

## CHARITABLE GAMING INFORMATION AND CONDITIONS



### What is charitable gaming?

Charitable gaming is fundraising through gaming that is conducted by an approved charitable organisation. Charitable gaming can only be conducted with 'play' money and not actual cash.

### When is approval required?

Approval from the ACT Gambling and Racing Commission (the Commission) is required **for all charitable gaming** conducted in the ACT.

- Any variation to the application after the Commission has commenced its assessment or an approval has been issued must be submitted in writing. The Commission must approve any changes or amendments to the charitable gaming before any amendments can be implemented.

### Who is eligible to apply for an approval?

Only charitable organisation may apply for an approval.

- A charitable organisation is defined as an association, society, institution or body carried on for a religious, educational, benevolent or charitable purpose, other than one carried on for the purpose of securing pecuniary benefits to its members.

### How do I apply for approval?

The application form is available from the Commission's website at

[www.gamblingandracing.act.gov.au](http://www.gamblingandracing.act.gov.au)

- The approved application form in its entirety must be completed and signed by the charitable organisation and be lodged with the Commission with the fee and supporting documentation (such as rules and method of conduct of the game/s).
- An application may be posted (if paying by cheque), emailed or faxed (if paying by credit card) to the Commission at the addresses listed at the end of this document.

### Are any other approvals necessary?

An approval granted by the Commission is only an approval to conduct **a game** that would otherwise be unlawful under the *Unlawful Gambling Act 2009*. If an organisation wishes to conduct a raffle or lottery at the fundraising event a different approval under the *Lotteries Act 1964* is required. Charitable organisations will need to determine if any other kind of approval, such as a Charitable Collections Licence, is required for the event. For further information on Charitable Collections Licences contact the Office of Regulatory Services on (02) 6207 3000 or visit their website at <http://www.ors.act.gov.au/BIL/WebPages/CharCollects/charitablecollections.html>

### How long will it take to assess an application?

**21 days** should be allowed for the assessment of the application once the Commission has received all the supporting or requested information.

- The Commission may seek additional information or documents from the applicant in order to assess an application.
- Applicants should note that applications will not be assessed until the application fee has been paid.

## General requirements

An applicant seeking approval for charitable gaming must be a suitable charitable organisation.

- The Commission may consider any relevant matter in determining the organisation's suitability including the character, business reputation and financial position of the organisation, its members and any organisation that it has engaged to promote or conduct the game or event.
- Applicants are required to disclose relevant history regarding gambling offences or serious criminal convictions (see Section 7B of the application). Such a history is not necessarily a disqualifying ground for holding an approval but it is an important consideration for the Commission in determining the suitability of an applicant.

The primary purpose of conducting charitable gaming must be to raise funds for a stated entity for a stated charitable purpose.

Charitable gaming cannot be conducted at a gambling facility of a licensee.

- A gambling facility means each place used by a licensee to conduct gambling under the licence. A licensee is defined as:
  - (a) a gaming machine licensee;
  - (b) a casino licensee;
  - (c) a licensed provider under the *Interactive Gambling Act 1998*;
  - (d) the holder of a race bookmaking licence, a race bookmaker's agent licence, a sports bookmaking licence or a sports bookmaker's agent licence under the *Race and Sports Bookmaking Act 2001*; or
  - (e) ACTTAB Limited.

A charitable organisation may only conduct two charitable gaming events in a 12-month period.

The rules of the game must be fair and reasonable and together with the method of conduct of the game must be easily understood by the participants.

## Conditions of approval

If the Commission grants an approval, that approval is subject to conditions as provided in the *Unlawful Gambling Act 2009* (the Act), conditions prescribed by the *Unlawful Gambling Regulation 2010* (the Regulation) and the Commission may also impose specific conditions on an approval.

The conditions in the Act and the Regulation are the minimum requirements that apply to all approvals for charitable gaming and are summarised below.

- The organisation must be responsible for the promotion and conduct of the game and the event at which it is to be conducted. This includes responsibility for any promotion or conduct of the game or event provided by a third party.
- The minimum percentage of funds raised by the event<sup>1</sup> that is to be given to the stated entity and charitable purpose must be clearly disclosed to the public in all promotional material, the places where tickets are sold and at the place where the game is being conducted when the event takes place. This is to ensure that there is transparency regarding the amount that is to be given for a charitable purpose and to allow patrons to make an informed decision before participating in the event.

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<sup>1</sup> The term 'funds raised by the event' refers to the gross amount raised by the event.

- The aforesaid percentage, or a greater amount, of the funds raised by the event must be given to the entity and charitable purpose stated in the application. This is to ensure that at least the stated amount of funds from the event is given to the entity for the charitable purpose.
- The identifying number given by the Commission for the approval is to be included in all promotional material for the game and the event (including the tickets). This is similar to existing requirements for lottery approvals under the *Lotteries Act 1964* and provides a mechanism for people to verify that the event has undergone scrutiny and is authorised by the Commission.
- The game must be conducted in a competent and fair manner. This is a consumer protection mechanism.
- The game must be conducted by a person who is 18 years old or older and each participant in the game must be 18 years old or older. This is to ensure that minors are not participating in any way in charitable gaming and is part of a harm minimisation strategy.
- The charitable organisation must comply with any code of practice prescribed under the Control Act that applies to the organisation. Currently there is no code of practice that applies to charitable organisations however provision has been made for this to be quickly applied in the future if required.
- The charitable organisation holding the approval must continue to be a charitable organisation.
- A person may place a bet on a game only with play money given to the person by the charitable organisation for the purposes of the game. The charitable organisation may give a person only one allocation of play money and may not exchange play money given to a person for real money.
- The charitable organisation must keep records showing the following:
  - (a) the name of the entity and charitable purpose for which the game was conducted;
  - (b) the number of tickets sold to the event where the game was conducted;
  - (c) that any promotional material for the game and the event at which it was conducted included –
    - i. the minimum percentage of funds raised by the event that was to be given to a charitable purpose; and
    - ii. the identifying number given by the Commission for the approval;
  - (d) the total amount of the funds raised by the event at which the gaming was conducted; and
  - (e) the amount of those funds that was given to a charitable purpose and the date it was given.

### **Where to send your application**

The completed application form, any required attachments or supporting documentation (such as rules and method of conduct of the game/s) and the fee should be forwarded to:

ACT Gambling and Racing Commission  
PO Box 214  
CIVIC SQUARE ACT 2608

Fax to: 02 6207 7390

Email to: [grc@act.gov.au](mailto:grc@act.gov.au) - (signature required on application form and payment authorisation)

For enquiries telephone 02 6207 00359