



**Trade &  
Investment**

Office of Liquor, Gaming & Racing

Mr Richard Howard  
NEWCASTLE CRUISING YACHT CLUB LIMITED  
U 9 91 Hannell St  
WICKHAM NSW 2293

## **Application for Trade Promotion Lottery – Approval**

NSW Permit Number **LTPS/13/02160**

Dear Mr Howard

I am pleased to advise that your application for a Trade Promotion Lottery under section 4B of the *Lotteries and Art Unions Act 1901* has been granted. Your permit and applicable conditions are enclosed with this letter.

Please note that the condition relating to the approval of computerised draw devices has recently been amended and Office of Liquor, Gaming & Racing (OLGR) approval is no longer necessary. However, it is still a requirement that Appraisal and Draw Procedure reports are obtained before any draw is undertaken. It is recommended that you read our [Trade Promotion Lotteries fact sheet](#) from our website for guidance on how to prepare these reports and general information about properly conducting a trade promotion lottery in NSW.

A \$100 fee applies to amendments to the terms and conditions of a TPL permit after it has been issued, if your application was lodged after 30 June 2012. Amendment requests can only be made by completing the [TPL Amendment Form](#) available from the OLGR website, and lodging this together with the appropriate fee with our Office.

If you need any further information please contact us at [lottery.inquiries@olgr.nsw.gov.au](mailto:lottery.inquiries@olgr.nsw.gov.au) or on (02) 9995 0666.

Yours sincerely

**Peter Wicks**  
**Manager, Licensing**

26/03/2013

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# Trade Promotion Lottery – Authorising Permit

**NSW Permit Number  
LTPS/13/02160**

This document certifies that

**NEWCASTLE CRUISING YACHT CLUB LIMITED ABN: 72064201029**

is authorised to conduct **NCYC Thursday Members' Draw** for the amount **\$5,600** from **11/04/2013** until **10/10/2013**, subject to the Conditions attached as Annexure A.

*P Wick*

Under delegation from the Minister administering the *Lotteries and Art Unions Act 1901*

26/03/2013

## ANNEXURE A

### PERMIT CONDITIONS

#### Validity of permit, etc

1 (1) In this permit:

**Act** means the Lotteries and Art Unions Act 1901.

**advertisement** means any advertisement, notice or information used in connection with the lottery. Without limiting the generality of the foregoing, advertisement includes the conditions of entry, entry forms, tickets or coupons, any electronic and/or print media advertisement (including on the outside or the inside of the product being promoted, or at the place where the product or service is sold or otherwise provided).

**Casino** means the holder of a casino licence granted under the *Casino Control Act 1992*.

**conditions of entry** means the rules, terms and conditions upon which persons may participate in the lottery, and under which the promoter must conduct the lottery.

**Hotel** means the holder of an hotelier's licence under the Liquor Act 2007.

**Office** means the NSW Office of Liquor, Gaming and Racing, 323 Castlereagh Street, Haymarket, NSW, 2000.

**official approval** means approval in writing given by an authorised delegate of the Minister administering the Lotteries and Art Unions Act 1901.

**lottery** means a lottery or game of chance for the promotion of trade within the meaning of section 4B of the Act.

**Licensed premises** means a premises holding a liquor licence under the Liquor Act 2007.

**Non-proprietary association** means a corporation, club, or other unincorporated body of persons, formed for the purpose of promoting and conducting race meetings that is registered as a racing club.

**promoter** means the person(s) concerned with the management of the trade or business.

**Registered Club** means a club holding a club licence under the Liquor Act 2007.

**Regulation** means the Lotteries and Art Unions Regulation 2007.

**rules** means the rules formulated under Condition 6.

**trade or business** means the sole proprietor, the partners in the partnership or the body corporate identified in the application for this permit as the benefiting trade or business for the purposes of section 4B of the Act

(2) Any duty imposed by these Conditions:

(a) is imposed on the promoter,

(b) is imposed jointly and severally on each promoter,

(c) may be performed by any one promoter.

(3) The permit is valid for the period shown.

(4) The permit is not transferable.

#### Changes to the conduct of the lottery

2 The promoter must not change the method of conducting the lottery, including the rules, as particularised on or accompanying the application for this permit, unless the change is approved by the Office.

3 The promoter must not terminate the lottery before the advertised closing date, unless approved by the Office.

4 If a change is approved by the Office under Condition 2 or 3, the promoter must make the change in accordance with any directions given by the Office.

#### Promoter to formulate lottery rules

5 (1) The promoter must formulate rules in accordance with this Condition under which persons may participate in the lottery.

- (2) The rules must provide for the following:
  - (a) the conditions of entry (including the minimum age of the participants)
  - (b) the closing date and time for the receipt of entries in the lottery
  - (c) details of the prizes and their value (including conditions, if any, relating to receiving, accepting or using the prizes)
  - (d) the place, time, date of the lottery
  - (e) the manner in which prizes are to be awarded
  - (f) the method for claiming prizes (including any requirement to be in attendance at the draw)
  - (g) the manner in which prize winners are to be notified
  - (h) details of how the results of the lottery will be published
  - (i) the name, address and telephone number of the promoter.
- (3) These rules must be advertised and available to all entrants from the commencement of the lottery.
- (4) The promoter must comply with such rules.

**Promoter to supply information to potential lottery entrants**

- 6 The promoter must ensure that in any advertisement the following information is made available to persons who may want to participate in the lottery:
  - (a) the rules
  - (b) the permit number in the format "NSW Permit No. LTPS/\_\_\_/\_\_\_"
  - (c) where it is likely that a prize will not be awarded because of the nature of the lottery, an indication of the chance of winning the prize in the format, " 1 in \_\_\_ chance of winning \_\_\_" and
  - (d) if, following the determination of a winner, a subsequent lottery is used to determine the prize awarded, a statement must be made as to how the subsequent lottery is to take place and what the odds are of winning the major prize, as per (c) above.
- 7 If, in fulfilling Condition 6(a), the promoter is constrained by the advertising medium to supply the rules because of time or space limitations, the advertisement must stipulate:
  - (a) where those rules may be found and
  - (b) any unusual or onerous rules unless they relate to compliance with Condition 27 (such as a condition of entry, the closing date of the lottery, any time constraint on a tour or journey prize).
- 8 The promoter must not represent that the lottery is conducted for, or in conjunction with an appeal for, a charitable purpose, unless approved by the Office.

**Means of entry through telephone, SMS or MMS**

- 9 (1) This Condition applies to a lottery that involves a 190 premium service telephone, a Short Message Service (SMS) or a Multimedia Messaging Service (MMS), hereafter called a 'telephone service'.
  - (2) The cost to an entrant or other person for calling or messaging a telephone service in order to enter the lottery must not exceed \$0.50, plus the amount of GST payable in respect of the call, and the rules must include a reference to that cost.
  - (3) An entrant or other person must not incur any cost if the telephone service sends a message to that person's mobile telephone in connection with the lottery.
  - (4) An entrant or other person must not be required to call or message a telephone service on more than one occasion to provide personal information or particulars, or to answer questions, or for any other reason, in order to obtain a right to a valid entry into the lottery.
  - (5) An entrant or other person must not be required to call or message a telephone service to obtain information or particulars about the lottery. Without limiting the generality of the foregoing, information or particulars includes details of the conditions of entry, and the provision of numbers or symbols which a person matches with other numbers or symbols hidden or displayed on a game card or in a publication.
  - (6) In this Condition, GST has the same meaning as in the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth.

**Instant win and scratch-type lotteries**

- 10 (1) If the lottery is an instant win, scratch-type and pre-determined lottery, the rules of the lottery must include the following:
  - (a) a statement that all prizes from the advertised total prize pool will be distributed during, or after the completion of, the lottery, together with a statement that details how prizes are to be distributed after the completion the lottery, unless the Office waives this requirement.
  - (b) a statement that at the end of the lottery all existing claims to prizes and entitlements will be met notwithstanding the advertised prize pool has been exceeded, and
  - (c) a statement that printing errors or other quality control matters outside the control of individual players must not be used as the sole basis for refusing to award a prize.
  - (d) Condition 10(1)(a) does not apply if the prizes are perishable food or drink products.
- (2) Security measures must be adopted to eliminate the potential for the manipulation of the distribution of winning tickets or other game material.
- (3) All details of claims for prizes over \$100 which are denied shall be retained. These details must include the name and address of the claimants and the reason why the claim was not met.
- (4) A claimant must be promptly informed of the reasons for refusing to award a prize, unless forgery or similar tampering with the ticket, entry form, etc. is suspected.

#### **General requirements for conducting the lottery**

- 11 All entries to the lottery must be treated equally.
- 12 All entries must be included into the draw.
- 13 No person is to receive an unfair advantage or unfair gain over another.
- 14 The outcome of the lottery must not be determined on the basis of an unlawful game within the meaning of the Unlawful Gambling Act 1998.
- 15 A lottery cannot be conducted that imposes a condition that places some participants at a disadvantage. A condition that requires a participant to claim a prize at a draw you must allow at least four minutes for them to do so. This requirement must be clearly stated in the rules of the lottery.
- 16 The promoter must ensure that each and every draw is open for public scrutiny, and anyone must be afforded the opportunity to witness the draw.
- 17 The determination of the winner, whether by draw or instant win must take place in Australia.
- 18 If more than one prize is being offered, the major prize must be drawn first, and the other prizes then drawn in descending order of number and value. If the draw is to be conducted in other manner or method, the rules must describe the manner or method to be used to determine the winner of the lottery.
- 19 Prizewinners should receive their prizes within a maximum period of six (6) weeks after the draw of the prizes, unless otherwise stated in the rules of the lottery.

#### **Scrutiny of draw and notification of prize winners**

- 20 (1) This Condition applies if the total value of prizes in a draw is greater than \$10,000 (unless all the prizes are determined by an instant win, scratch-type or bingo-style lottery, in which case this Condition does not apply).
- (2) The draw and the announcement of the prize winners must be scrutinised by an independent person, unless the Office waives this requirement.
- (3) Any waiver given under Condition 20(2) remains current until revoked, or the particulars upon which the waiver was granted have been modified without the prior approval of the Office, or the particulars upon which the waiver was granted are not being complied with by the promoter or the promoter's agent.
- (4) In this Condition, independent person means:
  - (a) a person who, except for his or her involvement with the scrutiny of the draw is not otherwise concerned with the management, conduct or promotion of the lottery for which this permit is issued; or is not a director, employee or otherwise employed by, or under

contract to, the promoter, the promoter's agent, or any associated companies, businesses or agencies

- (b) a person who does not have any interest or relationship, personal or commercial, with the promoter, or any person employed by that promoter which might be, or appear to be, incompatible with that person's objectivity.

#### **Computerised systems for drawing prize winners**

- 21 Where a computerised system is used to determine the winner of a lottery, the promoter or the promoter's agent must, prior to the draw, obtain signed Appraisal and Draw Procedure reports from a suitably qualified independent person into the operation and integrity of the computerised draw system.

#### **Announcement of prize winners**

- 22 As far as practicable, the promoter must notify all prize winners within two days of the draw of the prizes.
- 23 The prize winners must be personally notified (by face-to-face, telephone, mail, email or by other reasonable means).
- 24 The promoter must ensure that the name of the winner of any prize exceeding \$500 is announced in a newspaper generally circulating in the area where the lottery was conducted, or by radio or television generally received in the area where the lottery was conducted, or by the Internet, in accordance with the rules of the lottery.

#### **Unclaimed prizes**

- 25 (1) If within 3 months after the determination of the winner of the lottery, a prize (other than a prize consisting of perishable goods) has not been claimed by the winner, the promoter must take all reasonable steps to deliver the prize to the prize winner. If the prize cannot be delivered, the promoter must notify the Office and, subject to the Office's approval, re-determine the winner of the prize in accordance with any directions by the Office.
- (2) If requesting approval under Condition 25(1), the notification must set out the steps taken to deliver the unclaimed prize, and the last known address of the winner of the unclaimed prize.
- (3) If the prize is perishable and is not claimed by its winner on the day of the determination of the winner, the promoter may dispose of the prize in any manner the promoter considers fit. However, if the promoter disposes of the prize by selling it, the proceeds of the sale must be held as if it was the prize.

#### **Record keeping**

- 26 (1) The records that relate to the lottery (e.g. ticket butts, entry forms and lists of entrants) must be kept for a period of at least three (3) months after the date on which the winner is determined.
- (2) Where a determination is made under Condition 25, the records must be kept for at least a further three (3) months after the last determination is made.

#### **Lotteries associated with wagering**

- 27 A non-proprietary association or licensed wagering operator or their employee that conducts a lottery must not publish any advertising that offers any credit, voucher or reward as an inducement to participate, or to participate frequently, in any gambling activity including as an inducement to open a betting account.

#### **Bingo style lotteries**

- 28 Bingo style games other than instant win or scratch type lotteries must not be conducted on licensed premises as a trade promotion.

#### **Cash Prizes on Gaming Machines Premises**

- 29 If the lottery is conducted on the premises of a registered club, hotel (excluding general bar licences) or casino, cash prizes must not be offered between the hours of 10:00pm and 8:00am the following day. If a cheque is provided as a prize, the cheque must be made payable to the winner and cannot be cashed by the venue.