

Calcutta Information and Conditions

What is a Calcutta?

A Calcutta is a form of competition that involves a sweep or draw for participants in a particular event followed by an auction for the race participants (usually horses). Players who were successful in the draw may choose between selling the participant (or in some cases a share in the participant) and receiving half the proceeds of the sale, or retaining the participant by making the highest bid. The prizes are distributed to the players who hold the successful participants in the event. Variations to this form of competition may be approved by the Commission if it considers that the principles of the competition are upheld.

It should be noted that the specific provisions of the *Lotteries Act 1964* will ultimately determine the eligibility or otherwise of any lottery application. This includes whether the Calcutta may be considered an “exempt lottery”. See below for details or obtain a copy of the legislation from the Commission’s website: www.gamblingandracing.act.gov.au

When is a permit required?

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

When is a permit not required?

Exempt Lotteries

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

- a *Calcutta* where the total prize value does not exceed \$1,000. Legislative conditions under which an exempt lottery must be conducted are detailed in the Exempt Lotteries factsheet on the Commission’s website;
- a *Calcutta* 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 *Calcutta* 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 application form is available from the ACT Gambling and Racing Commission’s (the Commission) website at www.gamblingandracing.act.gov.au.

The approved application form in its entirety must be completed and signed by the promoter, or their agent, and be lodged with the Commission with the relevant fee and supporting documentation (such as rules or terms and conditions of the game of *Calcutta*).

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 beginning of this document.

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 *Calcutta* in order to protect the interests of subscribers to the lottery.

The following information states the specific conditions that apply to *Calcutta* approvals.

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 promoter conducting the lottery.

Participants must be over the age of 18 years.

For the purpose of 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.

If prizes in the *Calcutta* are allocated on a state-by-state basis, the relevant prize for the purposes of calculating the determined fee is that prize or prizes that ACT residents are eligible to win.

In relation to the conduct of the *Calcutta*, the total value of prizes is calculated by the organiser providing a reasonable estimate of the auction proceeds to the Commission with the application. If the estimate is accepted by the Commission, the relevant fee will be calculated on this basis.

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 variation form can be obtained from the Commission website at www.gamblingandracing.act.gov.au

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 promotion.

Records

All records concerning the game of *Calcutta*, including entries, number of tickets sold and game operators, details 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 raffle.

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

Contacting the Commission About Your Lottery

Completed applications may be mailed, faxed or emailed to:

The Lotteries Officer
ACT Gambling and Racing Commission
PO Box 158
CANBERRA ACT 2601

Fax: 02 62077390

Email: lotteries@act.gov.au

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