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Ryan Makepeace

From: Theodore Georga
Sent: Tuesday, 7 April 2015 9:36 AM
Subject: OLGR Media Report for Tuesday 7 April 2015
Attachments: Media Report 7 April 2015.pdf

Good morning

Please find attached the OLGR Media Report for Tuesday 7 April 2015.

Lots of clips today. The main coverage includes:

- ABC Far North Radio: Aquis is waiting for the State Government to consider a new proposal for a casino license in FNQ. They hope to begin construction next year despite failure to acquire a gaming licence.
- ABC Far North Radio: The Far North Qld Business Community says it wants to be better informed about the Aquis Resort and Casino's progress.
- 4BC: Easter weekend has reignited the argument over penalty rates.
- 4BC: Interview with Justin O'Connor, Chief Executive, Qld Hotels Association about alcohol in the supermarkets
- 612 ABC: Discussion about powdered alcohol and attempts from the Victorian Government to ban it
- CASSOWARY Coast Regional Council has supported a liquor licence application to the State Government's Office of Liquor and Gaming Regulation for the new Mission Beach Tavern at North Mission Beach.
- IF YOU play up in the Airlie Beach Safe Night Precinct (SNP) you could soon be forced to help clean it up, as part of a new community service program between the Department of Corrective Services (DCS) and Whitsunday Regional Council.
- COMISKEY Group director Rob Comiskey has reassured residents noise from the Sandstone Point Hotel will be minimal once the venue is up and running.
- MORETON Bay Regional Council has written to the Office of Liquor and Gaming Regulation, "suggesting" licensed operating hours for the Sandstone Point Hotel be restricted to 10am-midnight.
- Multiple letters to the editor in Coolum Advertiser RE: application to extend trading hours for Coolum Beach Hotel
- SUNDAY-MAIL: Gaming officials have been called in to investigate allegations of cheating during a lucky door raffle at an end-of year party for travel writers.
- SUNDAY-MAIL: PUBS and clubs are vying to have their trading hours extended past midnight ahead of the Palaszczuk Government's new lockdown plan.
- SUNDAY-MAIL: More than a decade after the first attempts to head off booze-related violence in Queensland Aboriginal communities, evidence has emerged that alcohol management plans are not working.
- TENNIS players will now be able to cool off in the shade following the completion of Maryborough and District Junior Tennis Association's new shade structures. RE: Gambling Community Benefit Fund

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- (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.

These provisions highlight the legislative responsibilities placed upon promoters to ensure that promotional draws are conducted in a manner conducive to the Act's main objective of ensuring that, on balance, the State and the community as a whole benefit from general gaming.

This office takes these types of matters seriously and you are hereby warned that should any evidence be received in the future that indicates you have breached section 73 of the Act or schedule 5, section 2 of the Rule after receiving this advice, alternative remedial action may be taken. Such action may include an infringement notice being issued or prosecution action being taken against you.

I would like to thank sch.4/4/6(1) for his cooperation provided and if you require any further information or clarification in relation to this matter please do not hesitate to contact Mr Ryan Makepeace, Investigator, Office of Liquor and Gaming Regulation, Department of Justice and Attorney-General on (07) 3872 0921.

Yours sincerely


Per MIKE SARQUIS
Executive Director
21 / 07 / 2014

Office of Liquor and Gaming Regulation

Guide to category 4 promotional games

Introduction to promotional games

The *Charitable and Non-Profit Gaming Act 1999* outlines the parameters around category 4 games, commonly known as promotional games.

A promotional game can be conducted by anyone, without a licence or permit, for the benefit of promoting goods or services.

Entry into a promotional game **must be free** and the winner must be decided entirely or partly by chance.

Terms and conditions of promotional games

Prizes that are prohibited in a promotional game are:

- tobacco product/s
- surgery
- a weapon or ammunition
- any other item by which the sale or acquisition is restricted by legislation of the State or Commonwealth
- a ticket or other chance in a game that is not approved under a *gaming act*.

General gaming records must be kept for five years unless a shorter period has been approved by the chief executive.

Participation by Minors

A minor cannot enter a promotional game if the prize includes alcohol or a gaming product. The definition of a gaming product is outlined under Section 110 of the *Charitable and Non-Profit Gaming Act 1999*.

Advertising and entering a promotional game

The advertisement of a promotional game must include the cost of the phone call to enter the promotional game.

The cost to enter the game can be no more than the price of the standard local postage stamp used to post the entry forms or a telephone call of more than 55 cents. The cost charged by the telephone service provider must not be more than the prevailing rate for the service:

The person conducting the promotional game, must not, directly or indirectly, receive all or part of the amount contributed towards the entry cost.

In the instance that the player is required to buy goods or services to be eligible to enter the promotional game the costs of the goods or services must be no more than its market value.

The terms and conditions must also be readily available, complied with, and include:

- the name of the person conducting it
- eligibility requirements for players
- a description and the retail value of each of the prizes
- the closing and drawing dates
- the order in which prizes will be drawn (if not drawn in descending order of value)
- how prize winners will be notified
- whether results will be published and, if so, the way in which they will be published
- whether the prize will jackpot or be redrawn if the winning player is not present and
- whether the game involves a round in which players are eliminated.

Instant result tickets

An *'instant result ticket,'* is one which the player knows immediately if they have won a prize by scratching it or doing something else to it.

The tickets must be made to ensure the content cannot be seen other than by breaking a secure tab, scratching the playing panel or by a clearly designated way of disclosing the contents of the playing panel.

Drawing

Each player must have a fair and equal chance of winning the major prize in the game. This is subject to whether or not the player had to use their knowledge, skills or judgement to enter the promotional game in the first instance.

When more than one prize is being offered the major prize must be drawn first and other prizes drawn in descending order of number and value. This does not apply if an alternative order of drawing is outlined when the game is entered.

A promotional game must be drawn on the day or within one year of the day it starts, and the draw date must be stated in the terms and conditions of the game.

Elimination of Players

The terms and conditions of a promotional game can only allow for one round of elimination.

Delivery, Substitution and Unclaimed Prizes

The prize/s of a promotional game must be delivered within a month of when the winner was decided.

This does not apply if the winner agrees, in writing, that it can be delivered more than a month later or after making all reasonable efforts, the person conducting the promotional game can not locate the prize winner.

Another prize may be substituted for the prize offered only if the person conducting the game agrees in writing that this can happen and if the substituted prize is similar to, and of the same or greater value, than the original.

A person conducting a promotional game must make every reasonable effort to locate the prize winner for the game and deliver the prizes to the winners.

If not claimed, a prize must be kept for three months from the day the winner is decided. This however, does not apply, if the conditions allow the re-drawing of winners for unclaimed prizes or the jackpotting of unclaimed prizes. If the prize is not claimed within three months, a re-draw must occur.

Bingo as a promotional game

Bingo as a promotional game may only be conducted in a newspaper or magazine, at a premises with a bingo centre licence or, by an eligible association during a bingo session at any premises.

Penalties

Heavy penalties apply, under the *Charitable and Non-Profit Gaming Act 1999*, for associations or individuals who fail to comply with the various provisions designed to ensure the integrity of a charitable gaming is maintained.

For further information

Contact the OLGR client service area on 13 QGOV (13 74 68) or Toll Free on 1800 064 848 (outside Brisbane) or by mail to:

Office of Liquor and Gaming Regulation
Locked Bag 180
City East Qld 4002.

While this guide has been prepared to provide basic information, associations and individuals are encouraged to familiarise themselves with the *Charitable and Non-Profit Gaming Act 1999*, *Charitable and Non-Profit Gaming Regulation 1999* and the *Charitable and Non-Profit Gaming Rules 1999*.

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Relevant Legislation (in full):

Charitable and Non-Profit Gaming Act 1999:

Part 5 Compliance requirements

Division 1 Rules

73 Compliance with rules

Each of the following persons must comply with the rules in conducting or participating in a game—

- (a) the person, including an administrator, conducting the game;
- (b) a player.

Maximum penalty—40 penalty units.

Division 5 Reports and returns

83 Submitting returns for other games

- (1) This section applies if the chief executive, by notice given to a person conducting a category 1, 2 or 4 game, asks the person to give the chief executive a return about the game or, for bingo, the bingo session.
- (2) The person must give the return, in the approved form, within the time stated in the notice.

Maximum penalty—40 penalty units.

Division 6 Audit

86 Audit for category 1 or 4 gaming operations

- (1) This section applies if—
 - (a) a person is conducting category 1 or 4 gaming; and
 - (b) the chief executive considers it necessary in the public interest, or for the proper conduct of general gaming, that the person's financial accounts, records and statements for the person's category 1 or 4 gaming operations be audited.
- (2) The chief executive may, by notice given to the person, require the person, as soon as practicable after the end of the financial year nominated in the notice, to ensure the accounts, records and statements are audited by an accountant.
- (3) The person must comply with the notice unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

- (4) The person must pay the cost of the audit.

90 Finishing audit

- (1) An accountant conducting an audit under this division must, despite any other Act, finish the audit within 3 months after the end of the financial year to which the audit relates, unless the accountant has a reasonable excuse for not finishing the audit within the 3 months.
- (2) The accountant must, immediately after finishing the audit, give a copy of the audit report to—
 - (a) the person conducting the general gaming to which the report relates; or
 - (b) for an audit conducted under section 88 or 89—the holder of the licence.

Maximum penalty—40 penalty units.

91 Giving audit report to chief executive

The person given an audit report under section 90(2) must immediately give the chief executive a copy of the report, unless the person has a reasonable excuse for not giving the copy to the chief executive.

Maximum penalty—40 penalty units.

93 Further information following audit

(1) On receiving a copy of an audit report, the chief executive may, by notice given to the person to which the audit relates, require the person to give the chief executive, within a reasonable time stated in the notice, further information about a matter relating to the operations mentioned in the report.

(2) The person must comply with the requirement within the time stated in the notice, unless the person has a reasonable excuse for not complying with it in the stated time.

Maximum penalty—40 penalty units.

Division 7 Prizes

95 Dealing with prizes

(1) A person conducting a game must ensure the prize for the game is given to the winner in the way prescribed under a rule, unless the person has a reasonable excuse for not doing so.

Maximum penalty—200 penalty units.

(2) Until the prize is given to the winner, the person must—

(a) keep it for the winner for the period prescribed under a rule; and

(b) identify the prize as an unclaimed prize in the person's financial accounts.

(3) Despite subsection (2), if a prize is perishable, the person may dispose of the prize in a way the person considers will bring a reasonable price and identify the proceeds, in the person's financial accounts, as the proceeds of an unclaimed prize.

(4) If the person is unable, after making reasonable efforts, to locate the prize winner in the period mentioned in subsection (2)(a), the person may deal with the prize in the way prescribed under a rule.

(5) Subsection (6) applies if a person conducting a category 2, 3 or 4 game is unable to give a prize for the game to the prize winner in the time prescribed under a rule.

(6) The person must, within 7 days after becoming aware of the inability, give the chief executive notice of the fact and circumstances of the inability, unless the person has a reasonable excuse for not doing so.

Maximum penalty—40 penalty units.

Division 12 General gaming offences

106 Cheating

(1) A person must not, in conducting or playing a game, dishonestly obtain a benefit.

Maximum penalty—200 penalty units or 2 years imprisonment.

(2) For subsection (1), a person obtains a benefit if the person obtains for the person or another person, or induces a person to deliver, give or credit a benefit to the person or another person.

Division 2 Powers of inspectors
Subdivision 6 Power to obtain information

140 Power to require name and address

- (1) This section applies if an inspector—
 - (a) finds a person committing an offence against this Act; or
 - (b) finds a person in circumstances that lead, or has information that leads, the inspector to reasonably suspect the person has just committed an offence against this Act.
- (2) The inspector may require the person to state the person's name and residential address.
- (3) When making the requirement, the inspector must warn the person it is an offence to fail to state the person's name or residential address, unless the person has a reasonable excuse for not stating it.
- (4) The inspector may require the person to give evidence of the correctness of the stated name or residential address if the inspector reasonably suspects the stated name or address is false.

141 Failure to give name or address

- (1) A person of whom a requirement is made under section 140(2) or (4) must comply with the requirement, unless the person has a reasonable excuse for not complying with it.
Maximum penalty—40 penalty units.
- (2) A person does not commit an offence against subsection (1) if—
 - (a) the person was required to state the person's name and residential address by an inspector who suspected the person had committed an offence against this Act; and
 - (b) the person is not proved to have committed the offence.

142 Power to require production of documents

- (1) An inspector may require a person to make available for inspection by an inspector, or produce to an inspector for inspection, at a reasonable time and place nominated by the inspector—
 - (a) a document issued to the person under this Act; or
 - (b) a document required to be kept by the person under this Act; or
 - (c) if the person is a general licensee, a document about the activity authorised by the general licence and kept by the person under the licence.
- (2) The inspector may keep the document to copy it.
- (3) If the inspector copies the document, or an entry in the document, the inspector may require the person responsible for keeping the document to certify the copy as a true copy of the document or entry.
- (4) The inspector must return the document to the person as soon as practicable after copying it.
- (5) However, if a requirement is made of a person under subsection (3), the inspector may keep the document until the person complies with the requirement.

143 Failure to produce document

- (1) A person of whom a requirement is made under section 142(1) must comply with the requirement, unless the person has a reasonable excuse for not complying with it.
Maximum penalty—40 penalty units.
- (2) It is a reasonable excuse for the person not to comply with the requirement if complying with it might tend to incriminate the person.

144 Failure to certify copy of document

A person of whom a requirement is made under section 142(3) must comply with the requirement, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—40 penalty units.

145 Power to require attendance of persons

- (1) An inspector may require a person of whom a requirement under section 142(1) has been made to attend before the inspector to answer questions or give information about the document to which the requirement relates.
- (2) Also, an inspector who reasonably believes it is necessary in performing the inspector's functions under this Act, may require any person responsible for or connected with—
 - (a) the conduct of general gaming; or
 - (b) the manufacture, assembly, sale, supply, installation, alteration, obtaining, possession, operation, use, adjustment, maintenance or repair of general gaming equipment;to attend before the inspector to answer any questions or supply any information with respect to the matters referred to in this subsection.
- (3) A requirement made of a person under this section must—
 - (a) be made by notice given to the person; and
 - (b) state a reasonable time and place for the person's attendance.
- (4) When making the requirement, the inspector must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse for not complying with it.

146 Failure to comply with requirement about attendance

- (1) A person of whom a requirement is made under section 145 must not, unless the person has a reasonable excuse—
 - (a) fail to attend before the inspector at the time and place stated in the notice imposing the requirement; or
 - (b) when attending before the inspector—
 - (i) fail to comply with a requirement to answer a question or give information; or
 - (ii) state anything the person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

- (2) It is a reasonable excuse for a person to fail to comply with a requirement to answer a question or give information if complying with the requirement might tend to incriminate the person.

Charitable and Non-Profit Gaming Regulation 2002:

14 Players to have equal chance of winning prize

- (1) Each person who is issued with a ticket for a game must have a fair and equal chance of winning the major prize in the game when the game is drawn.
- (2) However, subsection (1) does not apply to the following games—
 - (a) a lucky envelopes game;
 - (b) a calcutta sweep as it relates to the auction held for the sweep;
 - (c) a promotional game that allows for 1 round in which players are eliminated.

17 Order in which prizes to be drawn

- (1) If more than 1 prize is offered in a game, the major prize must be drawn first and the other prizes drawn in descending order of the prize number and value.
- (2) However, subsection (1) does not apply if an alternative order of drawing is notified when tickets in the game are issued.
- (3) Also, subsection (1) does not apply to a game involving an instant result ticket.
- (4) In this section—
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.

Charitable and Non-Profit Gaming Rule 2010:

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 4 Prizes

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.

Schedule 5 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.

Elementising section 106 of the Charitable and Non-Profit Gaming Act 1999 – Cheating

STEP	RELEVANT PROOF WITHIN OFFENCE	IDENTIFIED ELEMENTS TO PROVE
<p>1. Identify the ACT or OMISSION which exists in the offence provision and then describe it in its simplest form</p>	<p>(1) A person must not, in conducting or playing a game, dishonestly obtain a benefit. Maximum penalty—200 penalty units or 2 years imprisonment.</p> <p>(2) For subsection (1), a person obtains a benefit if the person obtains for the person or another person, or induces a person to deliver, give or credit a benefit to the person or another person.</p>	
<p>2. Use the identified ACT or OMISSION to describe the common elements</p>	<p>(1) A person must not, in conducting or playing a game, dishonestly obtain a benefit. Maximum penalty—200 penalty units or 2 years imprisonment.</p> <p>(2) For subsection (1), a person obtains a benefit if the person obtains for the person or another person, or induces a person to deliver, give or credit a benefit to the person or another person.</p>	
<p>3. Identify the sub-elements/definitions/points of proof contained in the offence provision</p>	<p>(1) A person must not, in conducting or playing a game, dishonestly obtain a benefit. Maximum penalty—200 penalty units or 2 years imprisonment.</p> <p>(2) For subsection (1), a person obtains a benefit if the person obtains for the person or another person, or induces a person to deliver, give or credit a benefit to the person or another person.</p>	
<p>4. Continue to identify sub-elements/definitions/points of proof contained in the offence provision until all points of proof have been elementised</p>	<p>(1) A person must not, in conducting or playing a game, dishonestly obtain a benefit. Maximum penalty—200 penalty units or 2 years imprisonment.</p> <p>(2) For subsection (1), a person obtains a benefit if the person obtains for the person or another person, or induces a person to deliver, give or credit a benefit to the person or another person.</p>	
<p>5. Continue to identify sub-elements/definitions/points of proof contained in the offence provision until all points of proof have been elementised</p>	<p>(1) A person must not, in conducting or playing a game, dishonestly obtain a benefit. Maximum penalty—200 penalty units or 2 years imprisonment.</p> <p>(2) For subsection (1), a person obtains a benefit if the person obtains for the person or another person, or induces a person to deliver, give or credit a benefit to the person or another person.</p>	