

Queensland

Office of Liquor and Gaming Regulation

**Charitable and Non-Profit
Gaming Rule 2010**

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Charitable and Non-Profit Gaming Rule 2010

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Charitable and Non-Profit Gaming Rule 2010

[as notified in the Queensland Government Gazette on 30 July 2010]

Part 1 Preliminary

1 Short title

This rule may be cited as the *Charitable and Non-Profit Gaming Rule 2010*.

2 Commencement

This rule commences on 30 July 2010.

3 Charitable and non-profit games

- (1) This rule provides for conducting and playing games.
- (2) Each schedule states the rules for conducting and playing the game mentioned in the schedule.

4 Dictionary

The dictionary in schedule 6 defines particular words used in this rule.

Part 2 Entering

5 Refusal of Entry

A person conducting a game must refuse a person entry to the game if the person is not eligible to enter the game.

Part 3 Tickets

6 Tickets to be offered at same price unless bundled

- (1) All tickets for a game must be sold at the same price.
- (2) However, subsection (1) does not apply to bundled tickets if—
 - (a) the fact that bundled tickets may be purchased is notified at the time of sale; and
 - (b) the same discount for bundled tickets is offered equally to all persons at the time of sale.
- (3) In this section—

bundled tickets means tickets offered at a discount for purchasing a certain number of tickets.

Example of bundled tickets—

One ticket for \$1 or 3 tickets for \$2.

7 Tickets not to be sold after closing date for game

Tickets for a game must not be sold after the closing date for the game.

8 Tickets may be sent or delivered only in certain circumstances

A ticket for a game must not be sent or delivered to a person unless—

- (a) the person has paid for the ticket before it is sent or delivered; or
- (b) for a game conducted by an association—the person is the association's agent or ticket seller.

9 Tickets to be consecutively numbered

Tickets for a game, other than lucky envelopes or a promotional game, must be numbered consecutively.

Part 4 Prizes

Division 1 Provisions about certain prizes

10 Prizes—animals

- (1) If a prize in a game is an animal, the prize winner must be given—
 - (a) a current written market valuation from an appropriate valuer for the animal; and
 - (b) a certificate from a veterinary surgeon about the distinguishing characteristics and markings, health and physical condition of the animal.
- (2) In this section—

veterinary surgeon see *Veterinary Surgeons Act 1936*, section 2.

11 Prizes—antiques, gems, memorabilia and art

If a prize in a game is an antique, a gem, memorabilia or a work of art, the prize winner must be given a current written market valuation from an appropriate valuer for the antique, gem, memorabilia or work of art.

12 Prizes—land

- (1) If a prize in a game is land, the prize winner must be given the following documents—
 - (a) a current valuation for the land from a registered valuer;
 - (b) a copy of the certificate of title for the land;
 - (c) a certificate from the local government for the area in which the land is located certifying—
 - (i) that all rates for the land have been paid; and
 - (ii) the purposes for which the land may be used;
 - (d) a certificate from the Commissioner of State Revenue appointed under the *Taxation Administration Act*

2001 certifying that there is no land tax charge on the land;

- (e) if a dwelling or other building or structure is on the land—a certificate from a registered professional engineer, a licensed builder or an architect about the structural soundness and condition of the dwelling, building or structure and the estimated cost of repairing any defects;
- (f) if the dwelling, building or structure is not new—a written undertaking from the person conducting the game that any defects of which the winner gives the person written notice within 3 months after the prize is delivered to the winner will be rectified as soon as practicable.

(2) In this section—

architect see *Architects Act 2002*, section 7.

licensed builder see *Queensland Building Services Authority Act 1991*, schedule 2.

registered professional engineer see *Professional Engineers Act 2002*, section 7.

registered valuer see *Valuers Registration Act 1992*, section 3.

13 Prizes—second-hand motor vehicles

If a prize in a game is a second-hand motor vehicle, the prize winner must be given the following documents for the motor vehicle—

- (a) a current certificate of roadworthiness;
- (b) a current written market valuation from an appropriate valuer;
- (c) a warranty for a period of 3 months after the day it is delivered to the winner;
- (d) a financing statement under the *Personal Property Security Act 2009*.

14 Prizes in category 2 or 3 game—second-hand goods

If a prize in a category 2 or 3 game is a thing, other than a motor vehicle, that is second-hand, the prize winner must be given a current written market valuation from an appropriate valuer for the prize.

15 Substitution of prizes

Another prize may be substituted (the *substituted prize*) for a prize offered for a game (the *original prize*) only if—

- (a) the person conducting the game and the prize winner have agreed, in writing, to the substituted prize being substituted for the original prize; and
- (b) the substituted prize is similar to and of the same or greater value than the original prize; and
- (c) for a category 3 game—within 7 days of entering into the agreement under paragraph (a), the person conducting the game gives the chief executive details of the substitution and a copy of the agreement.

Division 2 Delivering and claiming prizes**16 Delivery of prizes**

- (1) A person conducting bingo must deliver the prizes to the winners of the game immediately after the winners are decided.
- (2) For a game other than bingo, the person conducting the game must deliver the prizes to the winners of the game within 1 month after winners are decided.
- (3) However, subsection (2) does not apply if—
 - (a) the prize winner agrees in writing that the prize may be delivered more than 1 month after the winners are decided; or
 - (b) after making all reasonable efforts, the person conducting the game can not locate the prize winner.

17 Claim periods for prizes—Act, s 96(2)

The period for claiming a prize in a game is as follows—

- (a) for a category 1 game—a reasonable period after the prize winner is decided;
- (b) for a category 2 game—1 year from the day the prize winner is decided;
- (c) for a category 3 game—3 years from the day the prize winner is decided;

- (d) for a category 4 game—3 months from the day the prize winner is decided.

18 Locating prize winners

- (1) A person conducting a game must make every reasonable effort to—
 - (a) locate the prize winners for the game; and
 - (b) deliver the prizes to the winners.
- (2) If a person conducting a category 2 or 3 game is unable to locate a prize winner the person must give written notice to the chief executive of the inability to locate the winner and the efforts made to locate the winner.
- (3) The notice must be given within 7 days of becoming aware of the inability to locate the winner.

19 Dealing with unclaimed prizes

- (1) This section applies if a person who conducted a game is unable to locate a prize winner, or can not deliver a prize, for the game.
- (2) The prize must be kept for the following period from the day the prize winner is decided—
 - (a) for a category 1 game—a reasonable period;
 - (b) for a category 2 game—1 year;
 - (c) for a category 3 game—at least 1 year;
 - (d) for a category 4 game—3 months.
- (3) If the prize is for a game mentioned in subsection (2)(a) or (d) and the prize is not claimed within the period mentioned in the paragraph, the person who conducted the game must draw another winner for the prize.
- (4) If the prize is for a game mentioned in subsection (2)(b) or (c) and the prize is not claimed within the period mentioned in the paragraph, the association that conducted the game may apply the prize or its sale proceeds to the association's purposes.
- (5) However, subsection (4) does not affect a person's right to claim a prize in a category 3 game during the period mentioned in section 17(c).
- (6) Subsections (2)(d) and (3) do not apply to a category 4 game if the conditions of entry for the game provide for the

re-drawing of winners for unclaimed prizes or the jackpotting of unclaimed prizes.

20 Expenses

The amount of the estimated gross proceeds of a game that may be paid towards the cost of conducting the game, other than the cost of prizes, must be reasonable in relation to—

- (a) the estimated gross proceeds of the game; and
- (b) the nature of the game.

Schedule 1

Art unions

section 3(2)

1 Conducting art unions

This schedule states the rules for conducting an art union.

2 Tickets

Each ticket in a category 2 or category 3 art union must include the following information for the art union—

- (a) the name of the person conducting it;
- (b) the closing and drawing dates;
- (c) the way in which prize winners will be notified;
- (d) the ticket price;
- (e) the order in which prizes will be drawn if the order is other than the order in section 17 of the *Charitable and Non-Profit Gaming Regulation 1999*;
- (f) the ticket number;
- (g) for an art union conducted under a category 3 or special category 3 gaming licence—the licence number;

- (h) a description and the retail value of each of the prizes
The retail value may also include a bonus cash prize if offered.

3 Distinguishing tickets

- (1) If more than 1 series of tickets is to be used for the same draw in an art union, each series of tickets must be identifiable by colour or other distinguishable characteristics.
- (2) If more than 1 category 1 art union is being drawn in a day, the tickets in each draw must be identifiable by colour, series or other distinguishable characteristics.
- (3) If an art union is not conducted and drawn on the same day, the tickets for the art union must—
 - (a) have the name and either the address or telephone number of the entrant—
 - (i) legibly written on the ticket butt; or
 - (ii) legibly recorded in another way enabling each prize winner to be identified; and
 - (b) for a guessing game competition, have the name and either the address or telephone number of the entrant legibly recorded in a way enabling each prize winner to be identified.

4 Drawing

- (1) A category 1 art union must be drawn not more than 4 months after the day tickets in the art union start to be sold.
- (2) A category 1 art union dependent upon an event or a series of events must be drawn—
 - (a) for an art union dependent upon an event—within 1 month of the event; or
 - (b) for an art union dependent upon a series of events—within 1 month of the last event in the series.
- (3) A category 2 or 3 art union, other than an art union conducted under a special category 3 gaming licence, must be drawn on the day, not more than a year after the day tickets in the art union start to be sold, stated on the tickets for the art union.
- (4) A person may extend the day on which a category 2 or 3 art union, other than an art union conducted under a special

- category 3 gaming licence, was originally intended to be drawn to a day not more than 1 year after the day tickets in the art union start to be sold.
- (5) If the drawing date for a category 2 art union is extended, the person conducting the art union must—
 - (a) take reasonable steps to notify the extension to entrants; and
 - (b) ensure all remaining unsold tickets include the new closing and drawing dates for the art union.
 - (6) If the drawing date for a category 3 art union is extended, the person conducting the art union must—
 - (a) advise entrants of the new closing and drawing dates by advertisement in a newspaper circulating in the area where the tickets were sold; and
 - (b) ensure all remaining unsold tickets include the new closing and drawing dates for the art union.
 - (7) A person may extend the day on which an art union conducted under a special category 3 gaming licence was originally intended to be drawn to a day not beyond the term of the licence.
 - (8) If the drawing date for an art union conducted under a special category 3 gaming licence is extended, all remaining tickets for the art union must include its new closing and drawing dates.
 - (9) If unsold tickets for an art union are included in the draw and an unsold ticket is drawn, another ticket must be drawn until the winner is decided.

5 Results

- (1) The results of an art union must be published in the way advertised or otherwise advised by the person conducting the art union when tickets for it are sold.
- (2) For a category 1 art union, if the person has not given information about the way in which the results will be published—
 - (a) prize winners must be given oral or written notice in person within 28 days after the art union is drawn; and
 - (b) the results must be published or made available in an appropriate way.

- (3) For a category 2 or 3 art union, if the person has not given information about the way in which the results will be published, prize winners must be given notice by mail within 28 days after the art union is drawn.

6 Advertisements for category 2 or 3 art unions

An advertisement for a category 2 or 3 art union must include the following information for the art union—

- (a) the closing and drawing dates;
- (b) the ticket price;
- (c) the order prizes are to be drawn;
- (d) details of how prize winners will be notified;
- (e) the name of the person conducting it;
- (f) for an art union conducted under a category 3 or special category 3 gaming licence—the licence number;
- (g) a description and the retail value of each of the prizes. The retail value may also include a bonus cash prize if offered.

7 Ineligibility to enter

- (1) A person is not eligible to enter a category 1 art union if the person is directly engaged in conducting the draw of the art union.
- (2) A person is not eligible to enter a category 2 or 3 art union if the person is—
 - (a) a member of the management committee of the eligible association conducting the art union; or
 - (b) directly engaged in conducting the draw of the art union; or
 - (c) the eligible association conducting the art union; or
 - (d) a member of the immediate family of a person mentioned in paragraph (a) or (b).

8 Value of prizes

- (1) The total retail value of prizes in an art union, other than a tipping competition, must be at least 20% of the estimated gross proceeds of the art union.

- (2) All proceeds of a tipping competition must be returned to the players of the game as prizes.
- (3) For subsections (1) and (2), a ***tipping competition*** is an art union in which—
 - (a) the players pay a fee to enter the competition before the relevant sporting season starts and may be required to make periodic fee payments to remain in the competition; and
 - (b) the competition is conducted on the entire recognised sporting season but may include or exclude the finals; and
 - (c) in addition to the major prizes won by players at the end of the season, prizes may be given to players who select the most winning teams or participants in each round.

Schedule 2

Bingo

section 3(2)

1 Conducting bingo

This schedule states the rules for conducting bingo.

2 Definitions for sch 2

In this schedule—

call-back means numbers are repeated to verify that the numbers called match the numbers of a prize-winning card.

caller, for a bingo game, means the person who calls out the numbers.

spotter, for a bingo game, means the person who identifies a prospective winner for the game and checks whether a card is a prize-winning card.

3 Results

- (1) The prize winner in a bingo game is the person—

- (a) who claims the prize; and
 - (b) whose ticket is checked by a spotter and found to have all the numbers that have been properly drawn and called and are necessary to win the prize.
- (2) A person who claims a prize in a bingo game during a call-back of a ticket claimed as a winning ticket in the game must be recognised as a claimant of the prize.
 - (3) If there is more than 1 prize winner in a bingo game, the monetary value of the prize must be divided equally between the prize winners.
 - (4) A claim to a prize can not be recognised after the game is finished.
 - (5) A bingo game is finished when the last number of the last winning ticket of a claimant in the game has been called.

4 Ineligibility to enter

The following persons are not eligible to enter a bingo game—

- (a) a person directly engaged in the calling or drawing of the winning bingo numbers;
- (b) a person who acts as a spotter in the bingo game;
- (c) if a bingo session is a category 2 game—a person who is a member of the management committee of the eligible association conducting the bingo;
- (d) a member of the immediate family of a person mentioned in paragraph (a), (b) or (c).

5 Advertisements

An advertisement for a bingo session must include the following information for the bingo session—

- (a) the time and date of the bingo session;
- (b) the name of the person conducting the bingo session.

6 Value of prizes

- (1) The 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.
- (2) However, subsection (1) does not apply to a bingo session if—

- (a) all money received from the sale of tickets in the session is returned to the players in the session in the form of prizes; and
 - (b) the premises at which the bingo session is conducted are not premises that are, or part of which are, licensed premises under the *Liquor Act 1992*.
- (3) A jackpot prize in a bingo session may be paid only from funds set aside for that purpose from the proceeds of earlier bingo sessions and the current session.
- (4) However, for the first jackpot prize offered in a bingo session conducted by a person, the following amounts may be used to start the jackpot prize pool—
- (a) for a category 1 bingo game—an amount of not more than \$1000;
 - (b) for a category 2 bingo game—an amount of not more than \$5000.

Schedule 3

Calcutta sweeps

section 3(2)

1 Conducting calcutta sweeps

This schedule states the rules for conducting calcutta sweeps.

2 Tickets

If the draw of a calcutta sweep is not to occur on the day on which tickets in the sweep are sold, each ticket must include the following information for the sweep—

- (a) the date and name of the event on which it is conducted;
- (b) the closing date for the sale of tickets;
- (c) the time, day and place for the draw and auction;
- (d) the name of the person conducting it;

- (e) the price of the ticket;
- (f) the ticket number;
- (g) the player's name and address.

3 Conducting sweep and auction

- (1) Each player drawing a participant in the event must be advised of the participant the player has drawn.
- (2) A player is not successful in bidding for a participant in the event until the player has paid the full amount for the bid.
- (3) Each successful bidder must be advised of the participant the bidder has bought in the auction process.

4 Drawing

- (1) The result of the event in a calcutta sweep must be finalised within 3 calendar months of the day tickets for the calcutta sweep start to be sold.
- (2) If the sale of tickets in the calcutta sweep is advertised, the drawing and auction for the calcutta sweep must be conducted at the time, date and place stated in the advertisement.
- (3) The auction for the calcutta sweep must be conducted in the order of participants in the event or a pre-determined order advised to all players present at the start of the auction.
- (4) If the final bidder for each participant in a calcutta sweep is the player who drew the participant in the lot or draw, the player must pay only half of the final bid or a pre-determined percentage of the final bid advised to all players present at the start of the auction.
- (5) The total amount of ticket sales and auction proceeds, less reasonable expenses and the amount kept by the person conducting the calcutta sweep, must be distributed—
 - (a) in the way advertised by the person; or
 - (b) if the sweep has not been advertised, in the way decided by the person and advised to all players at the start of the auction.

5 Results

- (1) A person conducting a calcutta sweep must give players information about the way in which the results will be publicised or made available.

- (2) The prize winners in the calcutta sweep must be notified of the results in the way advised under subsection (1).

6 Ineligibility to enter calcutta sweep

- (1) A person is not eligible to enter a calcutta sweep if the person is—
- (a) directly engaged in the conduct of the drawing of the calcutta sweep; or
 - (b) a member of the immediate family of a person mentioned in paragraph (a).
- (2) Also, a person is not eligible to enter a category 2 or 3 calcutta sweep if the person is—
- (a) a member of the management committee of the association conducting the calcutta sweep; or
 - (b) a member of the immediate family of a person mentioned in paragraph (a).

7 Advertisements

An advertisement for a calcutta sweep must contain the following information for the calcutta sweep—

- (a) the date and name of the event on which it is to be conducted;
- (b) the closing date for the sale of tickets;
- (c) details of how prize winners will be notified;
- (d) the name of the person conducting it;
- (e) the time, day and place for the draw and auction.

8 Distributing prize pool

The prize payout percentages for a calcutta sweep must be notified to the players before the sweep is drawn and the auction is conducted.

Schedule 4

Lucky envelopes

section 3(2)

1 Conducting lucky envelopes

This schedule states the rules for conducting lucky envelopes.

2 Tickets

Each lucky envelopes ticket must include the following information—

- (a) the lucky envelope printer licence number of the person who printed the ticket;
- (b) the serial number for the lucky envelopes game;
- (c) the ticket price;
- (d) the name of the person conducting the game;
- (e) any other information the chief executive reasonably requires to be included on the ticket.

3 Claiming a prize

- (1) A person may claim a prize in a lucky envelopes game from the person who conducted the game or the person's agent.
- (2) If the person who conducted the game, or the person's agent, is satisfied the claim is valid, the person or agent must give the prize to the claimant.

4 Ineligibility to enter lucky envelopes

A person is not eligible to enter a lucky envelopes game if the person is—

- (a) a member of the management committee of the eligible association conducting the game; or
- (b) engaged in conducting the game; or
- (c) the eligible association conducting the game; or
- (d) a member of the immediate family of a person mentioned in paragraph (a) or (b); or

- (e) a child, and a person enters the game by buying a scratch and reveal lucky envelope ticket.

5 Advertisements

An advertisement for a lucky envelopes game must include the name of the person conducting the game.

6 Unsold tickets

Unsold tickets in a lucky envelopes game may be withdrawn from sale only if all the winning lucky envelopes tickets have been sold.

7 Value of prizes

The total value of prizes in a lucky envelopes game must be at least 40% of the estimated gross proceeds from the series of lucky envelopes.

Schedule 5

Promotional games

section 3(2)

1 Conducting promotional games

This schedule states the rules for conducting promotional games.

2 Entering

- (1) Entry to a promotional game must be free.
- (2) If entry to the promotional game involves—
 - (a) sending an entry form or other document stated in the conditions of entry for the game, the cost of sending the entry must not be more than the price of a standard local postage stamp; or
 - (b) telephoning a stated number, the cost of telephoning must not be more than 55 cents.

- (3) A person conducting a promotional game must not, directly or indirectly, receive all or part of an amount that has been contributed towards the cost of entry under subsection (2)(b).
- (4) Also, the cost charged by a telephone service provider for the telephone service to the person conducting the promotional game must not be more than the prevailing rate for the service.
- (5) If an entrant is required to buy goods or services to be eligible to enter the promotional game, the cost of buying the goods or services must not be more than the prevailing market value of the goods or services.
- (6) Subject to any test of an entrant's knowledge, skill or judgement required to enter the promotional game, each entrant must have a fair and equal chance of winning the major prize at the start of the game.
- (7) The terms and conditions of the promotional game must be readily available to all entrants and complied with.
- (8) The terms and conditions must include the following information for the promotional game—
 - (a) the name of the person conducting it;
 - (b) eligibility requirements for entrants;
 - (c) a description and the retail value of each of the prizes;
 - (d) the closing and drawing dates;
 - (e) the order in which prizes will be drawn if the order is other than the order in section 17 of the *Charitable and Non-Profit Gaming Regulation 1999*;
 - (f) how prize winners will be notified;
 - (g) whether results will be published and, if so, the way in which they will be published;
 - (h) whether the prize will jackpot or be redrawn if the winning player is not present;
 - (i) whether the game involves a round in which players are eliminated.

3 Tickets

- (1) This section applies if a promotional game involves an instant result ticket.
- (2) The tickets must be made in a way that ensures the contents of the playing panel can not be seen other than by—

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

4 Drawing

A promotional game must be drawn on the day, within 1 year of the day it starts, stated in the terms and conditions for the game.

5 Advertisements

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

6 Elimination of players

If a promotional game allows for the elimination of players, the terms and conditions of the game may allow for only 1 round of elimination.

7 Bingo as a promotional game

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

- (a) in a newspaper or a magazine; or
- (b) at premises for which a bingo centre licence is in force; or
- (c) by an eligible association, during a bingo session, at any premises.

Schedule 6

Dictionary

section 4

appropriate, for a valuer, means having the expertise to carry out the valuation.

bonus cash prize, for a game means a cash prize offered in addition to the pre-determined prize of a category 2 or category 3 art union. The bonus cash prize must be:

- (a) based on a formula that is approved by the chief executive and advertised to entrants in the game; and
- (b) the value of the bonus cash prize must be calculated using approved general gaming equipment; and
- (c) must be calculated in real time, displayed at point of sale and provided to entrants at time of purchase.

closing date, for a game, means the date decided by the person conducting the game from which no further tickets in the game are to be sold.

entrant, in a game, means a person who has been issued a ticket in a game.

immediate family, of a person, means the person's spouse and family members residing at the same premises as the person.

instant result ticket means a ticket that the player immediately knows if the player has won a prize by scratching or doing something else to it.

major prize see the *Charitable and Non-Profit Gaming Regulation 1999*.

scratch and reveal lucky envelope ticket means a ticket which is scratched to reveal numbers, letters or symbols that may entitle the player to a prize.