

## Raffle

# Information and Conditions

### What is a Raffle?

A *Raffle* is **any lottery, scheme or arrangement** involving the distribution of prizes in which prize-winners are determined by means which include an element of chance or a mixture of skill and chance. A Raffle usually involves the sale of tickets followed by a draw to determine the winners of certain pre-determined prizes. A prize includes anything of value or benefit. It should be noted that the specific provisions of the *Lotteries Act 1964* will ultimately determine the eligibility or otherwise of any lottery application.

### When is a permit required?

Where a promotional activity fits into the above description of a *Raffle* then a lottery permit is required unless it meets one of the exemption categories listed below.

### When is a permit not required?

#### **Games of skill**

When the determination of the prize winner involves skill only (i.e. no element of chance is involved), an approval is not required. In this context, "skill" means any competition that involves a decision or input by the participant, such as estimating a number or weight, submitting a description of an item or activity or describing or stating reasons for liking something. Skill may also include any event or competition that is judged by people qualified in a field relevant to the event or competition.

#### **Exempt Lotteries**

A permit is not required for an "exempt" lottery. Exempt lotteries include:

- a raffle where the total prize value does not exceed \$2,500. Legislative conditions under which an exempt lottery must be conducted are detailed in the Exempt Lotteries factsheet on the Commission's website;
- a raffle where "prizes" or rewards consist totally of the granting of rebates, discounts or other allowances in respect of amounts payable, or the granting of refunds of amounts paid for goods sold or services performed in the course of carrying on that trade or business which are equally available to all customers; or
- a raffle which comes within the definition of a private lottery as defined in the *Lotteries Act 1964* (where participation is restricted to members of the same association or who work or reside in the same premises and where there is no external advertising of the promotion).

#### **Website Lotteries**

If a promotion involving a lottery is conducted via a website a permit is not required unless:

- the website is hosted in the ACT, or
- the website is not hosted in the ACT but the promotion is being advertised in the ACT in addition to the advertising on the website.

#### **Definition of advertising:**

In this context, "advertised" includes:

- a notice or mention on television, radio or other public broadcast;
- a notice or mention in a newspaper, magazine, pamphlet, leaflet, flier, direct mail (specific address), general mail (non-specific address), internet, email, SMS, MMS, fax, billboard, sign, poster, banner or other publicly available printed material; or
- any other method of communicating the conduct of the promotion to the public (excluding material forwarded directly to or made available to members only).

### How do I apply for a permit?

The approved application form in its entirety must be completed and lodged with the Commission with the relevant fee and supporting documentation (such as rules or terms and conditions of the competition).

Agencies acting on behalf of an applicant must include a letter of authority from the promoter conducting the lottery.

An application can be completed online at <https://form.act.gov.au/smartforms/landing.htm?formCode=1163>

Processing of the application will not commence without the payment of the determined fee.

**Seven working days** should be allowed for processing once the Commission has received all information.

## Conditions of Approval

Pursuant to Section 7(3) of the *Lotteries Act 1964*, the Commission may impose conditions on an approval of a Raffle in order to protect the interests of subscribers to the lottery.

### Specific Conditions

The applicant (or their agent) must fully and accurately complete the approved application form to the satisfaction of the Commission.

Agencies acting on behalf of an applicant must include a letter of authority from the organisation conducting the lottery.

The completed application form, including attached rules or terms and conditions and a draft copy of the ticket proposed to be used for the lottery, must be accompanied by the determined fee.

### Method of entry

For a lottery using communication or delivery revenue sharing arrangements (such as SMS, MMS, 190 phone numbers or other similar electronic methods, or postal arrangements) as a mode of entry to the Raffle, the following provisions apply:

- the full phone number or contact method must be stated on the ticket and in the terms and conditions applying to the lottery; and
- the cost of a call or connection for a participant must not exceed 55 cents (including GST) and the actual cost of each call or connection must be clearly stated or identified in or on all advertisements and be included in the terms and conditions.

### Tickets

All tickets must include the following information:

- permit number issued by the Commission;
- the benefiting person or organisation and the purpose for which the raffle is to be conducted;
- full list of prizes and their retail or market value;
- any conditions attached to the prizes;
- a sequential number;
- the date, time and location of the draw (unless the method of determining the winner is not by draw); and
- where and when the results will be published or how and when winners will be advised.

If the benefiting person or organisation is a not-for-profit organisation, a ticket need only include the information listed at the dot points above if an individual prize has a value equal to or greater than \$2,000. "Not-for-profit" means an organisation established for a community purpose and that is eligible to be income tax exempt under Division 50 of the *Income Tax Assessment Act 1997*.

The total value of tickets sold must not exceed:

- five times the total value of prizes where the total value of prizes is less than \$10,000; or
- ten times the total value of prizes where the total value of prizes is equal to or greater than \$10,000.

### The Draw or Selection of the Winners

The determination of the winner must be undertaken in a fair and transparent manner with each participant having an equal chance of winning the lottery.

If more than one prize is being determined at a draw, the major prize must be drawn first (to ensure that all entries have a chance of winning that prize) unless winning entries are eligible to be redrawn.

Winning must not be contingent on the participant being present at the drawing of the lottery except for "serial" or ongoing raffles such as meat raffles. It is acceptable to offer bonus prizes if the winner is present as long as the bonus prize does not exceed the value of the base or initial prize.

Unless otherwise approved by the Commission, the drawing of a Raffle must occur within 12 months of the issue date of the permit.

**Redraw**

All prizes in the lottery must be distributed or allocated as approved. If a prize is not claimed within a reasonable period, taking into account the nature of the prize, the person conducting the promotion must draw another winning ticket or entry.

The method, date, time and place of the redraw must be stated in the terms and conditions of the lottery.

**Notification of Winners**

The results must be available within 7 days of the determination of the prize winners, if requested.

All winners must be notified directly, by written means (email, mail, fax or SMS) within 21 days of the determination of the results.

The person conducting the promotion must make the results of the lottery available to entrants. The method of advertising the results of the promotion must be congruent with the type of lottery conducted eg. it would appropriate to publish the results of the lottery on a website if the promotion was conducted via a website.

Details of how winners will be notified must be included in the terms and conditions of the lottery.

**Prizes**

Where participants are (or could be) under the age of 18 years the Commission will refuse to approve an application where the Commission considers the prizes to be inappropriate eg. liquor products, tobacco products or dangerous goods.

The winner of a prize must not be charged an administrative or delivery fee upon receipt of their prize.

If a prize involves travel all relevant information must be included in the terms and conditions of the lottery and on the lottery ticket. Details of departure point and destination, the number of people included in the fare, class of travel, inclusion of transfers, name and location of accommodation, duration of stay, inclusions, date by which travel must be taken, availability, transferability, restrictions and spending money must be listed if applicable.

For the purposes of these conditions and calculating the application determined fee, the total prize value is calculated as the summation of the values of all possible prizes that could be attained based on the prize allocation options.

The value of individual prizes is the usual or recommended retail or market value of the goods or services offered as the prize.

**Variation to Approval**

Any variation to the application after the Commission has commenced its processing must be submitted through an *Application for an Amendment to an Approval to Conduct a Lottery* form and be accompanied by the determined fee for a variation. The Commission must approve a variation to the promotion before any amendment can be implemented.

A copy of the amendment form can be obtained from the Commission website at [www.gamblingandracetracing.act.gov.au](http://www.gamblingandracetracing.act.gov.au) (click on the link to "Lotteries").

In addition, if a lottery is to be cancelled prior to the determination of winners or the draw of prizes, the Commission must be immediately advised in writing including the following information:

- the date, or proposed date, on which ticket sales will cease;
- the method to be used to inform ticket holders of the cancellation (a notice must be published on the date that the results were to be published); and
- arrangements for reimbursement of ticket holders.

**Permit number**

Once an application has been approved the Commission will issue the applicant with a permit number. All entry forms and advertisements must include the permit number issued for that lottery.

**Records**

All records concerning the lottery, including ticket stubs, number of tickets sold and unsold and details of ticket sellers, must be kept for a minimum period of twelve months after the determination of the results.

Financial statements must be drawn-up and retained for a period of 12 months after the determination of the results. The financial statements must provide a detailed record of all income and expenditure associated with the conduct of the lottery.

The Commission may request that you provide these records at any time during this period.

**Conditions for “Serial” or On-going Raffles (e.g. Meat Raffles)**

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Organisations that are made up of members, such as clubs, may conduct “serial” or on-going raffles.

Serial raffles are raffles that are conducted on a regular basis where the prize details and entry costs are the same for each draw.

Serial raffles may be conducted over a period of time to a maximum of 12 months.

The total prize value is calculated by summing the value of all prizes offered for the duration of the promotional period.

It is permissible to have as a condition of the draw that the winner must be present however they must be allowed a minimum of three minutes to claim a prize.

**Contacting the Commission About Your Lottery**

Email: [lotteries@act.gov.au](mailto:lotteries@act.gov.au)

Telephone enquiries can be directed to the Lotteries Officer on telephone 02 6207 0361.