value exceeds \$5,000 purchaser's portion must also include price of ticket & full name of benefiting organisation. Butts must be numbered consecutively in the same series as the ticket. If total prizes exceed \$5,000 butt must contain space for name & address of purchaser. 	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	<ul style="list-style-type: none"> - Advertising/promotional material must include: price of ticket; name of organisation for whose benefit raffle being conducted; details of prizes & RRP; place, date & time of draw; how prize winners notified; how results will be publicised. Acceptable for this information to be provided on the ticket, and not elsewhere. - Tickets & advertising/promotional material must give detailed description of prizes: machinery or electrical: make, model & accessories; motor vehicle: make, model, accessories, whether registration & on-road costs included; travel: number of persons, what is included (air fares, transfers, other transport, duration, accommodation standard, meals), restrictions on when travel must be taken, whether spending money included. 	
	<ul style="list-style-type: none"> - Advertising must not: encourage breach of the law, depict children participating in raffle, be false/misleading/deceptive; suggest winning will be a definite outcome of entering/participating, suggest entering/participating will definitely improve a persons financial prospects, must be decent, dignified & in good taste. 	
	<ul style="list-style-type: none"> - Procedure to be adopted to ensure tickets are secure, distributed on a purely random basis & not able to be manipulated. - Organisers cannot send tickets to anyone except with prior consent. - If intending to sell tickets in a street/public place, permission from local council may be required. - If total prize pool greater than \$5,000 seller must at point of sale record name & address of purchaser on ticket butt (or computer database). - If prize includes alcohol tickets must not be sold by or to a minor. Minor cannot give or collect an alcoholic prize. 	
	<ul style="list-style-type: none"> - Draw - to be fair. - Cannot impose condition winner must be present at draw to claim prize. - All prizes to be distributed by drawing. Can use drawing receptacle containing marbles/butts, or electronic drawing machine - must be random. - Ticket sellers must return all butts/computer records relating to tickets sold by them, proceeds of sales & all unsold tickets before date of draw or any earlier date set by organisers. - If a ticket is not included in the draw, use best endeavours to refund ticket price to purchaser within 7 days of draw. - Purchasers wishing to witness draw to be accommodated. 	
	<ul style="list-style-type: none"> - Draw can be postponed if ticket sales are low. Organisers to advertise new draw date/time place in newspaper or point-of-sale (POS) material or website so purchasers are fully informed. Notice should give reason/s for postponement. - Winner/s to be notified within 2 days of draw. If total prize pool exceeds \$5,000 publish list of winners in a newspaper within 7 days of draw. 	
	<ul style="list-style-type: none"> - Unclaimed prize - make every reasonable effort to contact winner. Prize to be retained for 3 months after draw. - If prize perishable, sell/dispose of to bring a reasonable price. Money realised (less reasonable costs of sale/disposal) to be held in trust for winner. - If prize unclaimed after 3 months letter to OLGR setting out full details of steps taken to contact winner/deliver prize & seeking permission to sell prize. - After approval from OLGR, sell prize & proceeds of sale go to organisation that raffle conducted for. 	
	<ul style="list-style-type: none"> - Records - proper & prudent records must exist. Keep all receipts, invoices & other records concerning costs & outgoings, & payments received as payment for tickets. - If total prize pool is \$5,000 or less, organisers must keep record of total money received from sale of tickets & value of prizes. Should also keep record of: number of tickets printed/obtained/generated (incl serial numbers); number of tickets sold/distributed for sale (incl serial numbers); name & address of each person to whom tickets were distributed for sale, together with number of tickets issued & serial numbers; name & addresses of all persons who bought tickets; name & address of prize winners & details of prizes; number of tickets unsold (incl serial numbers). 	
	<ul style="list-style-type: none"> - Organisers must deposit all money received into bank account belonging to benefiting organisation. Deposit as soon as practicable, preferably within 2 days of receipt. If benefiting organisation holds fundraising authority under Charitable Fundraising Act additional record keeping requirements may apply. 	
	<ul style="list-style-type: none"> - Records (ticket butts, draw documents & corresponding computer generated documents) must be kept for at least 3 months after date of draw. - If total prize pool greater than \$5,000 all records (including unsold tickets) must be kept for at least 3 years after date of draw. 	
	<ul style="list-style-type: none"> - Promoter/organisers are responsible for proper management & conduct of raffle. - Sub-committee can be elected from within benefiting organisation to be organising committee. Alternatively, organisation can authorise persons outside organisation to conduct raffle on its behalf. Organisation needs to satisfy itself re good standing & competence of organisers. - benefiting organisation should introduce adequate controls to oversee organisers - reports, ratifying all expenses & prizes, full access to records & registers, ensuring financial records are audited, exercising proper internal controls over purchase, sale & safekeeping of tickets (incl unsold tickets). 	
	<p>Art Union Fact Sheet (click here for link)</p>	
	<p>Art Unions:</p> <ul style="list-style-type: none"> - can only be conducted to raise funds for a NFP organisation. - Permit is required. - If conducting an art union to raise funds for a charity, organisers must be authorised by the charity. Charity may also need a fundraising authority under the Charitable Fundraising Act. - Permit obtained by completing & lodging online application form. - Allow 5 working days for processing application. 	

	<ul style="list-style-type: none"> - Early Bird draw allowed if total value of prizes capped at \$25,000. Prizes cannot include money. - Documents to be lodged with application: specimen ticket, invoices setting out description, RRP & cost of prizes, if prize is real estate, additional info, statement describing proposed salary, wage, bonus, commission, other remuneration & expense payable to promoter, manager or any other person, proposed financial budget, info on early bird draw. 	
	<ul style="list-style-type: none"> - Recommended that art union be commenced & completed within 6 months. - Date, time, place of draw cannot be altered without written consent from OLGR. - Internet can be used to conduct art union. - Minimum prize pool \$25,000, no maximum. - Total cash prize/s no more than \$25,000. 	
	<ul style="list-style-type: none"> - Any prizes allowed unless prohibited prize (cash in excess of \$25,000, tobacco products, firearms/ammunition, prohibited weapons, cosmetic surgery, liquor prizes more than 20 litres) - If cash part of travel prize, cash component to not exceed \$25,000 and not to exceed 20% of that prize's value. - Prizes can only be substituted with approval of OLGR. - Prizes to be properly cared for until delivered to winner, real estate to be insured. 	
	<ul style="list-style-type: none"> - reasonable expenses can be incurred (purchase of prize/s, purchase of tickets, hiring/operating draw receptacle, rent premises for art union, advertising/promotion of art union, auditing of accounts, salaries/wages/commissions payable to organisers) - Remuneration/commission allowed but can only be paid for services rendered in connection with art union if written agreement in place. Agreement to specify services to be rendered, remuneration/commission & period of agreement. Also refer fundraising authority conditions under Charitable Fundraising Act. 	
	<ul style="list-style-type: none"> - Total allowable expenses must not exceed 70% of gross proceeds benefiting organisation to receive at least 30% of gross proceeds. - If does not achieve 30%, organisers must apply to OLGR for permission to accept lower amount. Application to set out unusual/unexpected circumstances resulting in <30% outcome. 	
	<ul style="list-style-type: none"> - No maximum price is set per ticket. Price must be the same for all tickets. Acceptable to sell tickets at a discount, but only if fully disclosed in all information, and offered to all purchasers consistently. - No maximum number of tickets that can be sold. - Ticket format: purchaser's portion & ticket butt. If computer generated tickets, butts not required if computer records contain the same information as the purchaser's portion of ticket. - Purchaser's portion of ticket must always include same serial number as the butt. Purchaser's portion must also include price of ticket & full name of benefiting organisation. - Butts to be numbered consecutively in the same series as the ticket. Butts must also contain space for purchaser's name & address. 	
	<ul style="list-style-type: none"> - Purchaser's portion of ticket must include: name of the art union; name of the benefiting organisation; price of the ticket; details of prizes & RRP; place, date & time of the draw; details of way in which results will be publicised; number of tickets in the art union; name & address of the promoter; permit number issued by OLGR; serial number of ticket. - Art union to be conducted fairly. Procedures to be adopted to ensure tickets are secure, distributed on a random basis & are not able to be manipulated. - Cannot send tickets to any person except with prior consent. - If intending to sell tickets in a street/public place in a local government area, written permission from council may be required. - Persons selling tickets to record name & address of purchaser at point of sale. - Liquor prizes - tickets cannot be sold by or to minors, nor can minors give or collect liquor prizes. 	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	<ul style="list-style-type: none"> - Advertising & promotional material to contain: price of ticket; name of benefiting organisation; details of prizes & RRP; place, date & time of draw; how winners will be notified; how results will be publicised. - Acceptable for this info to be provided on ticket & not elsewhere. - Tickets & any advertising/promotional material must give a detailed description of the prizes. Details to include: Machinery/electrical appliances - make, model & accessories; Motor vehicles - make, model, accessories, whether registration & on road costs included; Travel - number of persons, what is included (air fares, transfers, other transport, duration, accommodation standard, meals), restrictions on when travel must be taken, whether spending money is included. 	
	<ul style="list-style-type: none"> - Advertising must not: encourage breach of the law, depict children participating in art union; be false/misleading/deceptive; suggest winning will be a definite outcome of entering/participating, suggest entering/participating will definitely improve a persons financial prospects, must be decent, dignified & in good taste. 	
	<ul style="list-style-type: none"> - Draw must be conducted in Australia. - Every entrant to have a fair & equal chance of winning Every prize. - Cannot impose condition requiring ticket holder to be present at draw. - All prizes to be distributed by drawing of ticket butts or numbered marbles from a barrel/other suitable container. - Container should be large enough to allow all butts/marbles to be included & mix feely. - Electronic drawing machine may be used if program is in fact random. - if more than one prize offered, major prize should be first drawn. Then other prizes in descending order according to number & value of prizes. 	
	<ul style="list-style-type: none"> - Sellers to return all ticket butts/computer records, proceeds of sale & unsold tickets before date fixed for the draw or earlier date set by organisers. - If a ticket is not included in the draw, organisers to use best endeavours to refund ticket price to purchaser within 7 days of draw date. - If ticket purchaser wishes to attend draw this should be facilitated. 	
	<ul style="list-style-type: none"> - Draw can be postponed if ticket sales are low & OLGR approves postponement. If postponement approved by OLGR, organisers to advertise new draw date, time & place in a local newspaper, or in point-of-sale material, or on website, so purchasers are fully informed. Notice to give reason/s for postponement. - Draw must be conducted by person approved by OLGR. 	
	<ul style="list-style-type: none"> - If wishing to use computerised system for draw, need to appoint qualified independent person to assess & report to OLGR on the system. Appraisal Report must detail whether system is random & has appropriate safeguards & controls in place to overcome possibility of manipulation. Organisers must also provide in writing full particulars about the draw process - Draw Procedure Report. 	
	<ul style="list-style-type: none"> - Prize winners to be notified within 2 days of draw, results to be published within 7 days of draw. - If prize is unclaimed, retain for 3 months. - If prize is perishable/expires, sell/dispose of in a way that brings a reasonable price. Money realised (after deduction of expenses of disposal) to be held in trust for winner. - If prize unclaimed after 3 months, organisers to write to OLGR setting out full details of steps taken to contact winner, & seeking permission to sell the prize. 	

	<ul style="list-style-type: none"> - After receiving approval from OLGR prize to be sold & proceeds given to benefiting organisation. - Proper & prudent records to be kept, including receipts, invoices & other records concerning costs & outgoings, & payments received for tickets sold. - Must also keep record of: total amount of money received from ticket sales; total value of prizes; number of tickets printed/obtained/generated (including serial numbers); number of tickets sold/distributed for sale (including serial numbers); name & address of each ticket seller along with number of tickets issued & serial numbers; name & address of all persons who applied for tickets; name & address of all purchasers (as per ticket butts/computer records); name & address of each prize winner together with details of prizes; and number of tickets unsold (including serial numbers). 	
	<ul style="list-style-type: none"> - Organisers must deposit all money received into benefiting organisation's bank account as soon as practicable, preferably within 2 days of receipt. - If benefiting organisation holds a fundraising authority under the Charitable Fundraising Act, additional record keeping requirements may apply. 	
	<ul style="list-style-type: none"> - Ticket butts, draw documents & corresponding computer generated documents must be kept for at least 3 months after draw date. - Unsold tickets must be retained for at least 3 years after draw date. 	
	<ul style="list-style-type: none"> - Art union organisers must send OLGR an audited statement of income & expenditure, balance sheet & State Dec within 2 months of draw date. Organisers must also send a receipt from benefiting organisation for net proceeds derived from the art union. - Promoter/organiser responsible for conduct of art union. Subcommittee can be elected from within benefiting organisation to be organising committee. Alternatively, outside person can be authorised to conduct art union on benefiting organisation's behalf. Benefiting organisation should satisfy itself re good standing & competence of organisers. 	
	<ul style="list-style-type: none"> - Benefiting organisation should introduce adequate oversight controls including: insist on reports; ratify all expenses & prizes awarded; have full access to records & registers; ensure financial records audited; exercise proper internal controls over purchase, sale & safekeeping of tickets including unsold tickets. 	

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Victoria - Summary

General	<p><i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i></p> <p>Only charities registered as Fundraisers in Victoria can fundraise in Victoria</p> <p>Need to notify Consumer Affairs of various changes to key staff, etc</p> <p>Financial details to be provided to Consumer Affairs on an annual basis</p> <p>Proceeds to beneficiary to be greater than 50% - if less, Consumer Affairs may impose special conditions</p> <p>All records to be stored in Victoria</p>
Issues for consideration	<p>Only charities registered as Fundraisers in Victoria can fundraise in Victoria (at present NSW and Victorian Divisions are registered as fundraisers)</p> <p>Only Declared Community and Charitable Organisations in Victoria can conduct raffles/lotteries/art unions/etc in Victoria (at present only Victorian Division is declared) - the business may wish to give consideration as to whether other Divisions should be declared if they will be organising raffles in Victoria</p> <p>Example: Gym waves membership fee in return for donation to a HF program. May meet definition of commercial fundraiser, or may be required to register as a fundraiser in their own right.</p> <p>Fundraising Act states that you must register as a fundraiser prior to commencing fundraising activities (exemption if collecting less than \$10,000 in a year). No indication that third party fundraisers need to be issued with an authority to fundraise, however any collectors would need to be issued with badges by the third party fundraiser as per the Act (i.e. not by HF but by the person/organisation doing the fundraising)</p> <p>Consideration should be given as to whether wording should be incorporated into all relevant program, and any relevant competition, Terms & Conditions regarding participation by residents of other jurisdictions (interstate and overseas) - that the program is based on state/Australian legislation for participation by state/Australian residents, and participants should satisfy themselves that participating will not contravene the legislation in their state/country of residence</p> <p>Staff & volunteers involved with programs/activities involving children, either as volunteers or the program/activity 'recipients', may require a Working with Children Check</p> <p>Email from Daniel McCarthy 20/9/11: We have just had some bad news with our F2F operations plans in Victoria. The Vic Government has advised that both of our suppliers will need to submit the executed version of their contract in order to be granted an Authority to Fundraise. The application notes that only a letter of consent is required; however the departmental body requires this additional detail – so we will now be delaying our launch schedule.</p> <p>This will need to be borne in mind when engaging new Commercial Fundraisers, and additional time allowed for the engagement/registration process prior to commencement of fundraising.</p>

Fundraising Type	JRFH	Collection Boxes (eg in shops)	Door-to-Door Collections (Annual Doorknock Appeal)	Street Collections (rattling a tin, street stalls)	Regular Gifts (Face to Face solicitation)
Regulated by (Act)	Fundraising Act	Fundraising Act	Fundraising Act	Fundraising Act	Fundraising Act
Requirements & Restrictions	Collectors to wear ID badge - disclosure requirements to be met	Collection receptacle requirements to be met	Collectors to wear ID badge - disclosure requirements to be met	Collectors to wear ID badge - disclosure requirements to be met	Collectors to wear ID badge - disclosure requirements to be met
	Employees/volunteers may require a Working with Children Check				Direct Debit Requests to be easily legible, minimum 10 point font & clearly expressed

Regular Gifts (Other - DM letter, telemarketing, etc)	Major Gifts (eg Corporate)	Bequests	Memorial Gifts	Events (Movie night, Go Red 4 Women, Lunches)	Third Party Fundraising
Fundraising Act	Fundraising Act	Fundraising Act	Not regulated as Fundraising - excluded from definition of fundraising	Fundraising Act	Fundraising Act
Paid canvassers - disclosure requirements. (May include HF fundraising staff)				Collectors to wear ID badge - disclosure requirements to be met	Collectors to wear ID badge - disclosure requirements to be met
Direct Debit Requests to be easily legible, minimum 10 point font & clearly expressed					Disclosure requirements re % or \$ value going to charity in relation to sale of goods/services in course of 3rd party's business
					Paid canvassers - disclosure requirements
					Advertising disclosures required by commercial fundraisers
					Third party required to keep records
					Third party may be required to register as a fundraiser (if not exempt due to \$10,000 threshold)

Unsolicited Gifts	Sale of Goods (Pens, etc)	Raffle/Art Union	Other
Fundraising Act	Fundraising Act	Gambling Regulation Act	Fundraising Act
If person runs a small raffle to benefit HF they need our authority & specific conditions apply	Collectors to wear ID badge - disclosure requirements to be met	Raffle (\$5,000 or less) - no permit required; if over \$5,000 minor gaming permit required	
	Disclosure requirements re % or \$ value going to charity in relation to sale of goods/services in course of 3rd party's business	Lucky Envelopes & Fundraising Event (gaming) - no minimum value, minor gaming permit required	
		Nominee required when applying for minor gaming permit	
		Prohibited prizes & restrictions on prizes	
		If using a Commercial Raffle Organiser, they must also be licenced	
		Proceeds must be paid into Victorian approved deposit-taking institution (ADI) account	
		Advertising & ticketing disclosure requirements to be met	

Victoria - Legislation

		Notes
	<i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i>	
Entity	National Heart Foundation of Australia (Victorian Division) ACN 004463334	
Licences/ Authorities	Vic Division Fundraiser No 10752 and NSW Division Fundraiser No 10763 registered in Victoria as Fundraisers	
	Vic Division is a Declared Community & Charitable Organisation for gaming purposes (no 48364)	As at the date of preparation of this document, only Victoria Division can run raffles/art unions, as it is the only Division 'declared' a community/charitable organisation
	Vic division is a Health Promotion Charity & endorsed as a Deductible Gift Recipient from 1/7/2000 - federal	
	Vic Fundraiser Search Function (click here for link)	
	Vic Declared Community & Charitable Organisation search (click here for link) - select Community & Charitable Gaming then Declared Community and Charitable Organisations	
Act/s	Fundraising Act 1998	
	Fundraising Regulations 2009	
	Gambling Regulation Act 2003	
	Gambling Regulation Regulations 2005	
Regulator/s	Consumer Affairs Victoria	
	Victorian Commission for Gambling Regulation	
Links	Consumer Affairs - Fundraising (click here for link)	
	FUNDRAISING	
	Fundraising Registration Guidelines (click here for link)	
	Fundraising includes: doorknock appeals, telemarketing, traffic intersection/highway collections, donations to clothing bins, sale of goods at opportunity shops, appeals run by commercial fundraisers, public appeals to support association, sale of goods where portion of sale price donated to charity.	
	Fundraising does not include: raffles, lotteries or other gaming activities, private fundraising (eg within organisation targeting staff rather than general public), giving in lieu of flowers at a funeral.	
	Need to register as a fundraiser at least 28 days before commencing fundraising activity. Commercial fundraisers are also required to register. Exemption if receiving less than \$10,000 in a financial year & only using unpaid volunteers.	
	Registration period generally 3 years, can apply for up to 5 years. Consumer Affairs sends out renewal forms approx 6 weeks prior to expiry of registration.	
	Registered fundraiser details are publicly available on the Consumer Affairs Vic website. Once registered, fundraiser needs to notify Consumer Affairs of: change to contact person or their details, change to appeal manager or key staff, upon employment of a commercial fundraiser, addition of new beneficiaries, if anyone involved in financial management of the entity is charged with/convicted of a qualifying offence, becomes insolvent, under administration, etc.	
	Fundraiser to provide on an annual basis: estimate of gross proceeds expected to be raised from all fundraising activities in next 12 months; estimate of percentage of gross proceeds that will be distributed to beneficiaries in next 12 months; gross proceeds actually raised during preceding 12 months; identity of all beneficiaries & amounts received; confirmation & update of details on the public register.	
	Where proceeds to beneficiary to be less than 50% special conditions may be applied by Consumer Affairs. If less than 35% Consumer affairs may consider whether fundraising is in the public interest (& may consider cancelling registration as a fundraiser).	
	Fundraiser Registration - Application Form (click here for link)	
	Lists fundraising activities as: capital/major gifts, direct marketing, telemarketing, volunteer fundraising, clothing bins, sponsored activities, opportunity shops, merchandise sales, ball/dinner dance, art exhibition, auction, highway/street collections, other.	
	Fundraising Act (click here for link)	
	commercial fundraiser means a person who is retained on a commercial basis by another person to administer all or part of a fundraising appeal for the other person;	s3 Fundraising Act
	Fundraising appeal: - occurs if a person solicits or receives money or a benefit on the basis of a representation that the soliciting/receiving is not solely for the profit/commercial benefit of the person or any other person, cause or thing on whose behalf the person is soliciting/receiving the money/benefit.	s5 Fundraising Act
	NOT fundraising appeals: raffle, lottery or other activity authorised/permitted under the Gambling Regulation Act 2003.	s5 Fundraising Act
	Collectors must wear an identifying badge - entire face of badge must at all times be visible. Badge must display "Paid Collector" if being paid, or "Volunteer Collector" if a volunteer.	s9 Fundraising Act
	Collection receptacles to be securely constructed, properly sealed & consecutively numbered; and clearly labelled with the name of the person conducting the appeal & the person/class of people/cause/thing on whose behalf appeal being conducted. Receptacle not required to be sealed if every person is given a receipt in a form authorised by person conducting appeal.	s10 Fundraising Act
	Person conducting fundraising appeal must ensure use & emptying of receptacles used to collect money are supervised in a way that ensures, to the maximum extent that is practicable, all money is deposited in account or otherwise collected & given to the person. If collection is not of money, ensure donations collected & properly processed.	s11 Fundraising Act
	Where person who supplies goods/services in the course of a business represents that a portion of the money/benefit received is to be applied for a beneficial/benevolent purpose, person must disclose to customer the dollar amount or percentage of money/benefit to be so applied. Disclosure to be made in writing, and to the person before goods/services are supplied.	s12A Fundraising Act

	<p>Paid canvassers</p> <p>Where a person seeks donations to, or offers to sell anything as part of a fundraising appeal by telephone or any other method of spoken direct personal communication involving electronic or mechanical means; and who is entitled to or expects to receive money or financial reward:</p> <p>Before seeking a donation or offering to sell something the person must: state the fact that they have been retained on a commercial basis to seek the donation/make the offer; the name of the person who is employing (or has retained) the person; and the name of the person on whose behalf the donation/offer is sought/made.</p>	s14 Fundraising Act
	<p>Letters, etc by commercial fundraisers</p> <p>Applies if commercial fundraiser seeks donations to, or offers to sell anything as part of a fundraising appeal by any means not covered by s14 (i.e. not telemarketing).</p> <p>Where communication is via document: commercial fundraiser must ensure document states that: document sent/distributed by the commercial fundraiser; and the commercial fundraiser has been retained on a commercial basis to send/distribute the document.</p>	s15 Fundraising Act
	<p>Where communication is by any other means, commercial fundraiser must ensure donation is not sought/offer to sell is not made unless person from whom donation is sought/offer is made is informed of: the fact that the communication has been made by the commercial fundraiser; and commercial fundraiser retained on a commercial basis to seek donation/make offer.</p>	
	<p>If direct debit requests used in an appeal to enable donations by direct debit, form must be easily legible, minimum 10 point font, and clearly expressed.</p>	s15A Fundraising Act
	<p>Must be a registered fundraiser in order to conduct appeals.</p>	s17A Fundraising Act
	<p>Registration generally for 3 years, can be up to 5 years.</p>	s20 Fundraising Act
	<p>Renewal of registration application must be submitted at least 28 days before registration expiry.</p>	s22 Fundraising Act
	<p>Changes to be notified include:</p> <ul style="list-style-type: none"> - change of appeal manager/s - retention of commercial fundraiser - appeal manager becomes insolvent, is found guilty of a disqualifying offence, or becomes a represented person under the Guardianship & Administration Act; or - appeal manager's associate becomes insolvent, guilty of offence, represented person - change of contact person. 	s24 Fundraising Act
	<p>If money received in the course of a fundraising appeal is not deposited in an account held in the name of the sole intended beneficiary of the appeal, the person conducting the appeal must ensure any money received is deposited in an account used exclusively for money received in the course of fundraising appeals held at an authorised deposit-taking institution or other authorised institution; and has a name that indicates it contains fundraising appeal money; and from which funds can only be withdrawn by cheque signed by at least 2 people</p> <p>If deposited to an account not used exclusively for appeal money, person conducting the appeal must keep records that enable the money to be readily identified as having been received in the course of the appeal.</p>	s27 Fundraising Act
	<p>Person conducting fundraising appeal must keep records sufficient to enable a true & fair view of income & expenditure relating to the appeal to be ascertained at any given time including:</p> <ul style="list-style-type: none"> - full details of all funds & assets received as a result of the appeal; full details of what happened to funds/assets; full details of the amount applied to the purpose/object of the appeal & how it was distributed; any expenditure on assets; any expenditure on wages, salaries, commissions & other remuneration in relation to the appeal; any other administrative expenses; any other expenses, and any other details required by regulations. 	s29 Fundraising Act
	<p>If appeal is/was conducted as part of a national appeal, it is not necessary for the records to be kept in a way that enables the information required (above) that only relates to Victoria to be identified.</p> <p>Records must be able to be conveniently & properly audited.</p> <p>Accounts to be finalised within 3 months of date of appeal end (if 12 months or less) or each anniversary of the start of the appeal, if more than 12 months.</p>	
	<p>Person conducting fundraising appeal to keep records of:</p> <ul style="list-style-type: none"> - if a corporation, incorporated association or unincorporated organisation is authorised to participate in the appeal, the name of the person from that body who is responsible for overseeing body's involvement in the appeal; - name & address of each person who participates in the appeal as a supervisor or manager; - name & address of each person who gained a financial advantage from the appeal (other than as appeal beneficiary or supplier of goods/services) and details of reason for, nature & amount of financial advantage; 	s30 Fundraising Act
	<ul style="list-style-type: none"> - name & address of every person, or name/description of every class of people on whose behalf appeal was made; - dates on which appeal started & finished; - name & address of each commercial fundraiser involved in appeal who gained a financial advantage, even if only supplied goods or services, and details of reason for, nature & amount of financial advantage. 	
	<p>Storage of records</p> <p>All records to be stored at all times in Victoria at the address/registered office/principal place of business of the person/designated person.</p> <p>Records/accounts to be stored at that place for 3 years after the date the appeal ends.</p>	s31 Fundraising Act
	<p>Director may direct accounts to be audited & reports submitted.</p>	s32 Fundraising Act
	<p>Public may inspect some records (accounts, auditors report, etc). Fundraiser to make account/records available for inspection during normal business hours within 21 days of receiving written request & inspection fee.</p>	s33 Fundraising Act Inspection fee is \$20 - Reg9
	<p>Fundraising Regulations (click here for link)</p>	
	<p>Activities not constituting fundraising - soliciting/receipt of money/benefit by/on behalf of a person/organisation in lieu of flowers being sent to a funeral or family during bereavement period.</p>	Reg6 Fundraising Regulations
	<p>Identifying badges - must prominently display: name of person conducting appeal, name of person to whom badge issued, if soliciting from person in a motor vehicle, ID number.</p> <p>Lettering/Numbers (required information) - height not less than 4mm, if handwritten, must be in capital letters.</p>	Reg7 Fundraising Regulations
	<p>Other information (not required information) not to be bigger than required information.</p> <p>Person issuing identification badges to keep record of numbers issued (must be sequential), and record who is issued what number. Retain record for at least 3 months after appeal ends.</p>	
	<p>GAMING/LOTTERIES/COMPETITIONS</p>	
	<p>Trade Promotion Lotteries - refer Trade Promotion Lotteries Matrix</p>	
	<p>Application Form - Minor Gaming Permit (click here for link)</p>	
	<p>Minor Gaming Permit covers conduct of Raffles, Lucky Envelopes and Fundraising Events.</p> <p>To obtain a minor gaming permit, organisation must be declared by VCGR to be a community or charitable organisation.</p> <p>If organisation HAS been declared, apply at least 21 days before commencement date.</p> <p>If organisation has NOT been declared, apply at least 28 days before commencement date.</p>	

	Duration of permit - Lucky Envelopes - not exceeding 2 years; - Raffle - not longer than 12 months; - Fundraising Event - period of the activity.	
	Nominee must be appointed. If Nominee resigns/is dismissed/leaves organisation, new nominee must be selected & VCGR notified within 7 days.	
	Raffle Declared community/charitable organisation can conduct a raffle without a permit if total retail value of prizes is \$5,000 or less. Permit is required where total retail value of prizes is more than \$5,000.	
	Lucky Envelopes Permit required, no minimum value.	
	Fundraising Event Permit required, no minimum value.	
	Raffle Information to be included on Raffle Ticket: - Name of the community or charitable organisation to benefit from the raffle (i.e. the permit holder) - Permit number - Ticket price - Maximum number of tickets authorised by the permit - Description of each prize and its retail value - When and where the raffle will be drawn - Method of publication or notification of results - Details of any book buyer's prize (if applicable).	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	If nominee is not an employee of the permit holder & will receive payment, or if the permit holder or nominee has an agreement/arrangement with a person to promote/conduct the raffle for reward, that fact (including name & ACN) to be printed on every ticket or on all material advertising raffle.	
	Permissible to have book buyer's prize, book seller's prize, early bird buyer's prize, early bird seller's prize.	
	Raffle Information Sheet (click here for link)	
	Raffle - fundraising lottery with goods as prizes. Prizes must NOT include cash, stocks or shares, unless cash is part of a travel and/or accommodation prize. Only 10% of total travel prize can be cash/spending money. Three types of raffles - small raffle (\$500 or less), \$5,000 or less and over \$5,000. Different requirements apply.	
	Conducting a raffle on behalf of a community/charitable organisation - where permit not required (prizes \$5,000 or less), person can conduct on behalf of organisation provided they have written authority from governing body.	
	Permit to conduct a raffle can be issued for up to 12 months.	
	All raffles - must follow rules/conditions.	
	Nominee must be appointed when applying for a permit.	
	Nominee must submit National Police Certificate for a large raffle (total prize pool exceeds \$100,000; or total prize pool exceeds \$60,000 AND ticket price \$35 or more).	
	Raffles conducted by Commercial Raffle Organiser (CRO) - CRO must be licenced. If hiring a CRO, agreement must be entered into: CRO will comply with all provisions of the Act, submit periodic audited statements to the Victorian Commission for Gambling Regulation (VCGR), retain records as per the Act, provide to community/charitable organisation a copy of all documents submitted to VCGR on behalf of the organisation, charge a fair & reasonable maximum fee. Copy of agreement to VCGR.	Agreement with 3rd parties must also include Privacy clauses, and should be reviewed by legal prior to execution - email legal@heartfoundation.org.au
	Small Raffle - \$500 or less Person must have written authority to conduct small raffle from organisation. Small raffle - prizes do not exceed \$500; and all raffles for the benefit of the same organisation on the same day (or within an 8 hour period) together do not exceed \$1,000. Sale of tickets & drawing to occur on the same day (or within an 8 hour period).	
	Small Raffle Ticket sellers not to be remunerated for selling. Tickets may be either: blank raffle book numbered on both butt and ticket; or where draw is spinning wheel, butt-less numbered tickets, with no more numbers than there are divisions on the wheel. Ticket in a raffle must not be a ticket in another raffle. Draw: must allow each ticket a random & equal chance of winning. If more than one prize, first ticket drawn must win first prize (reverse draws not allowed). If winner cannot be identified/no one comes forward to claim prize within reasonable period after draw is loudly proclaimed, raffle must be drawn again/wheel spun again.	
	Small Raffle Prizes must be delivered to winners within 28 days after the draw. Book buyers prize must not be offered or paid. Records to be kept for 3 years - regarding disposition of funds & distribution of prizes. Must be a single approved deposit-taking institution (ADI) account in Victoria. Account must be established in organisation's name & be used for all financial transactions relating to conduct of the raffle.	
	Raffle - \$5,000 or less Person may only conduct raffle with written authority of benefiting organisation. Tickets - May be sold for a maximum of 3 months. - Value of total tickets available for sale must not be greater than 6 times & not less than twice the value of all prizes. - Ticket sellers to ensure a permanent record is made of sufficient information to identify & locate person to whom ticket sold.	
	- Person who sells tickets: must be authorised by responsible person to do so & must not be remunerated in respect of selling tickets. - If person who conducts raffle is not an employee, they may receive payment for conducting raffle. In this situation, every ticket or all advertising material must be printed with: name of the person & the fact that they are conducting the raffle for reward. - Book buyers prize must not be offered or paid.	
	Print on each ticket: - name of benefiting organisation - ticket price - description of each prize & its value - date/time/location of draw; - method of publication/notification of results Ticket in a raffle must not be a ticket in another raffle.	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	Raffle \$5,000 & less Draw - each ticket to have a random & equal chance of being drawn. If more than one prize, first ticket drawn wins first prize (reverse draws not allowed) Draw must be conducted on the day printed on the ticket, being not more than 14 days after proposed last ticket sale. Ticket which has been drawn is not eligible to be drawn again.	

	<p>Raffle \$5,000 & less Results must be published & winners notified in accordance with method printed on tickets. Prizes to be delivered to winners within 28 days after the draw. Records to be kept for 3 years after finalisation: disposition of funds, all tickets which have been printed, distribution of prizes.</p>	
	<p>Unclaimed prizes - if winner does not claim prize and/or cannot be found despite reasonable efforts, prize must be retained for 12 months after draw. If prize is livestock or perishable, sell prize to bring a reasonable price & retain proceeds (minus reasonable costs of sale) for 12 months. If prize still not claimed, sell or dispose of prize if not already done, and pay proceeds (minus reasonable costs of sale) to the State Treasurer for payment into Consolidated Fund. Banking - single account at an ADI in organisation's name & must be used for all financial transactions relating to conduct of the raffle.</p>	
	<p>Raffle - over \$5,000 Benefiting organisation must obtain a Minor Gaming Permit. Tickets - number printed must not exceed number authorised by permit. - Must only be sold during period authorised. - Responsible person to ensure sufficient information obtained to identify & locate purchaser. - Ticket sellers - must be authorised to sell; and cannot be remunerated unless authorised in raffle permit conditions. If remuneration is offered (eg CRO), company name & number to be printed on every ticket or on all advertising material.</p>	
	<p>Raffle over \$5,000 Tickets to include: - permit holder's name; - permit number; - ticket price; - max number of tickets authorised by permit; - description of each prize & its retail value;</p>	<p>Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat</p>
	<p>- when & where raffle will be drawn; - method of publication/notification of results; - details of any book-buyer's prize authorised under permit; - if whole or part of proceeds are for a political party, the name of the party; - if nominee is not an employee & will receive payment or a CRO is engaged, fact that payment will be made & name & ACN to be printed on every ticket or on all advertising material. Ticket may only be a ticket in another raffle if authorised by the permit.</p>	
	<p>Raffle - over \$5,000 Draw - must occur on day authorised by permit. Method of draw must allow each ticket a random & equal chance of being drawn. First prize to be drawn first, etc - reverse draws not permitted. Ticket drawn is not eligible to be drawn again, unless authorised by permit. Results to be published & winners notified in accordance with information printed on tickets. Prizes must be delivered to winners within 28 days of draw. Records to be kept for 3 years of: manner in which tickets sold & how sales were publicised; names of ticket sellers, and for each seller, how many were sold, how many returned & how much money was remitted; when & how raffle drawn; and names & address of winners & description including retail value of their prizes.</p>	
	<p>Raffle - over \$5,000 If winner does not claim prize & raffle conductor can't locate them after reasonable effort, organisation must: ensure prize is retained for 12 months after the draw. If livestock or perishable, sell prize in a way that brings a reasonable price & retain proceeds (minus reasonable costs of sale) for 12 months. If still not claimed after 12 months organisation must sell/dispose of prize if not already done & pay proceeds (after reasonable costs of sale) to the State Treasurer for payment into the Consolidated Fund. Banking - permit holder must keep & maintain a single ADI account in Victoria. Account must be established in organisation's name & used for all financial transactions relating to conduct of the raffle.</p>	
	<p>Lucky Envelope Information Sheet (click here for link)</p>	
	<p>Organisation must be declared by VCGR to be ac community or charitable organisation. Minor Gaming Permit required.</p>	
	<p>Lucky Envelope - predetermined lottery. Sometimes known as pull-tabs, break opens, or bingo tickets. They are 'break open' type tickets that have letters, numbers or symbols underneath & if a ticket has the right combination it is a winner. May be sold by hand, at a bar or through a ticket dispensing machine.</p>	
	<p>Permit issued for up to 2 years. Nominee must be appointed. If nominee resigns/is dismissed/leaves organisation must be replaced & VCGR notified within 7 days.</p>	
	<p>Lucky Envelope general conditions Must not be sold to person under 18. Name of permit holder & permit number to be clearly visible at point of sale. Records to be kept for 3 years. Prescribed information is: - premises where envelopes sold; - name of each seller unless sold in licenced premises, premises occupied by governing body of permit holder or a licenced bingo centre; - notional value, gross receipts & value of prizes paid; - amount & nature of expenses incurred & people to whom those expenses were paid; - number of envelopes not sold.</p>	
	<p>Banking requirements - single account at an ADI in Victoria to be maintained. Account to be in organisation's name & used for all financial transactions relating to the sale of lucky envelopes & any other minor gaming activity. Records must be kept for 3 years after completion of transactions to which they relate. Record must also be kept of nature of expenses incurred & people to whom expenses paid.</p>	
	<p>All envelopes: - must form part of a series; - must have printed on them: number identifying the series the envelope is part of; and name of the supplier; - each series (except those dispensed from an electronic machine) must include & have published with it by the supplier: the same predetermined price for each envelope; predetermined value of the prizes; predetermined number of winning envelopes. - each envelope must have printed on it, so it is only visible once dispensed, symbols, numbers or letters which clearly indicate whether it is a winning or losing ticket.</p>	
	<p>- each winning ticket must include a description of the prize or display at point of sale the prize the holder has won. If envelope is dispensed from a punchboard & ticket does not state the prize, a prize chart must be shown on the punchboard. - each envelope (except those dispensed by punchboard) required to have either: name of permit holder & permit number printed on the outside of the ticket; or the name ACN, address & phone number of the supplier printed on the envelope. Supplier must keep a record of the serial numbers that make up the series, the name of the permit holder, permit number, date the envelopes were supplied & the name of the person to whom they were supplied. Supplier to keep these records for 3 years.</p>	

	<p>If tickets are dispensed by a punchboard, either: board to have name of permit holder & permit number printed on it, or board to have suppliers name, ACN address & phone number printed on it. Supplier must keep records relating to supply of the board for 3 years. Records need to detail name of permit holder, permit number, date board supplied & name of person supplied to. No maximum or minimum amount set for the cost of a lucky envelope ticket.</p>	
	<p>Notional value of a lucky envelope series must not exceed \$5,000. i.e. envelope price multiplied by number of envelopes in the series. Prize distribution from a series of lucky envelopes must not be less than 50% & not more than 75%. If cash prizes are payable, envelopes can only be sold: on licensed premises, premises occupied by the governing body of the permit holder, at a licenced bingo centre, or at a fete, fair, carnival or gymkhana.</p>	
	<p>Specific conditions apply to Lucky Envelope vending Machines - refer Information Sheet.</p>	
	<p>Fundraiser Event Information Sheet (click here for link)</p>	
	<p>If proposing to conduct fundraising event, first need to be declared by VCGR to be a community or charitable organisation. Once declared, must have a Minor Gaming Permit to conduct a fundraising event.</p>	
	<p>Fundraising event - function conducted by community/charitable organisation to raise money through the playing of games which would be unlawful other than in a licensed casino without a Minor Gaming Permit.</p>	
	<p>Nominee required when applying for a Minor Gaming Permit. If nominee resigns/is dismissed/leaves organisation, must nominate another nominee within 7 days.</p>	
	<p>Permit is valid for the period of the fundraising activity.</p>	
	<p>Conditions for Fundraiser Event: - permit & conditions must be on display at principal entrance to the premises. - event may only take place within the premises & on the date indicated in the permit. - games which may be played are those indicated in the permit. - games must be played according to the Rules of the Game. - authorised nominee must act as supervisor at the event. to ensure all games played according to the rules & to determine any disputes. - games must only be played using play money allocated to players. - each player must be allocated the same amount of play money.</p>	
	<p>- chips or tokens used in games must only be purchased with play money. - play money, chips or tokens not to be converted into cash, nor can cash be awarded as a prize. - no prizes can be awarded as a result of participation in the illegal games which are authorised under the permit to be played. - where event allows for players to bid for auction items using play money, items must not include money (except where part of a travel and/or accommodation prize & money does not exceed 10% of total value of prize). - permit holder must lodge a statement of account detailing all receipts & expenditure relating to the event to the Commissioner within 28 days.</p>	

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Western Australia - Summary

General	<p><i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i></p> <p>Required to hold a licence or be authorised by a licence holder to fundraise in WA Required to notify Minister regarding changes to executive officers, etc Voluntary Code of Practice for Public Fundraising - provides best practice guidelines Charitable Collections Act & Street Collections Regulation Act (& associated Regulations) are very brief & provide minimal guidance</p>
Issues for consideration	<p>Only licence holder, or person authorised by a licence holder, can fundraise in WA. At present only WA Division holds a licence - the business may wish to give consideration as to whether any other Divisions should obtain a licence</p> <p>Example: Gym waves membership fee in return for donation to a HF program. Would generally need to authorise the gym to collect donations on our behalf.</p> <p>Authority to Fundraise The Charitable Collections Act does not provide any guidance as to the form or content of the authorisation that should be issued to third party collectors (eg gym in the example above), however it does state that you must either hold a licence, or be authorised by someone holding a licence, in order to fundraise.</p> <p>Consideration should be given as to whether wording should be incorporated into all relevant program, and any relevant competition, Terms & Conditions regarding participation by residents of other jurisdictions (interstate and overseas) - that the program is based on state/Australian legislation for participation by state/Australian residents, and participants should satisfy themselves that participating will not contravene the legislation in their state/country of residence</p> <p>Staff & volunteers involved with programs/activities involving children, either as volunteers or the program/activity 'recipients', may</p>

Fundraising Type	JRFH	Collection Boxes (eg in shops)	Door-to-Door Collections (Annual Doorknock Appeal)	Street Collections (rattling a tin, street stalls)	Regular Gifts (Face to Face solicitation)
Regulated by (Act)	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act Street Collections Regulation Act	Charitable Collections Act
Requirements & Restrictions	No specific guidance provided re children - ensure appropriate measures in place	No specific guidance - ensure boxes are secure & emptied on a regular basis	Collectors not to visit houses on a Sunday or public holiday; Not before 9am or after 6pm on any other day unless otherwise authorised	Permit required to conduct street collections in Perth metro area	No specific guidance
	Employees/volunteers may require a Working with Children Check		No specific guidance other than hours above. Ensure collectors are authorised & have ID badges/armbands to meet internal controls	Collectors to wear badges - disclosure requirements to be met	
				Collectors under 16 years require Minister's approval	
				Coll boxes - security requirements to be met	
				Collectors & others promoting/assisting in collection must not be paid unless permit authorises payment	

Regular Gifts (Other - DM letter, telemarketing, etc)	Major Gifts (eg Corporate)	Bequests	Memorial Gifts	Events (Movie night, Go Red 4 Women, Lunches)	Third Party Fundraising
Charitable Collections Act	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act
Telemarketing not to occur on Sundays or public holidays; Permitted calling hours are 9am - 8pm Monday - Friday, and 9am - 5pm Saturday	No specific guidance	No specific guidance	No specific guidance	No specific guidance	Third party needs to be authorised by the holder of fundraising licence in order to conduct fundraising activity - community fundraisers will need HF approval
No specific guidance other than hours above					

Unsolicited Gifts	Sale of Goods (Pens, etc)	Raffle/Art Union	Other
		Gaming & Wagering Commission Act	Charitable Collections Act
Charitable Collections Act	Charitable Collections Act		
No specific guidance	No specific guidance	Standard Lottery - permit holder to be natural person; Bank Guarantee required where total prize value \$20,000 or more	
		Certification required if using computerised drawing procedure	
		If using professional fundraiser, details to be provided with application & specific lodgement cut-off dates apply	
		Advertising & ticketing disclosure requirements to be met	
		Ticket bundling not permitted	
		Children under 12 not to sell tickets. If alcohol is a prize, children under 18 not to sell or buy tickets	
		House to house & telephone sales - hours restrictions to be observed	
		Record keeping requirements to be observed	

Western Australia - Legislation

	Notes	
	<i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i>	
Entity	NATIONAL HEART FOUNDATION OF AUSTRALIA (WESTERN AUSTRALIAN DIVISION) WA A0590022P	
Licences/ Authorities	WA Licenced Charitable Organisation No 17909 - as at 19/10/10 WA Division is a Public Benevolent Institution & endorsed as a Deductible Gift Recipient from 1/7/2000 - federal WA Charities Register search (click here for link)	
Act/s	Street Collections (Regulation) Act 1940 (paramount over Charitable Collections Act) Street Collections Regulations 1999 Charitable Collections Act 1946 Charitable Collections Regulations 1947 Gaming and Wagering Commission Act 1987 Gaming and Wagering Commission Regulations 1988	
Regulator/s	Charitable Collections Advisory Committee Office of Racing, Gaming and Liquor	
Links	WA Commerce - Charities General (click here for link) WA Commerce - Charities Forms (click here for link) Voluntary Code of Practice for Public Fundraising (click here for link)	
FUNDRAISING		
	Application for a Charitable Collections Licence (click here for link)	
	Licence application includes: - seeking bequests - telemarketing - volunteer fundraising - street collections - door-to-door collections - clothing bins	
	- opportunity shops - badge/flower/pin day - dinner dance/ball/luncheon - film night - sports day - sponsored activities - internet donations - merchandise sales - other.	
	Audited financial statements to be submitted to the Committee within 6 months of end of financial year (EOFY).	
	Charitable Collections Act (click here for link)	
	Must hold licence or be authorised by someone holding licence to: - collect/attempt to collect any money/goods for charitable purpose - obtain/attempt to obtain money by sale of disc, badge, token, flower or other device for charitable purpose	s6 Charitable Collections Act
	- conduct any entertainment or function to which any charge for admission is made, or sell/attempt to sell any ticket for admission to entertainment/function where it is held out that any part of the proceeds are to be devoted (wholly or partly) for charitable purpose - advertise (poster, streamer, handbill, notice in newspaper or any other means) or hold out or represent in any manner that the whole or any part of proceeds of any sports, races, fete, bazaar or other function will be paid into/applied for any charitable purpose.	
	Audited accounts to be submitted to Minister setting out money & goods collected/received and a statement of particular of the manner in which same have been dealt with. Accounts to be audited by person approved by the Minister (Reg'd company auditor, CPA, CA, etc).	s15 Charitable Collections Act
	Charitable Collections Regulations (click here for link)	
	Collection includes the soliciting of funds or contributions and the selling or offering for sale of any button, badge, token, or other similar thing for the purpose of raising funds or contributions. Executive Officers when used in reference to any charitable organisation, or to any branch organisation, shall include the Trustees, Chairman, President, Committee Member, Secretary or Treasurer or any other person holding any executive position by whatsoever name that position is given.	Reg2 Charitable Collections Regulations
	Minister to be notified within one month after change of licensee's executive officers. Notice must state: name, address & designation of each new executive officer; and name of each person who has stopped being an executive officer.	Reg8 Charitable Collections Regulations
	Any executive officer who receives funds for charitable purpose to deposit funds to bank account within 7 days of receipt. Every person (other than executive officer) who collects/receives money on behalf of/belonging to a charitable organisation shall within 14 days of receipt pay same to the controlling body of the charity. Register of assets to be kept where charitable organisation possesses assets other than cash in hand/at bank. Account to require minimum 2 signatories to operate.	Reg11 Charitable Collections Regulations
	Collectors not to visit house for purpose of making appeal/selling goods on a Sunday or public holiday, or any other day before 9am or after 6pm unless authorised by the Minister in writing. Collector not to telephone another person for purpose of making appeal/selling goods on a Sunday or public holiday, or any other day before 9am or after 8pm unless authorised by the Minister in writing .	Reg14 Charitable Collections Regulations Telemarketing hours 9am - 8pm Monday - Friday, 9am - 5pm Saturday, and no calls permitted on Sundays or national public holidays [Do Not Call Register Act 2006] - Charitable Colls Regs prohibits calling on state/local public holidays, so no calls on any public holiday
	Charity not to invest monies other than in a fixed deposit in a WA Bank or as trust funds may be invested under Part III of the Trustees Act 1962.	Reg16 Charitable Collections Regulations

	Street Collections Regulation Act (click here for link)	
	Collection includes the soliciting of funds or contributions and the selling or offering for sale of any button, badge, token, or other similar thing for the purpose of raising funds or contributions.	s2 Street Collections Regulation Act
	Permit required in order for any collection to be made on any street within the Perth Metropolitan Area.	s3 Street Coll Reg Act
	Maximum number of collection days in any one year not to exceed 50.	s4 Street Coll Reg Act This is for all charities, not any particular one
	Street Collections Regulations (click here for link)	
	Collectors must wear ID badges bearing name of permit holder in a conspicuous place at all times while taking part in collection.	Reg5 Street Collections Regulations
	Collectors under 16 require approval by the Minister.	Reg6 Street Collections Regs
	Collections boxes: - may be a box, tin or other receptacle capable of securely holding money - must not be fixed to a pole or otherwise designed to be held beyond the reach of the collector - must be securely closed & sealed - must prominently display: name of person/s for whom collection being made & date of collection - must be consecutively numbered & records kept of which boxes issued to each collector.	Reg7 Street Collections Regs
	Donors to be encouraged to physically place donation in box - if handed to collector, collector to immediately place it in the box. Collector must not open or break seal on a collection box. When finished collecting, collector to return all boxes to permit holder.	Reg8 Street Collections Regs
	Must not obstruct a public street or annoy person using street.	Reg9 Street Collections Regs
	Within 30 days of collection date return to be submitted to the Minister setting out: amount collected, expenses incurred in carrying out collection, amount distributed (or to be distributed) to each of the persons for whom the collection was made.	Reg10 Street Collections Regs
	Collectors & other persons who promote or otherwise assist with a collection MUST NOT BE PAID unless permit authorises that payment.	Reg11 Street Collections Regs
	Voluntary Code of Practice for Public Fundraising (click here for link)	
	Covers - ethical behaviour (only raise funds for justifiable need, avoid offensive advertising, respect privacy of donors); - when fundraising, state specific cause being funded on all promo material, apply funds to purpose for which they were raised, inform donor/purchaser where funds were applied if asked, keep records; - for solicited donations, tell donor/purchaser how much of funds raised will be used to meet costs of raising funds; - promo materials to clearly disclose organisational details & any commercial fundraising contractors employed (also provide info on request); - collectors to be clearly identified;	
	- have a complaints handling procedure; - consider providing refunds of donations in some circumstances; - ensure competitions/raffles/etc meet gaming requirements; - ensure contracts with commercial fundraising contractors are satisfactory; - financial records to be comprehensive & follow approved accounting standards (AAS), etc; - all donations to be receipted & recorded;	
	- 2 persons to be present for processing of all unreceipted cash donations & money boxes; - cheques require 2 signatories; - accounts to be audited & submitted within 4 months of EOFY; - retain records for not less than 5 years; - organisational structure; - resolution passed by governing body to adopt Voluntary Code to be minuted. Once adopted & Committee advised, advertising material may include statement indicating compliance with Voluntary Code.	
	GAMING/LOTTERIES/COMPETITIONS	
	Trade Promotion Lotteries - refer Trade Promotion Lotteries matrix	
	Application for Permit to conduct a Standard Lottery (click here for link)	
	Permit holder to be a natural person. (issued to person, not organisation). Specific use of funds raised by lottery to be provided (not general funds/general admin costs). Where total retail prize value is \$20,000 or more, organisation to provide bank guarantee or lodge a security deposit to the value of prizes with the Commission. If computer generated draw, certification of drawing device is required. Where professional fundraiser/person used, details to be provided with application, including a budget.	
	Application for Permit to be lodged at least 7 days prior to commencement of lottery. Where a professional fundraiser is involved, application must be lodged by the 2nd Monday of each month (January -3rd Monday, April & December - 1st Monday) for determination by the Commission. Certified copy of constitution/rules to be lodged with application (where not previously submitted).	
	Lotteries - What your Organisation Needs to Know (included in Application document linked above)	
	Charitable groups can use lotteries to raise funds. Types of lotteries for this purpose are: - Standard - Continuing - Calcutta - Permitted - Minor Fundraising - Trade Promotion.	
	Standard Lottery Organisation sells tickets to the public for more than one day. Permit is required. Application to be lodged at least 7 days before lottery due to start. Permits generally valid for 3 months. If an extension is required, must apply prior to original closing date. Where total prize value is \$20,000 or more, either bank guarantee or security deposit is required.	

	<p>Progressive Draw Lottery Similar to standard lottery, allows tickets to be sold for a period of up to 3 months. Permits organisation to conduct a number of draws on various nominated dates over a stipulated period of time after tickets have been sold. In addition to conditions associated with a standard lottery permit, the following also apply: all tickets to be sold prior to commencement of first draw; tickets cannot be purchased after cease date for sale of tickets; all tickets must be the same price. Purchase of a ticket entitles ticket holder to participate in all draws irrespective of how many draws they may win. Drawing & publishing dates must be clearly stated. Fees are as per standard lottery permit.</p>	
	<p>Calcutta Combination of lottery and auction - known as a sweepstake. Usually conducted on major horse racing events, however can be for other major sporting events. Permits are required, apply at least 7 days prior to date required. Can only be held for a specific & nominated event.</p>	
	<p>Continuing Lottery Tickets are bought & then opened to possibly reveal a prize. Also known as 'break open bingo tickets'. Permits are required - valid for 12 months. Apply at least 7 days before start date. Tickets can be sold by hand for either cash prizes or goods.</p>	
	<p>Small Private Lotteries Can be held where: tickets are sold to persons who work/reside on the same premises, or who are all members/guests of members of a body (eg club) where sale of tickets & declaration of prizes takes place within 8 days & maximum value of prizes does not exceed \$1,000; or sale of tickets & declaration of result takes place on the same day & on premises on which tickets are sold & aggregate value of prizes does not exceed \$2,000.</p>	
	<p>Minor Fundraising Activities Organisations may conduct minor fundraising activities such as: guessing competition, number game based on sporting achievements of a public nature; raffle, chocolate wheel, art union or other scheme/device for the disposition of property; or any other minor fundraising activity which would otherwise be taken to constitute gaming, betting or a lottery, when conducted as a means of raising money for charitable/similar purposes and total value of all prizes does not exceed \$200. Exception is footy tipping, where total prizes not to exceed \$10,000.</p>	
	<p>Trade Promotion Lottery Lottery conducted to promote sale of goods or use of services, in which every participant takes part: without cost; or by reason of the purchase of goods/use of services at normal cost. If organisation meets standard conditions, no need to apply for a permit.</p>	
	<p>How to Run a Standard Lottery - General Conditions (included in Application document linked above)</p>	
	<p>Application to be lodged at least 7 days prior to commencement date of lottery (except where professional fundraiser involved).</p>	
	<p>Each ticket must include: - permit number - ticket price - description & value of prizes - ticket number, name & contact number of permit holder - name of organisation - closing date for ticket sales & draw date - name of newspaper in which results will appear.</p>	<p>Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat</p>
	<p>Ticket bundling not permitted (i.e. can't sell for \$1 each or 3 for \$2). Tickets can not be sent/posted to any person for the purpose of sale to or by that person without prior consent. If draw needs to be postponed, need to apply at least 7 days before original closing date. Postponement to be advertised in newspaper results were to appear in. Extension cannot be granted after lottery expired. All unsold tickets to be returned to permit holder before draw. All sold ticket butts must be included in draw.</p>	
	<p>Random number generator - if intending to use, independent & competent certification required (eg University or accounting firm). Financial records - to be kept for one year after permit expiry. Records include ticket butts, details of sellers & prize winners, banking records & unclaimed prizes.</p>	
	<p>Professional fundraisers May be used where organisation does not have resources to conduct lottery. Professional fundraisers charge a fee for this service.</p>	
	<p>If engaging a professional fundraiser (including services of a person who is not part of the organisation) required to submit: budget estimating net profit & associated expenses; declaration re proceeds from conduct of lottery; if professional fundraiser is a company, Cert. of Incorporation from ASIC + list of each director & shareholder including residential address & contact phone number; if a new professional fundraiser, a police clearance for each Director; if an existing professional fundraiser, written submission confirming whether there has been any change to Directors since last application, and if so police clearance for new Directors; and a written submission indicating how long professional fundraiser has been associated with the applicant.</p>	
	<p>Application to be lodged by second Monday of each month (except January - 3rd Monday, April & December - 1st Monday) if it involves a professional fundraiser to allow for consideration by the Commission at its monthly meeting.</p>	
	<p>Permits will not be permitted to overlap. Approval for a second lottery will only be considered when first lottery is completed & financial return has been submitted together with analysis of budget & actual return to organisation.</p>	
	<p>Privacy Act - by completing application for permit, acknowledge that Privacy Act 1988 (Cth) & in particular the National Privacy Principles in Sch3 may be applicable in relation to use of information about individuals obtained in the course of conducting a standard lottery.</p>	
	<p>Guarantees - where total prize value is \$20,000 or more, organisation must satisfy Commission that it is capable of financing the lottery by either - providing a bank guarantee, or lodging a security deposit with the Commission.</p>	
	<p>Conditions Attached to a Standard Lottery Permit (included in Application document linked above)</p>	
	<p>Number of tickets not to exceed amount authorised -number consecutively from 1. All tickets to be the same price. Tickets not to be issued unless full purchase price paid. Every ticket to have printed on it: ticket number; price; name & contact number of permit holder; name of organisation; permit number; amount/nature & value of each prize (including restrictions); date of drawing; and name & date of issue of publication in which results are to appear.</p>	
	<p>Money received for tickets shall not be refunded without written approval of the Commission. Written record to be kept by permit holder of numbers of tickets issued for sale & name/address of person to whom they were issued, number of tickets issued that have been sold & the number returned unsold.</p>	
	<p>Children under 12 not permitted to sell tickets. If liquor is a prize, persons under 18 not to sell or buy tickets. Tickets not to be sent/posted to any person for sale to or by that person without prior consent. All ticket sellers to ensure surname & postal or residential address of purchaser is written on ticket butt (or entered into approved register).</p>	

	Tickets not to be sold/offered for sale in any street, public thoroughfare, right of way, doorway or place where it is contrary to any statute or bylaw unless written approval obtained from appropriate authority. House to house sales to be conducted from 9am - 6pm, but not on Good Friday, Christmas day or the morning of Anzac Day. Solicitation of ticket sales by telephone only between 9am & 8pm Monday - Friday, 9am - 6pm Saturday & Sunday, but not on Good Friday, Christmas Day or the morning of Anzac Day.	Do Not Call Register Act 2006 overrides this - telemarketing calls allowed 9am - 8pm Monday - Friday, 9am - 5pm Saturday. No calls allowed on Sunday or National public holidays.
	Organisation not to purchase tickets in its own lottery (Members of organisation can purchase tickets on their own behalf). Permit holder to ensure all butts of sold tickets, proceeds of sale & all other tickets issued but unsold are returned prior to draw. All sold tickets to be included in draw. Winner/s to be determined by drawing of tickets, numbers or lots. Major prize awarded first unless a Sweepstake or Continuous Draw Lottery as approved by Commission.	
	Permit holder to keep (or cause to be kept) accurate & adequate records of gross proceeds & obtain receipts/other proof of payment made for all expenses. Records, together with ticket butts & unsold tickets to be kept for 12 months. Permit holder to keep a copy of the 'Standard Lottery Financial Return' for 12 months.	
	Every ticket to have a fair & equal chance of winning. Net proceeds to be used only for purpose stated in application. All prizes to be delivered to winners within 30 days of draw.	
	Requests for postponement of drawing, etc to be made in writing at least 7 days before scheduled closing date. Request must include new drawing & publishing dates & a notice to be placed in relevant publication advising of postponement. Permit holder to provide Commission with all information requested from time to time (including information relating to disbursement of moneys [particularly purpose/s to which they were applied] constituting gross receipts from gaming/lottery).	
	Gaming & Wagering Commission Act (click here for link)	
	Standard Lottery Return to be sent to Commission within 30 days of draw. Tickets & notices/advertisements to specify name of permit holder, body on behalf of which/purposes for which it is conducted & closing date. Price of ticket to be stated on ticket.	s104 Gaming & Wagering Commission Act
	Unclaimed Prizes Prizes greater than the prescribed amount not claimed within 12 months after draw, permit holder to notify Commission in writing of: details of the unclaimed winnings, name/address of winner, steps taken to locate winner. Commission may give directions when notified of details. If prize still unclaimed 2 months after Commission is notified (or directions are given), right of winner to the winnings is extinguished & prize to be disposed of in accordance with s109C.	s109B Gaming & Wagering Commission Act (Prescribed amount per Reg42 is 99cents)
	Unclaimed winnings to be credited to the Gaming Community Trust Account as per s109B.	s109C Gaming & Wagering Commission Act
	Gaming & Wagering Commission Regulations (click here for link)	
	Continuing Lottery - max number of tickets 5,000.	Reg14 Gaming & Wagering Commission Regulations
	Standard Lottery - draw to occur within 14 days of closing date, unless longer time period authorised by Commission.	Reg29 Gaming & Wagering Commission Regulations
	Standard Lottery - prize not claimed within 1 year of draw date, permit holder to notify Commission in writing of: name & address of winner, details of the prize, steps taken to locate winner. Commission may give directions to take further steps to locate winner. Where prize still unclaimed after period specified by Commission, Commission will give directions re disposal of prize/where to direct proceeds.	Reg30 Gaming & Wagering Commission Regulations
	Organisation not to purchase tickets in its own lottery (and if it does, it is ineligible to win).	Reg30B Gaming & Wagering Commission Regulations
	Continuing Lottery - all tickets to be obtained from a Licenced Supplier total value of prizes that may be won shall be not less than 60% of total face value of tickets.	Reg33 Gaming & Wagering Commission Regulations
	Not less than 15% of total face value of tickets sold to be distributed to organisation/applied to purpose for which continuing lottery conducted.	Reg36 Gaming & Wagering Commission Regulations
	Books to be kept & shall show: - sources of property/moneys received in connection with lottery, & nature & value of each item; - retail value placed on any prize (other than monetary prize); - nature & purpose of all outgoings, amount or item disbursed & the recipient; - if Commission requires, persons authorised to sell tickets & nature & extent of that authorisation;	Reg37 Gaming & Wagering Commission Regulations
	- manner in which prizes distributed & the recipients; - manner in & purposes for which proceeds were distributed, amounts/items disbursed for each purpose & the recipients; - any unclaimed prizes/moneys; and - whether any & what property/moneys remain plus other info as Commission may required. Records to be retained for 1 year after expiration of permit.	
	Schedule 4 Part 1- Rules for permitted bingo Part 2 Div 1 - Rules for standard lottery Div 2 - Rules for continuing lottery	Gaming & Wagering Commission Regulations

created 22/10/2010 DL
last updated 26/11/2010 DL

South Australia - Summary

General *Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.*

Must hold a section 6 licence in order to collect/attempt to collect donations, sell goods, or obtain a bequest/devise/other grant of money for a charitable purpose

Must hold a section 6A Licence in order to be a collection agent

Must hold a section 7 licence in order to conduct entertainment where proceeds/part proceeds are for a charitable purpose

Licensees required to provide returns to the Minister as required

Code of Practice - ensure guidelines are followed

Issues for consideration

Collections for Charitable Purposes Act currently under review - as at Dec 2010

Only licence holder can collect donations in SA (as at date of this document only SA Div is licenced). The business may wish to give consideration as to whether any other Divisions should obtain a s6 licence

Example: Gym waves membership fee in return for donation to a HF program. Gym may require either a s6A licence, or to be authorised by the HF under its s6 licence.

All collectors must either hold a s6 licence, or be authorised by the holder of a licence. As a result an authority to fundraise should be issued to all third party fundraisers (eg gym in the above example). If conducting 'entertainment', a s7 licence would be required

Consideration should be given as to whether wording should be incorporated into all relevant program, and any relevant competition, Terms & Conditions regarding participation by residents of other jurisdictions (interstate and overseas) - that the program is based on state/Australian legislation for participation by state/Australian residents, and participants should satisfy themselves that participating will not contravene the legislation in their state/country of residence

Staff & volunteers involved with programs/activities involving children, either as volunteers or the program/activity 'recipients', may require a Criminal History Assessment

Unsolicited Gifts	Sale of Goods (Pens, etc)	Raffle/Art Union	Other
Collections for Charitable Purposes Act	Collections for Charitable Purposes Act	Lottery & Gaming Act	Collections for Charitable Purposes Act
	All collectors to be authorised (paid and unpaid)	Exempted lotteries - no permit needed where lottery prizes do not exceed \$5,000 (different prize values for instant lottery, sweepstakes/calcutta sweepstakes, bingo, etc)	
	Collectors to wear badge & provide information upon request	Restrictions on children selling/buying tickets	
	Collection boxes to meet certain requirements (eg where selling badge, token, flower, ribbon, etc)	Anyone can enter lottery other than the association itself	
		Restrictions on prizes, etc	
		Advertising requirements & restrictions to be observed	
		Minimum percentages for prize values & amount to charity	
		Major Lottery - licence requires where prizes exceed \$5,000	
		Lottery records to be audited	
		Inducements can be offered (eg bonus tickets, ticket book-buyer's prize, winning ticket seller's prize, etc)	
		Minimum percentages for prize values & amount to charity	
		Restrictions on prizes, etc	
		Advertising requirements & restrictions to be observed	
		Full disclosure of prize details required	
		Minimum ticket disclosure requirements to be met	
		Ticket sellers to be given authority to sell	
		Scrutineer required	
		Winners details to be published	
		Audited financial statement to Office of the Liquor & Gambling Commissioner (OLGC) within one month of draw date	
		Generally, gaming (eg casino type games) prohibited	

South Australia - Legislation

		Notes
	<i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i>	
Entity	NATIONAL HEART FOUNDATION OF AUSTRALIA (SOUTH AUSTRALIAN DIVISION) INCORPORATED SA A2128	
Licences/ Authorities	SA Charity Licence Number: CCP670 Both s6 and s7 licences held. Contact: Miss Angela Denton, 155 Hutt Street, ADELAIDE SA 5000, ph 08 8224 2888, email info@heartfoundation.org.au SA Division is a Health Promotion Charity & endorsed as a Deductible Gift Recipient from 1/7/2000 - federal SA Charities search (click here for link)	
	Collections for Charitable Purposes Act currently under review - as at December 2010	
Act/s	Collections for Charitable Purposes Act 1939 (No regulations) Lottery and Gaming Act 1936 Lottery and Gaming Regulations 2008	
Regulator/s	Office of the Liquor and Gambling Commissioner (OLGC)	
Links	SA Fundraising (click here for link) Office of the Liquor & Gambling Commissioner - Lotteries (click here for link)	
	FUNDRAISING	
	Collections for Charitable Purposes Act currently under review - as at December 2010	
	OLGC Collections for Charitable Purposes Licence website page (click here for link)	
	Fundraising activities include: •Doorknock appeals •Telemarketing •Donations to clothing bins •Sales of goods at second-hand shops •Seeking bequests •Badge days •Public appeals •Film nights All licences are issued subject to the licensee complying with a Code of Practice issued by the Minister.	
	A Collections for Charitable Purposes Licence does not authorise the conduct of fundraiser lotteries. Further information regarding lotteries can be found on the major lotteries page.	
	Section 6 Licence Any person acting as a collector that wishes to: - collect or attempt to collect any money or property; or - obtain or attempt to obtain money by the sale of any disc, badge, token, flower, ribbon or other device; or - obtain or attempt to obtain a bequest, devise or other grant of money or property for a charitable purpose must be the holder of a Section 6 licence.	
	Section 6A Licence (Collection Agent's Licence) Any person that has a collection contract with a charity and wishes to employ another person to act as a collector on his/her behalf to: - collect or attempt to collect any money or property; or - obtain or attempt to obtain money by the sale of any disc, badge, token, flower, ribbon or other device; or - obtain or attempt to obtain a bequest, devise or other grant of money or property for a charitable purpose must be the holder of a Section 6A licence. Section 7 Licence Any organisation that wishes to conduct entertainment, or sell or attempt to sell a ticket for admission to entertainment and the proceeds or part of the proceeds are for a "charitable purpose", must be the holder of a Section 7 licence.	
	Under the Act a licensee must, at the time fixed in the licence, provide to the Minister: (a) a copy of the audited accounts for the last financial year; and (b) a fundraising income and expenditure statement.	
	The Minister may at any time, by notice in writing to the licensee, require the licensee to provide to the Minister: (a) a statement setting out specified information relating to money or property collected or received by the holder of the licence for charitable purposes; or (b) specified documents (which may include a written record reproducing in an understandable form information stored by computer, microfilm or other process) in the custody or control of the holder of the licence that relate to money or property collected or received by the holder of the licence for charitable purposes. If the holder of a licence under the Act sells, or otherwise converts into money, any property collected or received by the holder of the licence for a charitable purpose, the money so obtained is, for the purposes of this section, money collected or received by the holder of the licence for a charitable purpose.	
	How are collectors authorised to collect on behalf of a licensee? • If a person is a paid or unpaid collector, he or she must be authorised by the licensee. This means that all collectors employed by a collection agent must be authorised by the charity • A collector does not have to be authorised by the charity if the person is not a paid collector and satisfies certain criteria. For example, if a workplace wishes to collect donations on behalf of a charity, it no longer requires prior approval but all funds must be provided to the charity.	
	What are the requirements for collectors? • A collector must tell each potential donor (including requests for donations made by telephone) his or her name or, if the person is issued with a unique identification by the licensee that i.d. number, and whether they are a paid collector. • However this does not apply when collecting face-to-face and the collector is wearing a compliant badge.	
	• A compliant badge must be able to be seen and include: • the collectors name or, if the person is issued with a unique identification by the licensee, that i.d. number • whether the person is a paid collector. • A collector must, on request, provide the following information: a) the name and contact details for the licensee b) the website address where the income and expenditure statement for the licensee can be viewed.	

	<p>Disclosure requirements when conducting entertainment If any speaker or other performer at the entertainment is to be paid a fee that exceeds \$5,000, the licensee must, on request, advise the amount paid. Entertainment cannot be advertised or tickets sold unless the advertisement or ticket contains the following information: a) the name of, and contact details for, the licensee; and b) the website where the income and expenditure statement for the licensee can be viewed (either the licensee's website or www.charities.sa.gov.au).</p>	
	<p>Disclosure Requirements for Collection Boxes Unattended collection boxes include any form of receptacle (e.g. collection tins) for the collection of money, whether the money is to be placed in the receptacle as a donation or for the purchase of a disc, badge, token, flower, ribbon or other device. Unattended collection boxes do not include boxes selling sweets and snacks.</p>	
	<p>A collection box must be marked in a prominent position with the following information: a) the name of the licensee b) a contact name and address c) a telephone number d) an email address if applicable; and e) the website where the income and expenditure statement for the licensee can be viewed (either the licensee's website or www.charities.sa.gov.au) A paid collector who contravenes or fails to comply with this requirement is guilty of an offence.</p>	
	Collections for Charitable Purposes Act (click here for link)	
	<p>A person must not act as a collector unless the person holds, or is authorised by the holder of, a s6 licence. This does not apply if the person: - only collects/attempts to collect money/property from persons known to the person or with whom the person regularly associates; and - provides all of the money/property collected to the holder of a s6 licence; and - is not a paid collector.</p>	<p>SA Division holds s6 and s7 Licence Third parties doing office collections, etc</p>
	<p>Licence requirements where collection contract entered into A paid collector must not employ or engage another person to act as a collector in performance of the paid collector's obligations under a collection contract unless the paid collector is the holder of a section 6A licence.</p>	<p>s6A CCP Act Must be held by any third party collector used by SA Division</p>
	<p>Unattended collection boxes - Person who acts as a collector by placing an unattended collection box must ensure that the box is marked with: the name & contact details of holder of the s6 licence under which the person is authorised to act as a collector & website at which income & expenditure statement can be viewed. Licence holder must ensure collector aware of these obligations & provided with the required information. Collection box includes any receptacle for collection of money, including donations, or the purchase of a disc, badge, token, flower, ribbon, etc.</p>	<p>s6B CCP Act</p>
	<p>Other collections Person acting as a collector must tell each potential donor from whom money/property, or a bequest, devise or other grant of money/property is collected/attempted to be collected: - their name, or if issued with a unique identifier, that identifier; and whether they are a paid or unpaid collector. Requirement to give information does not apply if information is contained on a badge which can be clearly seen. When requested, collector must give name & contact details of the Licence holder, and website at which income & expenditure statement can be viewed. Licence holder to ensure collectors provided with required information.</p>	<p>s6C CCP Act</p>
	<p>Entertainment Where a charge is made for admission; and it is held out that proceeds/part of proceeds are to be devoted to a charitable purpose, a person must not: conduct the entertainment or sell/attempt to sell a ticket for admission to the entertainment unless the person holds/is authorised by a s7 Licence. If a speaker/performer is to receive a fee/commission exceeding \$5,000, the holder of the licence must upon request of any person disclose the amount of the fee/commission.</p>	<p>s7 CCP Act</p>
	<p>No advertisement (radio, television, newspaper, any other way) to be published or ticket to be sold unless advertisement or ticket contains: - name & contact details of licence holder; and website at which income & expenditure statement can be viewed, and if fee/commission exceeds \$5,000 a statement indicating payment details can be obtained from licence holder.</p>	
	<p>Accounts, statements, audit Licence holder must keep proper accounts relating to money collected; and at the end of each statement period have the accounts audited. Minister to be provided with a copy of the audited accounts; statement setting out money collected/received and costs associated with collection/receipt, and manner in which money has been dealt with. Minister may require the provision of documents upon notice at any time. Minister must publish on a website the name & contact details of all licence holders; and details of statements provided (income & expenditure, etc).</p>	<p>s15 CCP Act</p>
	Code of Practice (click here for link)	
	<p>Ensure Collection Agent provisions abided by, including remuneration arrangements not linked to funds raised. door-to-door collections - polite, no pressure, well presented, authorised collection card & name tag.</p>	
	<p>Collection procedures - door-to-door - numbered receipts for donations \$2 or more, list of amounts below this to be kept for reconciliation purposes. Tins to be sealed & only opened by authorised personnel.</p>	
	<p>Use accepted accounting standards, specific report relating to income & expense from each type of FUNDRAISING activity to be prepared.</p>	
	<p>Telemarketing hours 9am - 8pm except Christmas day & good Friday. door-to-door hours 9am to SUNSET. Age of collectors - not under 15 unless under responsible adult supervision.</p>	<p>Do Not Call Register Act 2006 overrides this - telemarketing calls allowed 9am - 8pm Monday - Friday, 9am - 5pm Saturday. No calls allowed on Sunday or National public holidays.</p>
	GAMING/LOTTERIES/COMPETITIONS	
	<p>Trade Promotion Lotteries - refer Trade Promotion Lotteries matrix</p>	
	Exempted Lottery Fact Sheet (click here for link)	

	Lotteries exempt from requirement to obtain permit include: fundraising lotteries with total prize value not exceeding \$5,000 (does not include instant lottery, sweepstakes or Calcutta sweepstakes); minor bingo with gross proceeds in each session not exceeding \$500; sweepstakes with gross proceeds not exceeding \$2,000 (does not include calcutta sweepstakes); participation lotteries with total prizes not exceeding \$5,000, free entry; calcutta sweepstakes with gross proceeds more than \$2,000 but not exceeding \$15,000.	
	General conditions for exempted lotteries: <ul style="list-style-type: none"> - approved purpose to be charity or similar; - can only be conducted by an association; - children under 15 not to sell tickets unless accompanied by & supervised by an adult; - tickets not to be sent without consent; - any person can enter a lottery subject to the rules, however minors playing bingo require adult supervision & instant lottery ticket not to be sold to minor; 	
	<ul style="list-style-type: none"> - Association must not enter it's own lottery, but committee members may enter; - Cannot require ticket holder to be present at draw to win (except for participation lotteries); - Management committee of organisation ultimately responsible for conduct of lottery. Should ensure appropriate controls in place, & ensure if gross proceeds insufficient to meet cost of prizes, organisation to make up deficiency from own funds & notify Minister. - Prizes can not include: tobacco products, firearms & ammunition, dangerous articles, cosmetic surgery & similar, goods/services that cannot legally be sold in SA, 	
	Association not to offer inducements (incl gifts, rewards or other benefits) to enter in/participate in lottery (other than major lottery, major bingo session, instant lottery or trade promotion lottery).	
	Fundraiser lottery must not advertise/promote: on radio - weekdays between 6am & 8:30am, on television - weekdays between 4pm & 7:30pm.	
	Association must ensure advertising/promotional material does not: portray minors participating in gambling activities; imply lottery is a means of relieving personal/financial difficulties or providing for payment of things such as rent, mortgages, education or household staples; imply lottery is a means of enhancing social, sexual or employment prospects; exaggerate prizes or chances of winning; present chances of winning in false/misleading manner; state/imply skill of participant can influence outcome; associate lottery with excessive alcohol consumption; exaggerate connection between lottery & use to which association intends to apply proceeds; refer to value/nature of a prize, or frequency with which prize may be won unless sufficient information given.	
	Minor Lottery Conditions (click here for link)	
	<ul style="list-style-type: none"> - Can only be conducted by an association. Does not include an instant lottery, sweepstakes or calcutta sweepstakes. - each ticket must provide an equal chance of winning. - If tickets sold prior to day of draw and/or at location other than draw location, each ticket & butt to have name of association; date place & time of draw on it, and butt must have name & address or phone number of purchaser written on it. Lottery must be drawn as specified. 	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	<ul style="list-style-type: none"> - Cannot require person to be present in order to win. - Whole of net proceeds to be applied for one of the approved purposes (charitable purpose). - No part of net proceeds is to be applied for the benefit of a member of the association or for a registered corporation. - At least 15% of gross proceeds must be applied to approved purpose. 	
	<ul style="list-style-type: none"> - Total retail value of all prizes must be not less than 20% of total face value of all tickets. - If terms & conditions do not include reasonable provisions for unclaimed prizes they must be retained for 3 months after draw & association must comply with requirements of Regulations. If terms & conditions include reasonable provisions, prizes do not have to be kept for 3 months. (Provisions assessed by Office of Liquor & Gambling Commissioner). 	
	- Prizes cannot include: Tobacco products, firearms/ammunition, dangerous articles, cosmetic surgery & similar, goods/services not legally able to be sold in SA.	
	Administration <ul style="list-style-type: none"> - If gross proceeds insufficient to meet cost of prizes, association must make up the deficiency from its other funds & notify the Minister in writing. - If prize not delivered to winner within 4 days of draw, winner must be notified in writing by end of this period of nature/amount of prize & time/place at which it can be collected. - Person who charges a commission to sell lottery tickets on behalf of an association must pay net proceeds by cheque or deposit into approved deposit-taking institution (ADI) account kept by association for receipt of lottery proceeds. - Accurate accounts of all administrative costs relating to the lottery must be maintained. 	
	Association must not advertise/promote: on radio - weekdays between 6am & 8:30am, on television - weekdays between 4pm & 7:30pm.	
	Association must ensure advertising/promotional material does not: portray minors participating in gambling activities; imply lottery is a means of relieving personal/financial difficulties or providing for payment of things such as rent, mortgages, education or household staples; imply lottery is a means of enhancing social, sexual or employment prospects; exaggerate prizes or chances of winning; present chances of winning in false/misleading manner; state/imply skill of participant can influence outcome; associate lottery with excessive alcohol consumption; exaggerate connection between lottery & use to which association intends to apply proceeds; refer to value/nature of a prize, or frequency with which prize may be won unless sufficient information given.	
	Association must keep records of each lottery conducted & any unsold tickets for 3 months from draw date. Children under 15 not to sell tickets unless accompanied by & under supervision of an adult.	
	Major Lottery Licence Fact Sheet (click here for link)	
	Major Lottery Licence required in order to conduct major lottery - retail value of all prizes exceeds \$5,000. Lottery must be conducted in compliance with rules set out in Regs. Funds raised by major lottery to be applied for approved purposes of the association.	
	Application must be submitted at least 14 days prior to commencement. Cannot commence or advertise in any way until licence granted & licence number to be included on tickets & all advertising.	
	Information to accompany application: copy of ticket design & book cover design; terms & conditions of entry/participation; copy of constitution; list of names & addresses of members of management committee; number of financial members; copy of contract with commission or fundraising agent; details of possession of prizes by association; valuation of collectors items/second-hand articles offered as prizes.	
	No prescribed limit for conduct of major lottery set in Regulations, however recommended that selling period does not exceed 4 months (to maintain public interest).	
	Auditor appointed to audit the major lottery must be a member of ASCPA, ICAA or NIA. Auditor must: take reasonable steps to ensure association keeps sufficient records to enable audit; audit tickets with a view to determining number of tickets sold, unsold or lost; carry out audit in sufficient time to enable association to comply with regulations re provision of financial statement in respect of the lottery; complete auditors report attached to major lottery financial statement.	
	No maximum ticket price, however consideration to be given to potential number of tickets that may be sold. Selling price must be consistently applied to all tickets sold. All tickets (other than bonus tickets) should be sold at the advertised value. Number of tickets offered cannot exceed number specified on the licence.	

	<p>Inducements can be offered:</p> <ul style="list-style-type: none"> - Bonus tickets - eg buy 10, get one free. Number of bonus tickets to be included in total number of tickets available. Details of bonus offer must appear on face of each ticket & must apply throughout whole period during which tickets are on sale. - Gifts & Rewards - to either sell or purchase tickets. eg winning ticket seller's gift/reward, or if winner purchased a book of tickets, additional gift/reward in addition to prize. <p>Liquor cannot be an inducement.</p>	
	<p>Total value of all prizes must not be less than 20% of total face value of all tickets in lottery. Prizes must consist of cash, goods or services.</p> <p>Prizes cannot include: tobacco products, firearms/ammunition, dangerous articles/prohibited weapons, cosmetic surgery & similar procedures, goods/services prohibited from sale in SA.</p> <p>Goods must be valued at retail value regardless of discount/donation. If antique, artwork, craft, collectible bric-a-brac or second-hand, value is the price likely to be paid at auction. In all other cases, value is retail price or reasonable estimate of likely retail price.</p>	
	<p>If prize has conditions attached, full details must be provided.</p> <p>Eg: travel prize must include number of persons, destination details, additional components (accommodation, airfares, etc), prize value, restrictions (off peak, expiry), redeemable or cash, etc.</p> <p>House and/or land prizes must include details of conveyancing & transfer costs, land tax, etc.</p> <p>Motor vehicle prize - make, model, accessories, registration, on-road costs, etc.</p> <p>Mobile phone - any costs & plan which must be undertaken by winner.</p>	
	<p>Ticket design & book cover (if any) to be submitted with application. Book cover must contain notice to ticket seller providing instructions.</p> <p>Ticket buyer's section must include: licence number, ticket number, name of benefiting association, name of association conducting lottery, number & price of tickets, nature & value of prizes, number of bonus tickets available, date/time/day/venue of draw, newspaper & date of publication of results.</p>	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	<p>If there are T&Cs of entry/participation, they must be included on the ticket (eg under 18s not able to enter).</p> <p>Ticket butt must include: licence number, same ticket number as shown on purchaser's section, name/address/phone number of purchaser, name of benefiting association, date of draw.</p>	
	<p>Commission (fundraising or telemarketing) agents can be used. If association proposes to enter into arrangement with an agent, full details of arrangement (including copy of contract) must be provided with the application. Association still responsible or conduct & management of lottery even though day to day running may be undertaken by others.</p>	
	<p>Any person can enter a major lottery subject to association's rules - no age limit set by Act/Regulations.</p> <p>Association must not enter a lottery conducted by itself. However natural person including any committee member is allowed to enter.</p>	
	<p>Child under 15 cannot sell tickets unless accompanied by & under supervision of an adult.</p>	
	<p>Each ticket seller must: be provided with a certificate or some form of authority from association; give association a receipt for the ticket books; ensure ticket butts include name & address of purchaser.</p>	
	<p>If ticket seller is paid commission to sell tickets, seller must pay net proceeds to the association either by cheque or deposit proceeds to association's ADI account.</p>	
	<p>Tickets must not be given/posted to a person for sale to/by that person without prior consent.</p> <p>Number of tickets cannot exceed number specified in licence.</p> <p>Tickets not to be sold before commencement date stated on licence.</p> <p>Association must ensure unsold tickets, ticket butts of sold tickets & proceeds from ticket sales returned prior to drawing of lottery.</p>	
	<p>Advertising: all advertising to state licence number.</p> <p>Association must ensure: advertising/promoting is not directed at minors/portray minors participating in gambling activities; does not imply lottery is a means of relieving personal/financial difficulties or providing for payment of things such as rent, mortgages, education or household staples; does not imply lottery is a means of enhancing social, sexual or employment prospects.</p>	
	<p>Advertising/promoting must not exaggerate prizes or chance of winning; present chances of winning in a false or misleading manner;</p> <p>Advertising must not state/imply skill of participant can influence outcome; must not associate lottery with excessive alcohol consumption.</p>	
	<p>Advertising/promoting must not exaggerate connection between lottery & use to which association intends to apply proceeds of lottery.</p> <p>Advertising/promoting must not refer to value of nature of a prize, or frequency with which a prize may be won unless advertising/promoting: include sufficient information to understand odds of winning/overall return; if intended to encourage a person to participating in lottery during a particular period, sufficient information to understand likelihood that prize will be won during that period.</p>	
	<p>Draw to occur: on day, time & place specified in licence; under supervision of the association; in presence of any ticketholders who wish to be present; in presence of a scrutineer who is not associated with the licensee/otherwise involved in conduct of lottery.</p> <p>Every ticket must have a fair & equal chance of winning. Participants cannot be required to be present at draw.</p>	Scrutineer to witness draw
	<p>Scrutineer must be: commissioner for taking affidavits in the Supreme Court, JP, notary public, any other person authorised to take declarations under the Oaths Act 1936, person of a class authorised by the Minister to be a scrutineer. Persons permitted - prescribed list of persons authorised to witness & sign Stat. Dec's under the Statutory Declarations Act 1959 Cth). Refer www.ag.gov.au/statdec.</p>	
	<p>Winner of each prize valued at over \$350 to be published in state-wide newspaper within 7 days of draw.</p> <p>If prize not delivered to winner at time of draw, association must within 4 days of the draw, notify the winner in writing of the prize won & details of how it can be delivered/collected.</p>	
	<p>Net proceeds of major lottery must be paid into financial institution/bank account operated by the association.</p>	
	<p>Financial statement outlining outcome of lottery to be submitted to OLGC within one month of draw date. Auditor appointed by the association must complete the auditor's report attached to the financial statement.</p>	
	<p>Must keep record of: number of ticket books issued for sale; names & addresses of person to whom tickets issued for sale, number of tickets sold & number returned unsold/lost; all monies received from sale of tickets must be paid into association's ADI account; accurate records of all income & expenditure relating to the lottery.</p> <p>Any tickets not returned to association are considered to be lost tickets. Unsold tickets must be available for audit.</p> <p>Accounts & records and any unsold tickets to be retained for at least one year.</p>	
	<p>No maximum amount set for ticket price, however price must be applied consistently to all tickets sold. Each ticket to be of equal value & give rise to equal chance of winning major prize.</p>	
	<p>Ultimate responsibility for ensuring conduct of lottery complies with the Act & Regulations rests with management committee of the association, even though day to day running may be undertaken by others. Management committee to introduce adequate controls including regular reports, endorsement of expenses, full access to books, etc.</p> <p>If gross proceeds are insufficient to meet cost of prizes, association must make up the deficiency & notify the Minister in writing as soon as it becomes apparent that a deficiency will arise.</p>	
	<p>Unclaimed prizes - if T&Cs do not include reasonable provision for unclaimed prizes they must be retained for 3 months after the draw, & association must comply with Regulations. If T&Cs do include reasonable provisions, prizes do not have to be kept for 3 months.</p>	
	<p>Approved major lottery cannot be amended/varied without prior approval of the Minister. Apply in writing.</p>	
	<p>Licence can be cancelled only by written application to OLGC. All tickets to be refunded.</p>	

	Sample Ticket & Ticket book Cover included in Fact Sheet.	
	Major Lottery Licence Conditions (click here for link)	
	Major lottery can only be conducted by an association. Association must not enter its own lottery, however natural person (including committee members) are able to enter. Tickets - equal chance of winning; ticket, butts & book cover must be in the required format & contain required information; number of tickets must not exceed number approved in licence. Persons issued ticket books must give a receipt for the books. Ticket sellers must be given a certificate/authority to sell tickets which can be shown to purchasers on request.	
	Name & address of purchaser must be completed on ticket butt, must not sell tickets prior to commencement date. Cannot give/post tickets to a person to sell without their prior consent. If bonus tickets to be offered (eg bonus tickets for buying a whole book), details of bonus offer must appear on every ticket & offer must apply during whole period of ticket sales. All tickets, ticket butts of sold tickets & proceeds from sales are returned prior to drawing.	
	Draw: lottery must be drawn at the day/time/place specified in licence; under supervision of the association; in the presence of ticket holders wishing to be present; in the presence of a scrutineer. Scrutineer: to be a commissioner for taking affidavits in the Supreme Court, JP, notary public, person authorised to take declarations under the Oaths Act 1936, or a person of a class authorised by the Minister (eg Commonwealth govt's prescribed list of persons authorised to witness/sign Stat Dec's under the Statutory Declarations Act 1959) Winner cannot be required to be present at draw in order to win the prize.	Scrutineer to witness draw
	Proceeds - at least 35% of gross proceeds must be applied to an approved purpose as specified in the licence. The whole of the net proceeds are to be applied for the purposes specified in the licence. No part of net proceeds is to be applied for the benefit of a member of the association or for a reg'd corporation which returns profits to its members.	
	Prizes - to be cash, goods or services. Total value of all prizes must be not less than 20% of total face value of all tickets. Prohibited prizes: include tobacco products, firearms & ammunition, dangerous articles, cosmetic surgery or similar, goods/services that cannot be legally sold in SA. Liquor prohibited from being offered as an inducement to enter/participate in a major lottery.	
	If Gross proceeds insufficient to meet cost of prizes, association must make up the deficiency & notify the Minister in writing. If a prize is not delivered to the winner at the drawing, winner must be notified in writing within 4 days of the prize won & how it is to be delivered/collected. Number of prize winning tickets for each prize valued over \$250 to be published in a newspaper circulating through the state within 7 days of draw. All money received from ticket sales to be paid into bank account operated by the association.	
	A person who charges a commission to sell tickets on behalf of an association must pay the net proceeds by cheque/deposit into bank account of the association. Accurate accounts of income & expenditure relating to lottery to be maintained. Accounts must be audited. Must keep record of: number of tickets issued for sale name & address of person to whom they were issued for sale; number of tickets sold; number of tickets returned unsold; Record re tickets to be retained for 1 year from licence expiry date. Must keep accurate records of distribution of prizes to winners & details of any unclaimed prizes & how they were dealt with. Within one month of drawing, association must forward audited financial statement as per Regs.	
	Auditor - must take reasonable steps to ensure association keeps sufficient records to enable proper audit; audit tickets with a view to determining number of sold, unsold & lost tickets; carry out audit in sufficient time to enable association to lodge audited financial statements within required timeframe; complete auditors report attached to lottery financial statement.	
	Advertising - all advertisements/promotional material to state licence number. Advertisements/promotion of lottery must not be directed at minors/portray minors participating in gambling activities; must not imply lottery is a means of relieving personal/financial difficulties or providing for payment of such things as rent, mortgages, education or household staples; must not imply lottery is a means of enhancing social, sexual or employment prospects.	
	Advertising/promotion must not exaggerate prizes or chance of winning, or present chances of winning in a false or misleading manner. Advertising/promotion must not state or imply skill can influence outcome; must not associate lottery with excessive alcohol consumption; must not exaggerate connection between lottery & use to which association intends to apply proceeds; must not refer to value/nature of a prize, or frequency with which a prize may be won unless sufficient information included to allow odds of winning or likelihood of prize being won during a specific period to be determined.	
	Any variation or amendment to licence requires written request to amend to be forwarded to OLGC. If association wishes to cancel/suspend lottery, must apply in writing for approval.	
	Child under 15 is not to sell tickets unless accompanied by & under supervision of an adult.	
	Lottery & Gaming Act (click here for link)	
	Not an offence to conduct or participate in an authorised or exempted lottery.	s14A Lottery & Gaming Act
	Regulations to set out requirements, etc for conducting an authorised or exempted lottery.	s14B Lottery & Gaming Act
	Failure to comply with conditions, etc an offence.	s14C Lottery & Gaming Act
	Instant lottery ticket suppliers to be licensed.	s16 Lottery & Gaming Act
	Generally sets out that it is unlawful to conduct gambling, to maintain a gambling house, to promote gambling, etc.	
	Lottery & Gaming Regulations (click here for link)	
	Administrative expenses in relation to conduct of a lottery: includes commission, salary or other remuneration paid to a person for conducting the lottery or for selling tickets in the lottery; but does not include fees payable/government charges, or for bingo, rent of premises. Auditor - member of the ASCPA, ICAA, or NIA.	Reg3 Lottery & Gaming Regulations
	Exempted lotteries Minor lotteries - minor lottery that is a fundraiser is an exempted lottery if it is conducted by an association on its own behalf; prizes do not include prohibited goods/services; and rules set in Reg 23 are followed.	Reg5 Lottery & Gaming Regulations
	Bingo played at minor bingo session that is a fundraiser is an exempted lottery if conducted by association on its own behalf & association complies with minor bingo rules set in Reg 25.	Reg6 Lottery & Gaming Regulations
	Sweepstakes that is fundraiser is an exempted lottery if: conducted by association on its own behalf, gross proceeds do not exceed \$2,000, prizes do not include prohibited goods/services; association complies with sweepstakes rules set in Reg 28.	Reg7 Lottery & Gaming Regulations
	Non-fundraiser lotteries Lotteries (other than instant lotteries) where all proceeds go in prizes (gross proceeds not exceeding \$2,000, administrative expenses do not exceed 2% of gross proceeds) are exempted lotteries.	Reg8 Lottery & Gaming Regulations
	Minor trade promotion lottery is an exempted lottery if - no instant or prohibited prizes, not for purpose of promoting sale of prohibited goods/services, no prohibited good/services offered as inducement to enter/participate, not bingo conducted on premises related to gaming machine licence, person conducting lottery complies with minor TPL rules set in Reg 30.	Reg9 Lottery & Gaming Regulations

	Participation lottery is an exempted lottery if - total prizes not exceeding \$5,000, conducted by association on its own behalf, no prohibited prizes, right to participate not dependent on purchase, rules set in Reg 29A followed.	Reg9A Lottery & Gaming Regulations
	Calcutta sweepstakes is an exempted lottery if - gross proceeds exceeding \$2,000 is exempted lottery if - conducted by association on its own behalf, proceeds do not exceed \$15,000, no prohibited prizes, follow rules set in Reg 29.	Reg10 Lottery & Gaming Regulations
	Authorised lotteries Fundraiser lotteries - classes of licence: major lottery licence; major bingo licence; instant lottery licence.	Reg11 Lottery & Gaming Regulations
	Applicant for lottery licence must be an association conducting lotteries on its own behalf.	Reg12 Lottery & Gaming Regulations
	Major lottery licence expires upon licensee providing Minister with required financial statement regarding the lottery. Major bingo licence valid for duration specified on licence. Instant lottery licence valid for duration specified on licence.	Reg15 Lottery & gaming Regulations
	Major lottery licence subject to condition that licensee must comply with lottery rules set out in Reg 24. Major bingo licence subject to condition that licensee must comply with major bingo rules set out in Reg 26. Instant lottery licence subject to condition that licensee must comply with instant lottery rules set out in Reg 27.	Reg16 Lottery & Gaming Regulations
	Trade promotion lotteries Classes of licence: major TPL licence; trade promotion (instant prize) lottery licence.	Reg17 Lottery & Gaming Regulations
	Major TPL licence express on final compliance by licensee with conditions of licence. Trade promotion (Instant prize) lottery licence expires at close of the lottery.	Reg20 Lottery & Gaming Regulations
	TPL licence - comply with rules set out in Reg 31. Trade promotion (instant prize) lottery licence - comply with rules set out in Reg 32.	Reg21 Lottery & Gaming Regulations
	Minor Lottery Rules - include: - association not to enter own lottery; - whole of net proceeds to be applied to approved purpose; - total proceeds applied to approved purposes to be not less than 15% of gross proceeds; - total value of all prizes not to be less than 20% of total face value of all tickets; - association to keep accurate records re distribution of prizes, gross proceeds, administrative costs;	Reg23 Lottery & Gaming Regulations
	- records to be kept for period not less than 3 months from draw date; - each ticket to have equal chance of winning; - tickets to contain certain information; - if gross proceeds insufficient to cover prize costs, association to make up deficiency; - notify winner within 4 days of prize details & how to collect if not collected at time of draw; - unclaimed prize procedures; - return to Minister as required;	
	Major Lottery Rules - include: - association not to enter own lottery; - whole of net proceeds to be applied to approved purpose; - total proceeds applied to approved purpose to be not less than 35% of gross proceeds; - total value of all prizes not to be less than 20% of total face value of all tickets; - if bonus tickets to be on offer, details to be included on each ticket, and bonus to apply to whole period of ticket sales; - prizes must be cash, goods or services; - each ticket gives equal chance of winning;	Reg24 Lottery & Gaming Regulations
	- number of tickets not to exceed number specified in licence; - licensee to keep records relating to tickets (number of tickets, details of sellers, number sold, number unsold); - ticket seller to give receipt for tickets to association; - ticket sellers to receive certificate/authority; - name & address of purchaser to be recorded on ticket butt or otherwise recorded; - tickets not to be sold prior to commencement date; - tickets not to be given/posted to a person for sale to/by that person without prior consent; - prior to draw all butts/other records of purchasers must be hands of licensee; - draw must be held according to permit (day/date/time, supervised by association, scrutineer, etc)	
	Major Lottery Rules cont. - winner/s determined by lot; - if gross proceeds insufficient to meet prize costs, licensee to make up deficiency & notify Minister; - if prize not delivered/collected at time of draw, notify winner in writing within 4 days detailing prize & how to collect; - publish within 7 days of draw (or final draw) in State-wide circulating newspaper; - keep accurate records of distribution of prizes/unclaimed prizes & how dealt with; - provide information to Minister as required; - pay all money received from ticket sales into an ADI account operated by licensee, keep accurate accounts of income & expenditure relating to lottery (separate from other accounts), & have accounts audited; - return to Minister within 1 month of draw/final draw including financial statement & audit report.	
	Bingo Rules.	Reg25 Lottery & Gaming Regulations
	Major Bingo Session Rules.	Reg26 Lottery & Gaming Regulations
	Instant Lottery Rules.	Reg27 Lottery & Gaming Regulations
	Sweepstakes Rules.	Reg28 Lottery & Gaming Regulations
	Calcutta sweepstakes Rules.	Reg29 Lottery & Gaming Regulations
	Participation Lottery Rules.	Reg29A Lottery & gaming Regulations
	Minor TPL Rules.	Reg30 Lottery & Gaming Regulations
	Major TPL Rules.	Reg31 Lottery & Gaming Regulations
	Trade Promotion (Instant Prize) Lottery Rules.	Reg32 Lottery & Gaming Regulations
	Child under 15 not to sell tickets unless accompanied by & under supervision of an adult.	Reg39 Lottery & Gaming Regulations
	Commission agents to pay net proceeds of sale of tickets by cheque or deposit to ADI account kept by the association.	Reg41 Lottery & Gaming Regulations
	Accounts & records relating to each major lottery, major bingo session or instant lottery must be kept for at least 1 year from date of licence expiry.	Reg42 Lottery & Gaming Regulations
	No inducements to enter a lottery to be offered.	Reg44 Lottery & Gaming Regulations

	<p>Advertising Fundraising lottery must not be advertised/promoted on radio (weekdays 6am - 8:30am) or television (weekdays (4pm - 7:30pm). Does not apply to major lottery; Advertising not to be directed at or portray minors participating in gambling; imply lottery is a means of relieving personal/financial difficulties or providing for payment of rent, mortgages, education, household staples, etc; imply lottery is a means of enhancing social, sexual or employment prospects;</p>	Reg45 Lottery & Gaming Regulations
	<p>Advertising/promoting must not exaggerate prizes, present chances of winning in false/misleading manner, state/imply skill can influence outcome, associate lottery with excessive alcohol consumption; Must not exaggerate connection between lottery & purpose funds to be applied to; must not refer to value/nature of prize without giving sufficient information.</p>	
	<p>Unclaimed Prizes If T&Cs do not provide for manner in which unclaimed prizes are to be dealt with, prizes to be retained for 3 months. If unclaimed, notify Minister. Minister may direct prize to be disposed of. Perishable prizes can be disposed of prior to spoilage to obtain best possible price. For Minor TPL, prize to be kept for 1 month. If unclaimed after 1 month, dispose of prize & winner taken to have forfeited right to prize. Perishable prizes to be disposed of prior to spoilage to obtain best possible price. If trade promotion (instant prize) lottery unclaimed at close of lottery, person conducting lottery may dispose of prize in an appropriate manner.</p>	Reg46 Lottery & Gaming Regulations
	<p>Duty of auditor Take reasonable steps to ensure sufficient records maintained to enable proper audit to be carried out; Audit tickets to determine number of tickets sold, unsold or lost; Carry out audit in sufficient time to enable licence holder to comply with Regs in relation to provision of financial statement regarding lottery; & Must provide audit certificate containing required info.</p>	Reg47 Lottery & Gaming Regulations

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Northern Territory - Summary

General *Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.*

Fundraising is not regulated in NT - therefore normal/accepted business practices should be followed for JRFH, Doorknocks, Regular Gifts, Major Gifts, Bequests, Memorial Gifts, Events, etc

Games of chance are regulated

An organisation is required to be an approved association in order to conduct fundraising through games of chance (raffles, minor lottery, major lottery, bingo, etc)

In addition, a permit is required to conduct a game, generally where total ticket sales (not prize value) exceeds \$5,000

No person is to receive payment, fee, commission, remuneration or any other benefit whatsoever in relation to the organisation or conduct of a lottery/raffle/game without the consent of the Director of Licensing

Games are to be conducted in a manner that complies with the NT Code of Practice for Responsible Gambling

Records for all games are to be kept for at least 2 years, and 7 years for a major lottery (ticket sales exceeding \$20,000)

In order to maintain status as an approved association, need to update details annually after AGM/special general meeting or when there are changes to office bearers, nominated person for community gaming or constitution

Issues for consideration

The business should satisfy itself as to whether:

1. NT Division is an approved association (required in order to run raffles, lotteries, etc)
2. Any other Division should become an approved association

Where paid fundraising staff and/or commercial/third party fundraisers are involved in conducting raffles, minor lotteries & major lotteries, the business should satisfy itself as to whether permit applications need to include a statement to the effect that staff/third parties are paid & details thereof

The legislation is somewhat inconsistent in that in some places reference is to 'total tickets available for sale' and in others it is 'total retail prize value' - please ensure note is taken as to which is relevant

Example: Gym waves membership fee in return for donation to a HF program. Fundraising not regulated in NT, so accepted business practices should be followed.

No authority to fundraise needs to be issued to third party fundraisers (eg gym in the above example), as fundraising is not regulated in NT

Consideration should be given as to whether wording should be incorporated into all relevant program, and any relevant competition, Terms & Conditions regarding participation by residents of other jurisdictions (interstate and overseas) - that the program is based on state/Australian legislation for participation by state/Australian residents, and participants should satisfy themselves that participating will not contravene the legislation in their state/country of residence

Staff & volunteers involved with programs/activities involving children, either as volunteers or the program/activity 'recipients', may require a Working with Children Clearance

Fundraising Type	JRFH	Collection Boxes (eg in shops)	Door-to-Door Collections (Annual Doorknock Appeal)	Street Collections (rattling a tin, street stalls)	Regular Gifts (Face to Face solicitation)	Regular Gifts (Other - DM letter, telemarketing, etc)
Regulated by (Act)	None	None	None	None	None	None
Requirements & Restrictions	Normal/accepted business practices to be followed	Normal/accepted business practices to be followed	Normal/accepted business practices to be followed	Normal/accepted business practices to be followed	Normal/accepted business practices to be followed	Normal/accepted business practices to be followed
	Employees/volunteers may require a Working with Children Clearance Notice/Ochre Card					

Raffle/Art Union	Other
Gaming Control Act	None, unless involves game of chance, then Gaming Control Act
Raffle - tickets no more than \$5,000; Minor Lottery - tickets \$5,001 - \$20,000, Major Lottery - tickets greater than \$20,000	Normal/accepted business practices to be followed
Permit generally required where total tickets available for sale exceed \$5,000	If game of chance, refer Raffle/Art Union requirements
Standard conditions apply to all games, including: prizes to be not less than 1/3 ticket sales; restrictions on prize types (liquor, firearms, etc), rules/conditions to be clearly stated	
Generally, maximum sales period 3 months unless otherwise approved	
No person/association to receive payment, fee, commission, remuneration or any other benefit whatsoever in relation to organisation/conduct of lottery/raffle/game without consent of Director of Licensing (DoL)	
Follow NT Code of Practice for Responsible Gambling (responsible service, no minors, accurate information, no indication financial betterment may result from participation, etc)	
All games - records to be kept for at least 2 years. For Major Lotteries, records to be retained for 7 years	
Audit of gaming activities to be conducted as part of organisation's annual audit. If qualified audit report received, submit to DoL within 14 days of receipt	
Prizes to be available for public display during ticket selling period	
Tickets & promotional material required to contain certain information	
If ticket is sold but not included in draw, all reasonable efforts to be made to provide refund to purchaser. If not able to locate them, purchase price to DoL for payment into Community Benefit Fund	
Unclaimed prizes - retain for 3 months then deliver to DoL for sale. Proceeds to Community Benefit Fund	
Statement to Director within 2 months of draw for major/minor lottery containing required information	
Proceeds of game to be deposited into an account with an ADI as soon as practicable after conducting the game	

Northern Territory - Legislation

		Notes
	<i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i>	
Entity	NATIONAL HEART FOUNDATION OF AUSTRALIA (NORTHERN TERRITORY DIVISION) INCORPORATED NT 01142C	
Licences/ Authorities	No licence/authority required in NT for fundraising. Required to be an approved association in order to run raffles, lotteries, etc NT Division is a Public Benevolent Institution & endorsed as a Deductible Gift Recipient from 1/7/2000 - federal	No online register of approved associations could be found. The business should satisfy itself as to whether NT Division is an approved association
Act/s	Gaming Control Act Gaming Control (Community Gaming) Regulations	
Regulator/s	Licensing and Regulation Division, NT Department of Justice	
Links	ATO Info re NT Fundraising (click here for link) Dept of Justice Gambling Info & Forms (click here for link) Fundraising Institute of Australia - info re NT (click here for link)	
	FUNDRAISING	
	Fundraising (door-to-door appeals, street appeals, bequests, donations, sale of goods with proceeds to/partly to charity, etc) is not regulated in the Northern Territory. As such, no registration/permit is required, and normal/accepted business practices would apply. Games of chance (Community Gaming, aka lotteries, raffles, sweepstakes, bingo, etc) are regulated in the NT.	
	GAMING/LOTTERIES/COMPETITIONS	
	Trade Promotion Lotteries - refer Trade Promotion Lotteries matrix Fact Sheet - Community Gaming (click here for link)	
	Summarises changes brought about by passing of the Gaming Control Act/Gaming Control (Community Gaming) Regulations. Only approved associations can conduct lotteries for fundraising purposes. Once approved, association may conduct raffles, lotteries, Calcuttas, sweepstakes, bingo, tipping competitions & other games without a permit, provided total ticket sales do not exceed \$5,000. Permits required for larger lotteries. Lotteries & Raffles by Approved Associations (click here for link)	
	Activities that approved associations may conduct as fundraising activities are: - Raffles - total tickets available for sale/total entry fees are no more than \$5,000. - Minor Lottery - total tickets available for sale between \$5,001 and \$20,000. - Major Lottery - total ticket sales greater than \$20,000. - Bingo.	
	- Mini-lotto - similar to Tattsлото - 6 numbers drawn from total of between 7 and 40 numbers. Total prize value must not exceed \$5,000. - Tipping Competition - total prizes must not exceed \$5,000. If exceeds \$5,000 competition to be treated as minor/major lottery & permit required. - Sweepstake. - Calcutta. - Free Entry Lottery - entry granted by being member of an association or by purchasing a ticket to a function. If prize exceeds \$2,000 winner must be determined within 4 weeks after date prize reaches the maximum amount. Determine winner either by holding repeated draws until winner determined, or giving prize to participant with nearest correct entry.	DoL = Director of Licensing
	Permit generally required to conduct abovementioned lotteries/games if tickets available for sale exceeds \$5,000. Standard conditions apply.	
	Advertising - permitted, but must not be misleading. Rules & conditions to be clearly stated. If advertising undertaken prior to permit approval, promo material to indicate lottery subject to approval & won't go ahead if permit not granted.	
	General conditions - conduct in accordance with Gaming Control (Community Gaming) Regulations & guidelines issued by DoL; - prizes must not be less than 1/3 of total ticket value; - liquor not to be principal prize, firearms, weapons, ammunition, explosives & tobacco must not be offered as prizes; - must clearly state rules & conditions in writing, including prizes offered, when draw takes place, draw method & how each winner to be determined. Rules & conditions must be clearly indicated on all promo material; - must be drawn on date specified & prizes awarded in accordance with rules. If dispute/complaint/investigation, organiser responsible for demonstrating compliance with conditions to the satisfaction of DoL;	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	- no person/association to receive payment, fee, commission, remuneration or any other benefit whatsoever in relation to organisation or conduct of lottery/raffle/game; - prizes subject to restrictions & conditions (eg travel) must clearly display "Conditions Apply" on ticket & any promo material; - conduct lottery/raffle/game in a manner that complies with NT Code of Practice for Responsible Gambling; - all prizes to be given as offered; - all tickets (including unsold) must be retained for 12 months;	The Application Form - Minor or Major Lottery states no remuneration, etc can be paid without having the prior approval of the Director of Licensing - ensure approval is obtained for any 3rd parties and paid fundraising/lottery staff (as appropriate)
	Prizes must be preserved until delivered to winner/disposed of. If prize is property & there are improvements (eg house) they must be maintained & insured for full market value until date property transferred to winner. Association liable for outgoings (rates, etc), and entitled to rent/profits from property until date of transfer.	
	If prize needs to be changed, must seek written permission from DoL. If draw unable to proceed due to circumstances beyond control of association, may apply to DoL for approval to change place/date/time of draw. If approved, public notice must be provided. Results to be published according to rules, plus must be published in local newspaper. If a ticket is not included in the draw all reasonable steps to be taken to provide refund to purchaser within 60 days of draw. If unable to locate purchaser, purchase price to be provided to DoL for payment into Community Benefit Fund.	

	Prizes unclaimed for more than 3 months to be surrendered to the DoL unless perishable. If perishable, association may dispose of goods in a manner that will bring a reasonable price & apply proceeds to aid & support the association.	
	If tickets omitted from draw, refund to be given within 60 days of draw. Take all practicable steps to ensure money returned to purchaser. If unable to contact, money to be paid to DoL for deposit into Community Benefit Fund.	
	For all games, associations must ensure full records associated with running of games are kept for at least 2 years. Records relating to a major lottery to be kept for 7 years. Records to be kept include: entries, prizes, income & expenditure, discounts/rebates/other allowances received in relation to purchase of prizes, receipts, invoices, evidence of prizes being awarded. Records to be auditable through financial statements of association.	
	Audit - required, but not separate to association's annual audit process. Audit to be conducted by registered company auditor. Audit reports to be retained & made available to licensing inspectors on request. If qualified audit report, submit to DoL within 14 days of receipt by association.	
	Permits for minor/major lotteries should be submitted as soon as all available details known. Need to allow up to 10 days for application to be processed.	
	Approved Association Application Form (click here for link)	
	Gaming Control Act & Gaming Control (Community Gaming) Regulations apply. Association with 10+ members may apply to become an approved association. Incorporation not required, although may be beneficial.	
	Approval enables association to: - conduct raffles with \$5,000 or less in total ticket sales without further approval; - Conduct tipping competitions & mini-lotto with total prizes less than \$5,000 without further approval; - Conduct bingo, sweepstakes & Calcuttas without further approval; - Subject to approval of Director of Licensing, conduct minor or major lotteries where total tickets available for sale \$5,001 or greater; - Subject to approval of DoL, operate ticket dispensing machines; - Subject to approval of DoL, conduct other games of chance in the nature of a lottery provided games & prizes not prohibited.	NOT prize value, but value of tickets available for sale
	To maintain approval status, association must annually update it's details after AGM/special general meeting or when there are changes to office bearers, nominated person for community gaming or constitution. Must also ensure financial records of all games during financial year are audited & qualified audit report must be submitted to DoL.	
	Suggested Finance clause appears to disallow payment of wages to employees of association for services rendered, however s13A of the Associations Incorporation Act (NT) permits reasonable remuneration of a member for work done by the member for/on behalf of the association & at the request of the association.	
	Application Form - Minor or Major Lottery Permit (click here for link)	
	Only required to lodge application for lotteries with ticket sales in excess of \$5,000. Lottery to be conducted in accordance with Gaming Control (Community Gaming) Regulations & terms & conditions (T&Cs) specified in application form. Maximum sales period is 3 months unless otherwise approved by DoL. Tickets to contain all information required by DoL. Prize value must be not less than 1/3 total value of tickets available for sale. Liquor must not be a principal prize. Firearms, weapons, ammunition, explosives & tobacco must not be offered as prizes. Prize to be preserved until winner takes possession or they are disposed of in accordance with Regulations. Any change (prizes, duration of lottery, place/date/time of draw) requires approval from DoL.	
	Must be drawn on date specified & prizes awarded to winners in accordance with rules unless otherwise approved by DoL. Ticketholder does not have to be present at draw to be eligible for prize. Two office bearers must be present at drawing of a major lottery. Results must be published as specified, however must be published in local newspaper within 14 days regardless of other publication. Unclaimed prizes (more than 3 months) must be surrendered to DoL. If tickets sold but not included in draw, refund to be provided to purchaser within 60 days of draw date. Must take all practicable steps to ensure money returned to purchaser - if purchaser cannot be contacted money paid to DoL for deposit into Community Benefit Fund.	Two office bearers to be present at draw
	Statement of Income & Expenditure for lottery to be lodged with office of DoL not later than 2 months after draw. Documentary evidence of all winners having received their prize, evidence of profit (bank receipt), originals/certified copies of all receipts of expenditure, list of all tickets not included in draw must accompany Statement. Association must ensure financial records relating to lottery during financial year are audited & kept for 2 years (minor lottery) and 7 years (major lottery). Qualified audit report to be submitted to DoL within 14 days of receipt. Proceeds from lottery must be banked as soon as practicable.	
	No person or association to receive payment, fee, commission, remuneration or any other benefit whatsoever in relation to organisation or conduct of a major lottery unless DoL grants prior approval. If prizes subject to restrictions, "Conditions Apply" to be included on ticket & any promotional material.	Remuneration for staff primarily engaged in conducting lotteries may require approval
	Prizes (other than those not able to be displayed - cash, travel, etc) to be available for public display during ticket selling period. Public to be given reasonable access to view prize/s. Prize/s to be described on ticket to satisfaction of DoL. "Most ticket sellers" prize not permitted, however "winning ticket seller's" prize is allowed. Lottery to be conducted in manner complying with NT Code of Practice for Responsible Gambling (Responsible service of gambling, no involvement of minors, accurate information, not to indicate financial betterment may result from participation).	
	All tickets (included in draw and unsold) must be retained for 12 months. Application for Major Lottery to be lodged between 3 months & 14 days prior to commencement of lottery.	
	Tickets & promotional material to include: name of association, permit number, ticket price, number of tickets to be issued, description & value of main prizes, "Conditions Apply" where relevant, date/time/place of draw, details of drawing (barrel draw, random number generator, etc), date of publication of results & newspaper name, ticket butt (name, address, phone no., association name), contact number for lottery information, name of place where prizes on display (if applicable). Reverse order draws are allowed.	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	If prizes donated or discounted, letter must accompany application including retail value, amount discounted, name & signature of donor/discounter. If purchased by Association, receipt to be included with application. If not purchased at time of lodging application, receipt to be produced with Statement of Income & Expenditure following completion of lottery.	
	Gaming Control Act (click here for link)	
	Foreign lottery not to be conducted without permission from DoL. If selling tickets in NT for a foreign lottery, monthly returns re ticket sales & other information as required to be submitted to DoL.	s40 Gaming Control Act
	Mail order lotteries may be conducted if licence held.	s46B Gaming Control Act
	Person may apply for a licence to conduct an internet gaming business.	s47B Gaming Control Act

	Gaming Control (Community Gaming) Regulations (click here for link)	
	Approved association may conduct a sweepstake, calcutta, or bingo without requiring a permit. Game to be conducted in accordance with rules & conditions.	Reg4 Gaming Control (Community Gaming) Regulations
	Approved association may conduct a free entry lottery without holding a permit. Prize not to exceed \$2,000. Conduct in accordance with rules.	Reg5 Gaming Control (Community Gaming) Regulations
	Approved association may conduct raffle without holding a permit. Conduct in accordance with rules.	Reg6 Gaming Control (Community Gaming) Regulations
	Approved association may conduct mini-lottery or tipping competition without holding a permit. Prizes must not exceed \$5,000. Conduct in accordance with rules.	Reg7 Gaming Control (Community Gaming) Regulations
	Approved association may apply for a permit to conduct a major lottery or minor lottery.	Reg10 Gaming Control (Community Gaming) Regulations
	Prohibited games must not be conducted: American Roulette Baccarat Big Six Wheel (Money Wheel) Blackjack Craps Keno Pai Gow Poker (all versions) Poker machines Sic Bo (Big and Small) Two Up	Reg12 Gaming Control (Community Gaming) Regulations & Schedule
	Change of place/date/time of draw for major/minor lottery - apply for Minister for permission to change. If approved, public notice re new details required.	Reg14 Gaming Control (Community Gaming) Regulations
	Results of major/minor lottery to be published in accordance with rules of lottery & conditions of permit, or if no relevant rules or conditions, publish within 14 days in a newspaper circulating in area lottery conducted in.	Reg15 Gaming Control (Community Gaming) Regulations
	If raffle/minor lottery/major lottery ticket is sold but not included in the draw, must take all reasonable steps to refund amount to purchaser. If unable to locate purchaser, pay purchase price to Director for payment into Community Benefit Fund.	Reg16 Gaming Control (Community Gaming) Regulations
	If lottery advertised prior to permit being granted, advertising must state subject to grant of permit & will not proceed if permit not granted.	Reg17 Gaming Control (Community Gaming) Regulations
	Prohibited prizes: firearms or weapons, ammunition or explosives, tobacco products, solely liquor, solely money & liquor. Prize may include liquor only if value of the liquor comprises a minor component of the total prize value. If liquor comprises minor component of prize, it must not be advertised/represented as a major component. Prize containing liquor must not be awarded to person under 18 (applies to any other goods/service not to be sold/supplied to minors). Person under 18 may be awarded monetary amount equivalent to liquor/other prize value not awarded due to age.	Reg20 Gaming Control (Community Gaming) Regulations
	Organiser to ensure all prizes maintained until awarded to winner/s or otherwise disposed of. If prize is real property, must maintain improvements & keep insured for full market value. If prize is real property, organiser liable for outgoings & entitled to receive rents/profits until transferred to winner.	Reg21 Gaming Control (Community Gaming) Regulations
	Must apply for permission to substitute prize if required.	Reg22 Gaming Control (Community Gaming) Regulations
	Unclaimed prizes to be retained for 3 months then delivered to Director. Director to sell prize (if not money) & pay proceeds into Community Benefit Fund. If prize contains perishable goods, association may dispose of goods in a way that brings a reasonable price & apply amount to the aid & support of the association.	Reg23 Gaming Control (Community Gaming) Regulations
	Full records to be kept including details of: entries received, allocation of prizes, income & expenditure associated with game. Organiser must: keep records in English, keep all receipts, invoices & other records relating to income/expenditure, maintain records of discounts, rebates or other allowances provided in relation to purchase of items offered as prizes. Records for major lottery where total prize value is more than \$20,000 to be kept for not less than 7 years after all prizes awarded/disposed of; and Records relating to any other game to be kept for 2 years after all prizes awarded/disposed of.	Reg24 Gaming Control (Community Gaming) Regulations
	Organiser to keep unsold tickets and butts of sold tickets for 12 months after draw for major or minor lottery. Statement to Director no later than 2 months after draw for major or minor lottery including details of: prizes that are unclaimed or have not been awarded, including value & name & address of person who has custody of them; money received by/on behalf of association in connection with lottery, including details of the sources of the money; all other expenses incurred in the promotion/conduct of the lottery, including payments for services rendered in connection with the lottery.	Reg25 Gaming Control (Community Gaming) Regulations
	Approved association must ensure financial records relating to all games during its financial year are audited by a registered company auditor (or other approved person). Auditor to prepare statement as to whether financial records give a true & fair view. If qualified audit report issued, association must submit a copy of the report to the Director no later than 14 days after receipt by association. Audit for this section can be conducted as part of annual audit of financial affairs of the association.	Reg26 Gaming Control (Community Gaming) Regulations
	As soon as practicable after conducting a game, approved association must pay proceeds of the game into an account at an approved deposit-taking institution (ADI).	Reg27 Gaming Control (Community Gaming) Regulations
	Application for permit to conduct major or minor lottery to include certain details, including: name & address of association; purpose of lottery; rules of lottery & manner in which tickets sold & method of determining winners; total number of tickets available for sale & value of each ticket; period during which tickets available for sale; date, time & place of draw; draft layout of ticket; prize structure including description & value of each prize, any conditions & location at which prizes on display; statement whether lottery to be conducted on behalf of approved association by agent/other person in return for a fee, wages or salary & extent to which it is anticipated this will affect amount of proceeds to be applied to purpose of lottery.	Reg36 Gaming Control (Community Gaming) Regulations Note statement re agent/person receiving remuneration, etc
	Association must apply for approval to conduct community gaming.	Reg42 Gaming Control (Community Gaming) Regulations
	Conditions of approval - including requirements to adhere to Act, Regs, etc, and to notify Director in the event of certain events (change of authorised person, change of governing body members, change in constitution relating to objects/purpose of association, winding up, etc).	Reg44 Gaming Control (Community Gaming) Regulations

created 22/10/10 Dlewis
 last updated 15/11/10 Dlewis

ACT - Summary

General	<p><i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i></p> <p>Licence required to collect for charitable purposes</p> <p>Unsolicited donations and bequests excluded from definition of Collection</p> <p>Where using commercial fundraisers (3rd parties) - licence needs to be amended to allow for commercial arrangements & details of each commercial arrangement to be notified to Office of Regulatory Services (ORS)</p> <p>Required to notify ORS of changes to nominated officer, auditor, financial institution, commercial fundraiser/retail business details</p> <p>Information disclosures required - varies by medium - face to face, telephone, written, website, collection bins</p> <p>If children are to take part in fundraising the licence needs to be amended to reflect this - business should satisfy itself as to whether this includes children participating in JRFH & obtain variation to licence if required</p> <p>All proceeds of a collection to be banked into collections bank account within 5 business days of receipt</p> <p>Any monies (donations) received by electronic transfer into another account must be transferred to collections account on the next banking day</p> <p>Accounts required to be finalised within 90 days of completion of collection if collection occurs over less than 1 year - ensure this occurs for Doorknock, JRFH, etc</p> <p>Report to chief executive within 120 days of end of financial year (EOFY) or end of licence</p> <p>Records to be kept for 7 years</p>
Issues for consideration	<p>Only licence holder can collect in ACT (at present only ACT Div holds a licence). The business should satisfy itself as to whether any other Division should obtain a licence</p> <p>The business should check whether JRFH children meet the definition of collectors - if so badges, etc required</p> <p>Major gifts - may partially come under sponsorship exemption (s6 Charitable Coll Regs)</p> <p>Check whether accounts for each collection are finalised within 90 day timeframe</p> <p>All collections - ensure advertising/promotional material meets disclosure requirements</p> <p>Example: Gym waves membership fee in return for donation to a HF program. May be classified as a commercial fundraising agent (details of arrangement to be notified to the ORS, etc) or alternatively may need to have an authority issued by holder of a licence</p> <p>In order to conduct an appeal a person needs to either hold a licence, or be authorised by the holder of a licence. As a result, any third party fundraiser (eg gym in the above example) would need to be issued with an authority to fundraise. No clear guidance given as to form or content. (Unless the arrangement makes it a 'commercial fundraising agent' in which case the provisions relating to commercial agents would apply)</p> <p>Consideration should be given as to whether wording should be incorporated into all relevant program, and any relevant competition, Terms & Conditions regarding participation by residents of other jurisdictions (interstate and overseas) - that the program is based on state/Australian legislation for participation by state/Australian residents, and participants should satisfy themselves that participating will not contravene the legislation in their state/country of residence</p>

Fundraising Type	JRFH (fundraising element)	Collection Boxes (eg in shops)	Door-to-Door Collections (Annual Doorknock Appeal)	Street Collections (rattling a tin, street stalls)	Regular Gifts (Face to Face solicitation)
Regulated by (Act)	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act
Requirements & Restrictions	Collectors to wear identifying tag/badge	Written material- disclosure requirements to be met	Collectors to wear identifying tag/badge	Collectors to wear identifying tag/badge	Collectors to wear identifying tag/badge
	Face to face - disclosure requirements to be met		Face to face - disclosure requirements to be met	Face to face - disclosure requirements to be met	Face to face - disclosure requirements to be met
	Written material- disclosure requirements to be met		Written material- disclosure requirements to be met	Written material- disclosure requirements to be met	Written material- disclosure requirements to be met
	Receipt required for amount >\$2		Receipt required for amount >\$2	Receipt required for amount >\$2	Receipt required for amount >\$2
	Children <12 written parental consent required; Children 12+ written child & parental consent required				
	Child under 6 requires direct supervision by parent. Child 6+ to be adequately supervised - refer schedule				
	Restriction on child working hours				
	No requirement to obtain National Police Check - up to organisation to set policy				

Regular Gifts (Other - DM letter, telemarketing, etc)	Major Gifts (eg Corporate)	Bequests	Memorial Gifts	Events (Movie night, Go Red 4 Women, Lunches)	Third Party Fundraising
Charitable Collections Act	Charitable Collections Act	Not included in definition of collection - Charitable Collections Act	Charitable Collections Act	Charitable Collections Act	Charitable Collections Act
Telephone contact - disclosure requirements to be met	Solicitation/receipt of sponsorship from a corporation is an exempt collection. However donations would be caught.	Not regulated, however best practice would suggest ensuring advertising/promotional material meets advertising disclosure requirements under Charitable Collections Act		Collectors to wear identifying tag/badge	Licence to be amended to provide for commercial fundraising arrangements.
Written material- disclosure requirements to be met	Telephone contact - disclosure requirements to be met		Written material- disclosure requirements to be met	Face to face - disclosure requirements to be met	Licensee to notify details of each commercial arrangement under licence to ORS
Receipt required for amount >\$2	Written material- disclosure requirements to be met			Written material- disclosure requirements to be met	Third party (community) fundraisers to be authorised by licensee
			Receipt required for amount >\$2	Receipt required for amount >\$2	Face to face - disclosure requirements to be met
				Receipt requirement does not apply if receive item of substantially same value as amount given (eg purch fast food item & portion to charity)	Also applies to retail agents (eg Woolies selling badges on behalf of licensee)
					Licensee responsible or all reporting to ORS

Unsolicited Gifts	Sale of Goods (Pens, etc)	Raffle/Art Union	Other
Not included in definition of collection - Charitable Collections Act	Charitable Collections Act	Lotteries Act	Charitable Gaming regulated by Unlawful Gambling Act
	Collectors to wear identifying tag/badge (where relevant)	Raffle is any lottery, scheme or arrangement involving distribution of prizes where winner determined by chance or combination skill & chance	Approval to conduct maximum 2 charitable gaming events in a 12 month period
	Face to face - disclosure requirements to be met	Permit required unless total prize value does not exceed \$500	Rules to be followed, minimum % to be received by charity, promo material to include approval number + other details, etc
	Written material- disclosure requirements to be met	Restriction on prizes (no liquor or tobacco if minors eligible to participate)	
	Receipt requirement does not apply if receive item of substantially same value as amount given (eg purch fast food item & portion to charity)	Tickets required to contain certain information. All advertising to include permit number	
		Ratio of total tickets available for sale to prize value to be observed	
		Records - keep for minimum 12 months from draw date	

ACT - Legislation

		Notes
	<i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i>	
Entity	NATIONAL HEART FOUNDATION OF AUSTRALIA (A.C.T. DIVISION) ACN 008 507 328	
Licences/ Authorities	ACT Charitable Collections Licence No 19000225 held. Expires 31/12/2012 Current contact email: simone.carrodus@heartfoundation.org.au Contact name: Tony Stubbs Address: 15 Denison St Deakin ACT 2600 ACT Division is a Health Promotion Charity & endorsed as a Deductible Gift Recipient from 1/7/2000 - federal ACT Public Register Search (click here for link)	
Act/s	Charitable Collections Act 2003 Charitable Collections Regulation 2003 Unlawful Gambling Act 2009 Unlawful Gambling Regulation 2010 Lotteries Act 1964	
Regulator/s	Office of Regulatory Services, Dept of Justice & Community Safety Gambling & Racing Commission	
Links	Charitable Collections Forms (click here for link) Charitable Collections General Info (click here for link) Gambling & Racing Commission (click here for link)	
	FUNDRAISING	
	Charitable Collections Practice Manual (click here for link) (LINK IS BROKEN AT 110715)	see: http://www.ors.act.gov.au/community/charitable_collections
	Licence required unless collections less than \$15,000pa.	
	Collection does not include: bequest under a will.	
	Collection does not include: receiving money/benefit that is not solicited by the entity, or is not received by the entity because of a collection conducted by the entity.	Unsolicited donations exempt from 'charitable collection'
	Collection does include: personal (door-to-door, public place collections), telephone, written appeals, internet appeals, other electronic communications, collection bins, other (fetes, badge days, markets, etc).	
	Commercial fundraisers/retail businesses - Licensee to amend licence to provide for commercial fundraising arrangements. Necessary for licensee to amend licence & provide details of each commercial arrangement they may establish to collect under the licence. Also applies if licensee establishes arrangements with retail agents (eg Woolies selling badges on behalf of licensee). Commercial fundraiser/business not responsible for reporting to the Office of Regulatory Services (ORS), licensee responsible.	
	Need to notify ORS of changes to nominated officer, auditor details, financial institution details, commercial fundraiser/retail business details.	
	Collectors required to wear ID or a tag. Must display: surname or unique number, and licensees name or licensees logo (if well known). Also 'paid collector' if this is the case.	
	Information to be provided: Personal Collections (door-to-door, public space) - purpose of collection, how & where proceeds to be spent, business contact number for licensee. Phone collections - purpose of collection, how & where proceeds to be spent, licensees name, statement that collector is a 'paid collector' if this is the case, business contact number for licensee.	
	Written collections - licensees name, purpose of collection, how & where proceeds to be spent, 'paid collector' declaration, business contact number for licensee. Website collections - licensees name, purpose of collection, how & where proceeds to be spent, 'paid collector' declaration, business contact number for licensee. Collection bins - licensees name, purpose of collection, business contact number for licensee.	
	Children - if it is intended that children take part, must state this at time of making licence application (or amendment).	
	Financial reports to chief executive within 120 days of end of reporting period.	
	All proceeds of a collection to be banked into the collections bank account within 5 working days of receipt. Gross proceeds must be clearly documented.	
	Money received during a collection that is not immediately required may be invested in an authorised manner.	
	Records - must provide a true & fair view of income & expenditure, must allow for them to be audited, to be kept for 7 years. If collection carried out as part of a collection involving areas outside ACT, not necessary for records to identify amount obtained within ACT, rather whole collection amount to be identified.	
	Receipts to be issued for amounts greater than \$2.	
	Charitable Collections Act (click here for link)	
	Collection - soliciting or receiving of money/benefit if person represents that the purpose of soliciting/receiving is part of/includes a charitable purpose. Doesn't matter whether money/benefit is solicited/received in person, by post, phone, email, fax or other means, or as a donation or otherwise (eg participation in lottery, art union or competition; placing clothing in a charity bin; sponsorship for walkathon, telethon, etc; or in relation to supply of food, entertainment or other goods/services).	s7 Charitable Coll Act
	Collection does not include: - soliciting/receiving money/benefit from the carrying out of an approved or exempt lottery, other than an exempt lottery for a charitable purpose; - soliciting or receiving a bequest under a will - receiving money/benefit by an entity that: is not solicited by the entity; or is not received by the entity because of a collection conducted by the entity.	s7 Charitable Coll Act
	Approved lottery - approved lottery under the Lotteries Act 1964 (or corresponding state law). Exempt Lottery - exempt lottery under the Lotteries Act 1964 (or corresponding state law).	s7 Charitable Coll Act
	It is an offence to conduct an appeal without holding a licence, or being authorised by a licensee.	s14 Charitable Coll Act
	Collectors to wear a complying identifying tag - see Regs.	s16 Charitable Coll Act
	Licence issued for no longer than 5 years.	s25 Charitable Coll Act

	All collection monies received must be banked, in full & without deduction, into a bank account used exclusively for collection monies as soon as practicable but within 5 business days of receipt. If money is paid by direct deposit/electronic transfer into another account, it must be transferred to the fundraising account on the next banking day. Account must be operated with minimum 2 signatories.	s45 Charitable Coll Act
	If a collection is carried out over a period of 1 year or less, accounts to be finalised within 90 days of the earlier of: collection end day or licence expiry. If a collection is carried out over a period of longer than 1 year, accounts to be finalised within 90 days of end of EOFY (annual accounts). If a collection is carried out over a period of longer than 1 year, accounts to be finalised within 90 days of the earlier of: collection end day or licence expiry.	s47 Charitable Coll Act Accounts may need to be finalised within 90 days of collection for Annual Doorknock Appeal, etc - being less than 1 year - business should satisfy itself in this regard
	Report to chief executive to be given within 120 days of EOFY or 120 days of end of licence.	s48 Charitable Coll Act
	Records must: - allow a true & fair view of income & expenditure for the collection to be worked out at any given time; - be kept in a way that allows for convenient/proper auditing; - be kept for 7 years after receipt of income/incurrence of expenditure. - if a collection is carried out inside & outside ACT, it is not necessary for records to be capable of identifying information only related to ACT.	s50 Charitable Coll Act
	Charitable Collections Regulation (click here for link)	
	Solicitation/receipt of sponsorship from a corporation is an exempt collection.	Reg6 Charitable Coll Regulation
	A person taking part in a collection is required to wear a badge/tag displaying: person's surname or unique number allocated to them; licensee's name or logo (if reasonably well known by the general public); purpose of the collection; "paid collector" if collector will receive money/benefit.	Reg8 Charitable Coll Regulation
	Face to face collectors - disclose purpose of collection, how & where net proceeds will be spent, business phone number for licensee. Telephone collectors - disclose purpose of collection, licensee's name, "paid collector" declaration if relevant, how & where net proceeds will be spent, business phone number for licensee.	Reg9 Charitable Coll Regulation
	Written requests - licensee's name, purpose of collection, how & where net proceeds will be spent, business phone number for licensee. Written request = eg: personally addressed mail, 'The Householder' addressed mail, letterbox pamphlet, fax, internet message. Collection carried out from/through website - licensee's name, purpose of collection, how & where net proceeds will be spent, business phone number for licensee. Collection carried out through collection bin - licensee's name, purpose of collection, business phone number for licensee.	
	Collector must give printed receipt for donations of more than \$2 if donor asks for receipt. Does not apply if donor receives goods/services of substantially the same value as amount given (eg purchase price of fast food item includes donation to charity).	Reg11 Charitable Coll Regulation
	Lawful & proper expenses - reasonable expenses incurred by licensee in conducting & carrying out collection; administering & distributing proceeds of collection & complying with Act.	Reg12 Charitable Coll Regulation
	Required accounts for collection are accounts that show: proceeds of collection (incl amounts realised from benefits received for purposes of collection); amount of lawful & proper expenses; net proceeds of collection; amount applied for purposes of collection.	Reg13 Charitable Coll Regulation
	Required information for report to chief executive about collection: proceeds of collection (including amounts realised from benefits received for purposes of collection); amount of lawful & proper expenses; net proceeds of collection; amount applied for purposes of collection.	Reg14 Charitable Coll Regulation
	If proceeds received in ACT by licensee from collections carried out completely or partly in ACT is more than \$50,000 in any 12 month period, licensee must give chief executive audited annual accounts for the year/s in which collections were carried out. If annual accounts include proceeds of collections carried out in both ACT & a State, accounts need not separately identify amount collected in ACT.	Reg15 Charitable Coll Regulation
	Schedule 1 - Statutory conditions re children taking part in collections - Child under 12 must not take part in a collection unless parent has given written consent. - Child at least 12 must not take part unless child has given written consent and parent has given written consent. - Child under 6 must be directly supervised by parent.	Schedule 1 Charitable Coll Regulation - conditions re children taking part in collections
	- Child 6 or older must be adequately supervised having regard to age, sex & maturity of child. Supervisor must be an adult, supervise no more than 6 children, ensure each child is accompanied by another child who is at least 6 or by an adult, be in close proximity to each child, know the whereabouts of each child, take all reasonable steps to ensure child does not enter private dwelling or solicit from a person in a motor vehicle; make contact with each child at least every 30 minutes. This provision does not apply if child accompanied by an adult.	
	- Collection to be carried out in such a way as to give parent reasonable opportunity to contact child. - Hours - child not to take part before 6am/sunrise (whichever is later) and after 7pm/sunset (whichever is earlier). Does not apply if child accompanied by an adult. - Child under 12 must not participate for more than 3 hours (including rest breaks) on any day. - Child at least 12 must not take part for more than 7 hours (including rest breaks) on any day; and not more than 3 hours without a rest break of at least 30 minutes.	
	GAMING/LOTTERIES/COMPETITIONS	
	Trade Promotion Lotteries - refer Trade Promotion Lotteries matrix	
	Charitable Gaming - Information & Conditions (click here for link)	
	Unlawful Gambling Act 2009 regulates Charitable Gaming. Charitable Gaming can only be conducted by a charitable organisation, and only with 'play' money, not actual cash. Approval from Gambling & Racing Commission required for all charitable gaming conducted in ACT.	
	Charitable Gaming does not include raffles, etc - see Lotteries Act 1964. Allow 21 days for approval of application to conduct charitable gaming. Charitable organisation may only conduct two charitable gaming events in a 12 month period. Rules of the game must be fair & reasonable & together with method of conduct of game must be easily understood by participants.	
	Minimum requirements/conditions: - Organisation must be responsible for promotion & conduct of game & event at which it is conducted. Includes responsibility for any promotion/conduct of the game/event provided by a third party. - Minimum % of funds raised by event (gross amount) to be given to charity must be clearly disclosed to the public in all promotional material, places where tickets sold & place where game being conducted when event takes place.	
	- Percentage as stated, or a greater amount, of funds raised must be given to charity. - All promotional material for the game/event (including tickets) to include approval number. - Game to be conducted in a competent & fair manner. - Participants must be 18 or older.	
	- Must comply with Code of Practice when one exists (none currently in place - 8/11/10). - Participants to place bets only with play money given to them by charity for purposes of playing the game. May give each person only one allocation of play money & may not exchange play money for real money.	

	- Charity to keep records showing: name of entity & charitable purpose for which game conducted; number of tickets sold to event where game conducted; any promotional material for game & event included: minimum % of funds raised to be given to charity & indentifying number given by Commission for approval; total amount of funds raised by event; and amount of funds given to charity & date given.	
	Raffle - Information & Conditions (click here for link)	
	- Raffle is any lottery, scheme or arrangement involving distribution of prizes in which prize-winners are determined by means which include an element of chance or a mixture of skill & chance. Usually involves sale of tickets followed by a draw to determine winners. Prize includes anything of value or benefit. - Permit required unless lottery is an exempt lottery (eg private lottery). - If skill only, does not meet definition of game of chance (eg guess sound/number/weight, description of item/activity/reasons for liking something, competition judged by qualified panel).	
	General requirements: - Application form to be completed. - Purpose of raffle & beneficiary of proceeds to be clearly stated on application. - Agencies acting on behalf of organisation to include letter of authority from organisation. - Prize value = RRP.	
	- If prizes allocated on a state by state basis, prize value for purpose of application is prizes that ACT residents eligible to win. - Where participants are/could be under 18, prizes cannot include liquor or tobacco products. - Where proceeds used wholly & exclusively for charitable purposes & total prize value does not exceed \$500, application not required.	
	Specific Requirements: - All tickets must include: permit number, benefiting organisation & purpose for which raffle conducted, full list of prizes & retail/market value; conditions attached to prizes; sequential number; date, time & location of draw; where & when results published or how & when winners advised. - Ticket requirements only apply if an individual prize has a value equal to/greater than \$2,000 & benefiting organisation is a not-for-profit organisation (NFP). - Generally, drawing of raffle to occur within 12 months of permit issue date. - Total value of tickets sold must not exceed: 5 times total value of prizes (prize pool less than \$10,000) or 10 times total value of prizes (prize pool equal to or greater than \$10,000). - All winners to be notified directly (email, mail, fax) within 21 days of draw.	Purchaser's portion should also include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	- If value of any individual prize equal to/greater than \$1,000, results must be published in a newspaper or publication approved by Commission. - Results must be available within 7 days of draw date if requested. - All advertisements where raffle is mentioned must include permit number. - If prize involves travel, travel info form to be completed & submitted. - If raffle cancelled prior to draw, Commission must be immediately advised (ticket proceeds to be refunded to purchasers)	
	- All records including entries, number of tickets sold, names/addresses of ticket sellers & number of unsold tickets, must be kept for minimum 12 months after draw. - Financial statements to be drawn up & retained for 12 months after draw date. Must provide detailed records of income/expenditure associated with conduct of raffle. Commission may request a copy. - Determination of winner must be undertaken in a transparent manner, with each participant having an equal chance of winning. - Winning must not be contingent on being present at the draw. Acceptable to offer bonus prizes if winner present (bonus prize not to exceed value of initial prize).	
	- Major prize to be drawn first unless winning entries eligible to be redrawn. - All prizes must be distributed. Redraw/second chance draw to be used where possible for prize to be unclaimed/undistributed. - Winner of prize must not be charged an admin/delivery fee upon receipt of prize. - Serial/ongoing lotteries (eg daily meat tray raffle) - application can be made for conduct over period of max 12 months.	

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Tasmania - Summary

General	<p><i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i></p> <p>Permit required to conduct street collections (Local Council/Police)</p> <p>An organisation is not required to apply for permission to solicit for charitable donations in Tasmania if the organisation is incorporated in Tasmania, or its principal office is in Tasmania. All other organisations (i.e. non-Tas based) are required to be registered</p> <p>Collections for Charities Act does not apply to the sale of goods/services (eg chocolate fundraiser) - thereby excluding some fundraising activities from the legislation in Tasmania</p> <p>Collections for Charities Act does not apply to raffles - however see Gaming Commission rules</p> <p>Written requests re soliciting for charitable donations must include statement of purpose for which donation sought, name of organisation, address of principal office & contact phone number</p>
Issues for consideration	<p>At present only Tas Division can solicit for donations - the business should satisfy itself as to whether any other Divisions should be registered in order to solicit in Tas</p> <p>All collections - ensure advertising/promotional material meets disclosure requirements</p> <p>JRFH - note supervision requirements for children</p> <p>Example: Gym waves membership fee in return for donation to a HF program. Legislation unclear - may be prudent to issue some sort of authority to the gym.</p> <p>Act unclear as to whether individual third party fundraisers require an authority to fundraise, however Fundraising Institute of Australia indicates it is, and other charities appear to be issuing an authority to fundraise. Given this, it would be prudent to issue an authority to fundraise to third party fundraisers (eg gym in the above example). No guidance as to form or content</p> <p>Consideration should be given as to whether wording should be incorporated into all relevant program, and any relevant competition, Terms & Conditions regarding participation by residents of other jurisdictions (interstate and overseas) - that the program is based on state/Australian legislation for participation by state/Australian residents, and participants should satisfy themselves that participating will not contravene the legislation in their state/country of residence</p>

Fundraising Type	JRFH	Collection Boxes (eg in shops)	Door-to-Door Collections (Annual Doorknock Appeal)	Street Collections (rattling a tin, street stalls)	Regular Gifts (Face to Face solicitation)
Regulated by (Act)	Collections for Charities Act	Collections for Charities Act	Collections for Charities Act	Collections for Charities Act	Collections for Charities Act
Requirements & Restrictions	Soliciting in person - requirement to state details & wear badge	Advertising (i.e. on/near box) would need to meet disclosure requirements	Hours for D2D 9am - 8pm OR sunset (defined)	Permit (Local Council/Police) required for street collection	Soliciting in person - requirement to state details & wear badge
	Soliciting by phone - requirement to state details		Soliciting in person - requirement to state details & wear badge	Soliciting in person - requirement to state details & wear badge	All advertising - requirement to state details
	All advertising - requirement to state details		Advertising - requirement to state details	All advertising - requirement to state details	Face to face soliciting - restriction on hours
	Children under 16 not to solicit without adult supervision; under 12's require immediate control of an adult		Children under 16 not to solicit without adult supervision; under 12's require immediate control of an adult	Children under 16 not to solicit without adult supervision; under 12's require immediate control of an adult	
	Face to face soliciting - restriction on hours		Face to face soliciting - restriction on hours	Face to face soliciting - restriction on hours	
	No requirement to obtain National Police Check - up to organisation to set policy				

Unsolicited Gifts	Sale of Goods (Pens, etc)	Raffle/Art Union	Other
Not regulated - no solicitation involved	Not regulated - sale of goods/services	Gaming Control Act	All soliciting for donations (excl sale of goods/services) caught by Coll for Charities Act.
Ad-hoc (voluntary) minor 3rd parties	Not regulated, however best practice would suggest ensuring advertising/promotional material meets advertising disclosure requirements under Collections for Charities Act	Tas Div to hold Minor Gaming Permit	All games of chance caught by Gaming Control Act
Where Tas Div aware of activities prior to fundraising occurring, ensure organiser aware of advertising disclosure requirements & requirement to state details/wear badge		Need to lodge Individual Activity Notification for each game (raffle, etc) prior to commencement	
		Prizes <\$5,000 no permit but rules to be followed	
		Prizes >\$5,000 permit required, rules to be followed	
		Rules govern most aspects, including time frame, cash as prize/s, draw procedure; details to be included on tickets; unclaimed prize procedure; return to Commission; possible bank guarantee required	
		Restrictions on children selling tickets	
		Tickets must not be sold door-to-door	
		Raffles only to be conducted with written authority of charity	
		Employees/officers & families not to buy tickets	
		Banking of funds - within 2 business days of receipt	
		If 3rd party involved, tickets to state this	
		Record retention - 7 years	

Tasmania - Legislation

		Notes
	<i>Please note this document is not exhaustive, is provided for guidance only and is not a substitute for legal advice. Regulatory provisions are updated regularly, and the information contained in this document may be incomplete or out of date.</i>	
Entity	NATIONAL HEART FOUNDATION OF AUSTRALIA (TASMANIA DIVISION) ACN 009 481 707	
Licences/ Authorities	Tas Division not required to be registered in Tas due to Tas only operations/ registered office (& no other Division is registered as at 3/12/10) Tas Division is a Public Benevolent Institution & endorsed as a Deductible Gift Recipient from 1/7/2000 - federal Tas Charity Register Search (click here for link)	
Act/s	Collections for Charities Act 2001 (Regs not relevant) Gaming Control Act 1993. (Regs not relevant)	
Regulator/s	Consumer Affairs & Fair Trading Liquor & Gaming, Dept of Treasury & Finance/Tasmanian Gaming Commission	
Links	Consumer Affairs - Charities Main Page (click here for link) Consumer Affairs - Types of Charitable Collection (click here for link) Treasury - Minor Gaming Main Page (click here for link) Treasury - Minor Gaming Rules & Conditions (click here for link) Police - Charitable Collection Days (click here for link)	
FUNDRAISING		
	Tas Police Charitable Collections (click here for link)	
	Section 49AB of the Police Offences Act 1935 requires that a person must not organise or conduct a fundraising drive without a permit if it is to be held wholly or partly on a public street. Tas Police Street Stalls (click here for link)	Application Form
	Section 56C of the Vehicle and Traffic Act 1999 prohibits the setting up or use of a stall, stand or vehicle on a public street for the purposes of the sale of goods, or of a business, calling or employment without a permit. Street stall permits are issued by the general manager of the relevant local council subject to consultation with Tasmania Police in regards to traffic and public safety issues. Application forms may be sought through the relevant local council. For a list of local government contacts, visit the Local Government website. Consumer Affairs - Charities (click here for link)	
	You do not need to apply for permission to solicit for charitable donations if: - you are an organisation which is only incorporated in Tasmania; or - you are a corporation whose principal office is located in Tasmania. Gaming FAQs (click here for link)	
	What is an authorised game? The Tasmanian Gaming Commission determines which games are to be authorised under Section 76ZZK of the Gaming Control Act 1993. Currently (Nov 2010) the list of authorised games includes: Raffles; Lucky Envelopes; Bingo; Calcutta Sweepstakes; Instant Draw Bingo; Dancing Dollars; Tassie's Best Punter.	
	How long must I keep records? All records relating to the conduct of minor gaming must be retained for seven years. Specific information to be recorded and retained is contained within the rules and conditions for each authorised game. A minor gaming operator must, upon request, provide records for inspection at any time. Heavy penalties may apply for non-compliance. Collections for Charities Act does not apply to sale of goods/services (eg chocolate fundraiser).	
	Written requests (however communicated) must include: statement of purpose for which donation sought; name of organisation; address of principal office; contact phone number.	
	Telephone soliciting only allowed between 9am & 8pm on any day.	Do Not Call Register Act 2006 overrides this - telemarketing calls allowed 9am - 8pm Monday - Friday, 9am - 5pm Saturday. No calls allowed on Sunday or National public holidays.
	Collections for Charities Act (click here for link)	
	donation includes money, goods or services, donated or bequeathed.	s3 Coll for Charities Act
	solicit means to seek a donation by a request communicated in person or by mail, fax, phone, email, internet, document left on premises or by any appeal through the media.	s3 Coll for Charities Act
	sunset means 8pm AEST in Jan, Nov & Dec, 7pm AEST in Feb, Mar, Apr, Sept & Oct, and 5pm AEST in May, June, July, August. Act does not apply to raffles.	s3 Coll for Charities Act s4 Coll for Charities Act
	Approval of Minister not required to solicit in Tas, as NHFA (Tas Div) principal office located in Tas.	s5/6 Coll for Charities Act
	Children under 16 years not to solicit unless under supervision of an adult; and if under 12 years, under immediate control of an adult.	s8 Coll for Charities Act
	Telephone soliciting between 9am and 8pm. Face to face soliciting at a residence between 9am & 8pm or sunset (see definition), whichever is earlier.	s9 Coll for Charities Act Do Not Call Register Act 2006 overrides this - telemarketing calls allowed 9am - 8pm Monday - Friday, 9am - 5pm Saturday. No calls allowed on Sunday or National public holidays.

	When soliciting in person the collector must state: name of organisation, purpose for which donation sought; When soliciting in person the collector must display an identity card indicating: person's name, name of organisation, State/Territory in which principal office is located; When soliciting by phone the collector must state: name, name of organisation, State/Territory in which principal office is located; Organisation must ensure written/electronic/advertising requests state purpose for which donation sought, name of organisation, principal office address, contact phone number.	s10 Coll for Charities Act
	Agents, contractors, officers and employees are not to receive excessive benefit when that benefit is derived from donations (wholly or partly).	s13 Coll for Charities Act
	GAMING/LOTTERIES/COMPETITIONS	
	Trade Promotion Lotteries - refer Trade Promotion Lotteries matrix	
	Gaming Commission Rules for Raffles (click here for link)	
	Minor Gaming Permit enables organisation to conduct authorised games. Valid for 1 or 2 years. Minor Gaming Permits only granted where proceeds to be used for lawful purposes of a NFP organisation or a charitable purpose. Authorised games include: raffles, bingo, calcutta sweepstakes, lucky envelopes, dancing dollars, instant draw bingo and Tassie's Best Punter. Once Minor Gaming Permit held, need to lodge an Individual Activity Notification for each raffle, etc prior to commencement.	
	All records relating to conduct of gaming are retained for 7 years. Minor Gaming Permit required where retail value of prizes exceeds \$5,000. If prize value is \$5,000 or less, rules & conditions must be adhered to, but permit not required. Prizes must be drawn in descending order. Reverse draws are prohibited.	Individual Activity Notification (click here for link)
	All raffles: - Raffle must be drawn within 6 months of receiving approval to conduct raffle. - Where total retail value of prizes is less than \$5,000, total retail value of prizes must equal at least 20% of total income from ticket sales. - Price of each ticket must be the same, however ticket bundling (\$1 each or 3 for \$2) permitted where total retail value of prizes is under \$1,000. Ticket price should be clearly printed on the tickets and/or clearly indicated on literature promoting raffle. - Cash is permitted as a prize however total cash prizes must not exceed \$5,000. Commission may approve spending money as part of a trip prize. Amount of spending money must be stated on all tickets. Open orders for goods are acceptable provided the name of the business is stated on all tickets. - Where conditions apply to a prize, a copy of the conditions must be provided on request.	Time frame - draw date based on permit approval date, not commencement of raffle
	- Children under 13 must not sell tickets in any raffle. - Children under 16 must not sell tickets in which total retail value of prizes is more than \$500. - Tickets can only be purchased by adults. - Raffle tickets must not be sold door-to-door. - Books of tickets not to be distributed to people who have not agreed to sell them. - Unsolicited tickets must not be distributed.	Purchaser's portion of ticket should include an approved Heart Foundation Privacy Statement. See the Privacy Policy Page on The Beat
	- Independent person must draw raffle. - Cannot require winner to be present at draw. - Ticket butts must be drawn from barrel/other large suitable container. Must be sufficient room for butts to be mixed freely. No other form of selecting winner to be used without prior approval from Commission. - Prizes to be drawn in order of prizes (1st prize first). Reverse Draws prohibited. - Raffles may only be conducted with the written authority of the governing body of the community/charitable organisation to benefit from raffle.	
	Raffles with Prize Value Exceeding \$5,000: - Minor gaming permit required. - Individual Activity Notification must be lodged with Commission at least 7 days prior to conducting raffle. - Employees/office bearers & their relatives may not purchase tickets (A relative is defined as a close family member connected by blood, marriage or adoption, including defacto partners, but not extending beyond the immediate family). - Each ticket must contain all the information detailed on the sample, including total number of tickets where total retail value of prizes exceeds \$10,000. - Ticket butts must show purchaser's name & contact details. Sellers to ensure sufficient information obtained from purchaser to identify & locate person. - All money from ticket sales must be received directly by the organisation & banked within 2 business days of receipt.	Employees & family members not to buy tickets
	- If third party or marketing company promotes raffle, this must be stated on each ticket. - Any changes to conduct of raffle after permit issue is to be approved by the Commission. - Records of receipts & payments to be kept for 7 years after raffle draw. - Permit holder to ensure records kept re: disposition of funds after finalisation of raffle; all tickets printed; details of distribution of prizes; bank statements identifying all transactions related to conduct of raffle. - If winner does not claim prize and/or reasonable efforts to locate winner fail: prize must be retained for 1 year after draw date; if prize is livestock/perishable, sell to bring reasonable price & retain proceeds (minus reasonable costs of sale) for 1 year after draw; if not claimed after 1 year, sell prize; and pay proceeds to the State Treasurer for payment into Consolidated Fund.	Disposition of unclaimed prize process is inconsistent with other states - this may cause issues if wanting to run national raffles
	- For raffle with total prize value in excess of \$10,000 detailed financial statement of receipts & payments resulting from raffle, certified by auditor, must be submitted to the Commission within 6 weeks of drawing date. - Financial statements must detail; number of tickets printed; number of tickets issued for sale; number of tickets returned unsold & subsequently reissued for sale; number of tickets sold by time of draw; reconciliation of tickets printed, reconciliation of tickets issued, reconciliation of tickets sold with money received from sale & explanation of any discrepancies; steps taken to have missing tickets returned. - Tas Gaming Commission may require a bank guarantee or security deposit to the value of raffle prizes. Guarantee/deposit to be retained by Gaming Commission until after verification of distribution of prizes.	Reporting obligations & guarantee/deposit requirements
	- All records in relation to raffle to be retained for a minimum of 7 years.	
	Rules & Conditions for Bingo, Calcutta Sweepstakes, Lucky Envelopes, Tassie's Best Punter, Dancing Dollars & Instant Draw Bingo (click here for link)	

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