

Office of Liquor and Gaming Regulation

Guide to category 4 promotional games

Introduction to promotional games

The *Charitable and Non-Profit Gaming Act 1999* outlines the parameters around category 4 games, commonly known as promotional games.

A promotional game can be conducted by anyone, without a licence or permit, for the benefit of promoting goods or services.

Entry into a promotional game **must be free** and the winner must be decided entirely or partly by chance.

Terms and conditions of promotional games

Prizes that are prohibited in a promotional game are:

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

General gaming records must be kept for five years unless a shorter period has been approved by the chief executive.

Participation by Minors

A minor cannot enter a promotional game if the prize includes alcohol or a gaming product. The definition of a gaming product is outlined under Section 110 of the *Charitable and Non-Profit Gaming Act 1999*.

Advertising and entering a promotional game

The advertisement of a promotional game must include the cost of the phone call to enter the promotional game.

The cost to enter the game can be no more than the price of the standard local postage stamp used to post the entry forms or a telephone call of more than 55 cents. The cost charged by the telephone service provider must not be more than the prevailing rate for the service.

The person conducting the promotional game, must not, directly or indirectly, receive all or part of the amount contributed towards the entry cost.



In the instance that the player is required to buy goods or services to be eligible to enter the promotional game the costs of the goods or services must be no more than its market value.

The terms and conditions must also be readily available, complied with, and include:

- the name of the person conducting it
- eligibility requirements for players
- a description and the retail value of each of the prizes
- the closing and drawing dates
- the order in which prizes will be drawn (if not drawn in descending order of value)
- how prize winners will be notified
- whether results will be published and, if so, the way in which they will be published
- whether the prize will jackpot or be redrawn if the winning player is not present and
- whether the game involves a round in which players are eliminated.

Instant result tickets

An '**instant result ticket**,' is one which the player knows immediately if they have won a prize by scratching it or doing something else to it.

The tickets must be made to ensure the content cannot be seen other than by breaking a secure tab, scratching the playing panel or by a clearly designated way of disclosing the contents of the playing panel.

Drawing

Each player must have a fair and equal chance of winning the major prize in the game. This is subject to whether or not the player had to use their knowledge, skills or judgement to enter the promotional game in the first instance.

When more than one prize is being offered the major prize must be drawn first and other prizes drawn in descending order of number and value. This does not apply if an alternative order of drawing is outlined when the game is entered.

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

Elimination of Players

The terms and conditions of a promotional game can only allow for one round of elimination.

Delivery, Substitution and Unclaimed Prizes

The prize/s of a promotional game must be delivered within a month of when the winner was decided.

This does not apply if the winner agrees, in writing, that it can be delivered more than a month later or after making all reasonable efforts, the person conducting the promotional game can not locate the prize winner.

Another prize may be substituted for the prize offered only if the person conducting the game agrees in writing that this can happen and if the substituted prize is similar to, and of the same or greater value, than the original.

A person conducting a promotional game must make every reasonable effort to locate the prize winner for the game and deliver the prizes to the winners.

If not claimed, a prize must be kept for three months from the day the winner is decided. This however, does not apply, if the conditions allow the re-drawing of winners for unclaimed prizes or the jackpotting of unclaimed prizes. If the prize is not claimed within three months, a re-draw must occur.

Bingo as a promotional game

Bingo as a promotional game may only be conducted in a newspaper or magazine, at a premises with a bingo centre licence is in force or, by an eligible association during a bingo session at any premises.

Penalties

Heavy penalties apply, under the *Charitable and Non-Profit Gaming Act 1999*, for associations or individuals who fail to comply with the various provisions designed to ensure the integrity of a charitable gaming is maintained.

For further information

Contact the OLGR client service area on 13 QGOV (13 74 68) or Toll Free on 1800 064 848 (outside Brisbane) or by mail to:

**Office of Liquor and Gaming Regulation
Locked Bag 180
CITY EAST QLD 4002**

Or by e-mail at:

gamingcompliance@justice.qld.gov.au

While this guide has been prepared to provide basic information, associations and individuals are encouraged to familiarise themselves with the *Charitable and Non-Profit Gaming Act 1999*, *Charitable and Non-Profit Gaming Regulation 1999* and the *Charitable and Non-Profit Gaming Rule 2010*.