

Fact sheet - for businesses

Trade promotion lotteries

A trade promotion lottery is a free-entry lottery conducted to promote goods or services supplied by a business.

It is sometimes called a sweepstake, competition, contest, or giveaway.

A trade promotion lottery must genuinely promote goods or services supplied, apart from offering participation in the trade promotion lottery.

If an element of chance determines the award of prize, the requirements outlined in this guide must be met. Unless qualified or expert judges are used and the winner is decided against set criteria, a competition is not based on skill – it is based on chance.

Permits can only be issued for business to conduct an individual trade promotion (single promotion permit) or to conduct multiple lotteries during a specific period up to 12 months, subject to certain prize value restrictions (multiple promotion permit).

Can tickets be sold?

No. Entry must be free. However, a trade promotion lottery in which entry is gained by purchasing goods or services at their normal retail value (for example, where proof of purchase is required) is allowed.

As entry must be free, entry into the trade promotion lottery cannot be gained by participants providing anything that has intrinsic value. For example, participants cannot redeem loyalty or reward points for entry into a trade promotion lottery.

Is a permit required?

Yes, but only where the lottery promotes a trade or business. For example, a permit is not required for a free-entry lottery conducted for staff at a Christmas function.

For further information refer to the 'Gratuitous lotteries' fact sheet at fairtrading.nsw.gov.au.

How do I obtain a permit?

1. Apply online at onegov.nsw.gov.au. On the homepage, select the 'Log In' button. First time users should register on the site. A valid email address will be required. We encourage you to lodge your application online – fees are discounted for online applications. The application fee for online applications can only be paid using a Visa or MasterCard.
2. Complete and lodge a paper-based application form, accompanied by the applicable fee shown in the table on page 2 of this fact sheet. Download 'Trade promotion lottery – application form' at fairtrading.nsw.gov.au.
3. Please note that in order to apply for a trade promotion lottery permit you must have an ABN number. You will be asked to provide your ABN on the application form.

If conducting the trade promotion lottery in NSW and elsewhere, you should contact the appropriate agency in the other state/territory about their specific requirements. For further information, visit fairtrading.nsw.gov.au.

How long can I conduct a lottery for?

We will issue a permit for a specific period, up to 12 months. If after we issue a permit you want to extend the period (but not beyond 12 months), you must lodge an amendment form. Refer to the 'Trade promotion lottery - amendment form' at

fairtrading.nsw.gov.au. Where a trade promotion lottery has a jackpotting prize, promoters must ensure that the jackpot is drawn until won on the last possible draw date before the expiration of the 12-month period.

Application fees (GST-exempt)

Prize value in NSW	Fee (dependent on lodgement method)	
	licence.nsw.gov.au	other
Single lottery		
\$10,000 or less	\$80	\$138
\$10,001 to \$50,000	\$320	\$385
\$50,001 to \$100,000	\$585	\$660
\$100,001 to 200,000	\$1,120	\$1,232
\$200,001 or more	\$2,185	\$2,400
Multiple lottery Class B Any one prize cannot exceed \$250, and the total value of the prizes is capped at \$50,000.	\$320	\$385
Multiple lottery Class C Any one prize cannot exceed \$1,000, and the total value of the prizes is capped at \$100,000.	\$585	\$660

What if a prize is unclaimed?

If, despite every reasonable effort, you cannot contact a prize winner, you must retain the prize for three months after the draw. At the end of three months, if the prize remains unclaimed, you should write to us requesting approval for a redraw. Your request should describe full details of the steps you took to contact the winner and to deliver the prize.

If, at the time of application, you included in your terms and conditions an unclaimed prize draw or similar, you do not need to contact us at the end of three months. You may conduct your unclaimed prize draw as per your terms and conditions.

If a prize is perishable (for example, a meat tray), the prize may be sold or otherwise disposed of in a way that you consider will bring a reasonable price. The money realised (after deducting the reasonable costs of sale or disposal) must be held in trust by you or the organisation for the winner of the unclaimed prize.

What if I need to change my permit?

An amendment fee of \$100 will be charged for applications to amend terms and conditions for permits after they have been approved. Find the 'Trade promotion lottery - amendment form' at fairtrading.nsw.gov.au.

What information must I supply with my application?

You must give us particulars about entering the promotion; a copy of the rules; and any sample entry form, tickets or advertising material.

Rules are sometimes known as terms and conditions (see example A) and must cover:

- ▲ the conditions of entry (including the minimum age of the participants)
- ▲ the closing date and time for the receipt of entries in the lottery
- ▲ the place, date and time of the lottery draw
- ▲ how prizes will be awarded
- ▲ the method for claiming prizes (including any requirement for entrants to be present at the draw)
- ▲ how prize winners will be notified
- ▲ how the results of the lottery will be published
- ▲ the promoter's name, address and telephone number
- ▲ details of the prizes and their value (including conditions, if any, relating to receiving, accepting or using the prizes).

Certain prizes require additional information, including:

Machinery or electrical appliances – the make, model and accessories.

Motor vehicles – the make, model, accessories, and whether registration and other on-road costs are included.

Travel – the number of persons entitled to take advantage of the travel prize, what is included (air fares, transfers, other transport, duration, accommodation standard, meals); restrictions on when the travel must be taken; and whether spending money is included.

Real estate – the type of dwelling, plans, contract details, easement details, address or other location, what is included (conveyancing and legal costs, fixtures, furniture). For multiple lottery permits, you must also outline the types of contests, promotions, prize giveaways, etc. that are planned or intended to be conducted under the authority of the permit. You

should also give us a general description of the type of prizes to be awarded and their approximate value.

Prohibited prizes

- ▲ tobacco products in any form
- ▲ firearms or ammunition
- ▲ weapons
- ▲ cosmetic surgery or other procedure designed to improve personal appearance
- ▲ liquor prizes – more than 20 litres of liquor with an alcohol content not exceeding 20% by volume or more than 5 litres of liquor with an alcohol content exceeding 20% by volume.

Where a lottery is being conducted on the premises of a hotel (excluding general bar licences), registered club or the casino, it is a condition of a permit that cash prizes cannot be awarded between 10:00pm and 8:00am the next day.

This prohibition does not prevent the prize being awarded as a crossed cheque, made payable to the winner which cannot be cashed by the venue.

If you propose a money prize greater than \$2,000, the prize winner must be paid the amount exceeding \$2,000 by a crossed cheque made out to the winner (or by EFT if the winner so requests). The full prize amount can be paid in this manner, if desired.

If you propose to offer a non-cash prize but not allow winners to opt for an equivalent cash prize, the conditions of entry should clearly state 'Not Redeemable for Cash'.

If you do not propose to offer any alternative or substitute non-cash prizes, or allow the prize winner to transfer the prize to another person, the conditions of entry should clearly state 'Not Transferable'.

How do I conduct the lottery?

You must allow ample time for each phase of the lottery including:

- ▲ notifying the start of the lottery
- ▲ publishing rules for the lottery
- ▲ distributing tickets or coupons

- ▲ collecting entries
- ▲ the period between the closing date for entries, the draw, announcement of the results, and notification to winners.

If you impose conditions on who may enter, when the prize must be taken, etc, you must adhere to these conditions. Also you must not alter these conditions during the lottery, and these conditions must be specified on all advertising material, entry forms, etc.

Who can participate in the lottery?

It is inappropriate for business directors, management and employees, their immediate families, their retailers, suppliers, associated companies and agencies to participate in a lottery conducted for their own business – unless the lottery is specifically conducted as an ‘in house’ lottery (for example among sales staff). Only members and guests of a registered club should participate in a lottery aimed at promoting the business of the club.

A child can participate in a trade promotion lottery. Where appropriate, you should restrict entry by children, by incorporating a condition into the rules of the lottery.

A child should not be allowed to participate in a lottery where the type of prize may cause problems between a parent/guardian and the child – unless the lottery rules require a parent/guardian to give written permission for the child to participate. Prizes unsuitable for children should not be offered.

Trade promotion lotteries with alcohol prizes

Tickets or rights for alcohol prizes cannot be distributed by, or to a person under 18. Also a person under 18 cannot give or collect a liquor prize.

How should I promote the lottery?

The rules (including conditions of entry) must be clearly advertised and readily available to participants. Consumers must be fully and clearly informed of the rules so that they can make informed

decisions about entering a lottery, thus minimising the prospect of complaints about the integrity of the lottery and the promoter.

Be careful to avoid the risk of false or misleading advertising.

Sometimes it may not be possible to publish the rules in an advertisement or on the wrapper of a product. In this case any advertisement, notice or information must state where the full rules are to be found – for example, a website.

However, any unusual or onerous conditions must be clearly and prominently stated on the outside of the product, without the consumer having to purchase the product or service to discover those details.

An example of a promotion that fails the test of adequate disclosure of the conditions of entry is where a simple sticker is placed on the wrapper of a product that tells consumers they have a chance to win \$100,000 by purchasing the product. Although the sticker may state that the rules of entry are contained on the game card which is enclosed in the product, there is no information on the outside of the wrapper stating the closing date of the lottery (which may have already passed). Failure to provide this most basic information will breach the permit conditions and may breach the fair trading laws.

The lottery rules, any electronic and/ or print media advertising material and any entry forms, coupons, wrappers, labels, tickets or other documents must disclose the permit number in the format ‘NSW Permit No. LTP.././.....’.

You must not state or imply that the lottery is to be conducted for charity or a charitable purpose, or for a not-for-profit organisation, unless approved by us.

Are there any advertising restrictions?

Yes. You cannot publish, or cause to be published, any lottery advertising that:

- ▲ encourages a breach of the law
- ▲ depicts children participating in a lottery activity
- ▲ is false, misleading or deceptive

- ▲ suggests that winning will be a definite outcome of entering or participating in the lottery activity
- ▲ suggests that entering or participating in the lottery activity will definitely improve a person's financial prospects
- ▲ is not conducted in accordance with decency, dignity and good taste.

'Publish' means disseminate in any way, whether by oral, visual, written or other means (for example, cinema, video, radio, television or the Internet).

Where a proposed trade promotion lottery is associated with a NSW Government licensed lottery or game of chance, your application must include a written clearance by the licensee (for example, NSW Lotteries).

If a trade promotion lottery is based on the Olympics or an Olympic theme, you must obtain a written clearance from the Australian Olympic Committee (AOC) that the proposed lottery is acceptable to that organisation. You must lodge the clearance document with your application.

How should I conduct the draw?

Each participant must have a fair and equal chance of winning.

If more than one prize is offered, the major prize should be the first drawn. Then the other prizes should be drawn in descending order of number and value. If you decide to conduct the draw in another manner, you should make clear in any advertising material the method that will be used to decide the winner.

The draw must take place in Australia.

You cannot conduct a lottery that imposes a condition that places some participants at a disadvantage. If you have a condition that requires a participant to claim a prize at the draw, you must allow at least four minutes for them to do so.

Integrity controls

Scrutiny of the draw

In a draw where the total value of the prizes is greater than \$10,000, the draw and the announcement of the prize winner(s) must be scrutinised by an independent person – unless we grant an exemption.

This requirement does not apply where the winners are solely decided through a pre-determined, instant win, scratch, break-open or bingo-style lottery or game of chance, e.g. Housie.

The scrutiniser observes the draw process and decides to the best of that person's knowledge and belief whether all entries to the lottery have been treated equally, and that no person has received an unfair advantage or unfair gain. The scrutiniser should take nothing for granted and should look directly at all relevant activities when a draw is undertaken.

If you are of the opinion that the nature of the draw system or process to be used in conjunction with the proposed trade promotion lottery makes this scrutiny requirement unduly onerous, you should attach to your application a request for exemption from the need to comply with this requirement. Your application will be assessed on its merits. However, it should be noted that approval will only be granted in exceptional cases.

Who is an independent person?

An independent person is a person who, except for his or her involvement with the scrutiny of the draw:

- ▲ is not otherwise concerned with the management, conduct or promotion of the lottery for which the permit is issued
- ▲ is not a director, employee or otherwise employed by, or under contract to, the benefiting business or trade or an associated company, business or agency.

In addition, an independent person is a person who does not have any interest or relationship, personal or commercial, with the benefiting business or trade, or any person employed by the benefiting business or

trade which might be, or appear to be, incompatible with that person's independence.

The requirement for an independent person to scrutinise the draw is a standard condition, unless the benefiting business has received written approval from us saying it does not apply.

How do I seek approval for a non-independent person to scrutinise the draw?

Apply to us in writing, giving full particulars about the draw process including safeguards and controls designed to overcome any person manipulating the draw.

We will assess each application on its merits. Approval will be in writing and will remain current until revoked or the particulars upon which it was granted are modified without prior approval.

Statutory declaration for prizes over \$10,000

In any lottery where the total value of the prizes is over \$10,000, the person who scrutinises the draw must complete a statutory declaration.

The declaration must state the scrutineer is independent (unless otherwise approved), that he or she scrutinised the draw, and that the details of the winners of prizes have been verified (see example B).

When do I have to deliver the prize?

You must deliver prizes to the prize winners within six weeks after the close of the lottery – unless you clearly stipulate a longer period in your published lottery rules. All prizes must be distributed.

How should I notify the results of the draw?

You should notify prize winners within two days of the draw:

- ▲ prize winners should be personally notified (face-to-face, mail, telephone, or e-mail)
- ▲ if the prize value is more than \$500, you must also make a public announcement by print or electronic media e.g. newspaper or website.

What records do I need to keep?

All entry forms and other records must be retained for at least three months after the date on which the winners are decided, unless a prize remains unclaimed – in which case you must keep records for at least three months after we approve the re-draw.

For multiple lottery permits you must maintain a prize register for at least 12 months after the expiration of the permit, detailing:

- ▲ each prize awarded
- ▲ the date the prize was awarded
- ▲ the prize's retail value
- ▲ the name and contact details of the prize winner.

Who is responsible?

We will grant the permit in the name of the trade or business. The sole proprietor, the partners in the partnership or directors of the body corporate will be responsible for the proper conduct of the trade promotion lottery, as the holder of the permit.

There are certain types of trade promotion lotteries which have additional application requirements. 190 premium service telephone facilities, SMS and MMS

If your promotion uses these facilities, you must comply with these requirements:

- ▲ The telephone facility or the Short Message Service (SMS) or Multimedia Messaging Service (MMS) facility must not be linked to the provision of further information—which may involve details of the rules (conditions of entry); the provision of numbers or symbols which a person marks off or scratches off a game card or otherwise matches with other numbers or symbols hidden or displayed on a game card or other publication.
- ▲ The lottery rules must clearly state that the means of entry cost to the caller will not exceed 50 cents plus GST, and the rules of the lottery must include reference to that call cost.
- ▲ An entrant or other person must not be required to call or message a telephone service on more than one occasion to provide personal information or

particulars, or to answer questions, or for any other reason in order to obtain a right to a valid entry into the proposed trade promotion lottery

- ▲ an entrant or other person must not be required to call or message a telephone service to obtain information or particulars about the proposed trade promotion lottery (information or particulars includes details of the conditions of entry)
- ▲ an entrant or other person must not incur any cost if the telephone service sends a message to that person's mobile telephone in connection with the proposed trade promotion lottery.

Pre-determined, instant win, scratch, break-open or bingo style components

The following requirements apply to trade promotion lotteries involving:

- ▲ instant win lotteries
- ▲ break-open tickets or cards
- ▲ scratch or rub-off instant win lotteries
- ▲ bingo-style games of chance
- ▲ pre-determined result lotteries (for example, letters are sent to potential customers, each containing different numbers and the customer does not know whether the number is a winning number or not. After returning the entry form the promoter advises the customer whether the number allotted was a winning number).

What you must include in the published rules for these lotteries:

Prizes

You must include a statement in the lottery rules stating that all prizes from the advertised prize pool will be distributed. You must give us details as to how all the prizes will be distributed.

Printing errors

Due to the possibility of printing errors, structural faults or similar factors, a situation may arise where claims for prizes are received in excess of those

prizes specified in the advertised prize structure. To address this possibility, you must include:

- ▲ a statement in the rules stating that at the end of the lottery all existing claims for prizes and entitlements to claims will be met notwithstanding the advertised prize pool has been exceeded
- ▲ a statement in the rules stating that printing errors or other quality assurance matters outside the control of the individual player must not be used as the sole basis for refusing to award a prize.

Random games

In respect of random games (games where the number of possible winners is not known beforehand, being the result of chance or lot):

- ▲ prize value less than \$5,000 where there is more than one claim for a particular prize of \$5,000 or less, each claimant is to receive an equal share of the prize or \$1,000, whichever is the higher
- ▲ prize value more than \$5,000 where there is more than one claim for a particular prize of over \$5,000, each claimant is to receive an equal share of the prize, 10% of the prize, or \$2,000, whichever is the higher.

Controlled games

In respect of controlled games (games where the number of possible winners is known beforehand, based on the number of winning game material printed) the sharing of prizes is not permitted.

Printing requirements

Advertising should include the words 'total prize pool' in a prominent manner against the prize pool value.

Where possible, the game material comprising tickets or cards must provide:

- ▲ the maximum number of game material to be distributed
- ▲ the rules
- ▲ the total prize structure.

Where this is not possible, this information must be otherwise given to players.

What you must lodge with an application for these lotteries

- ▲ the name and address of the business which is responsible for preparing and printing the game material
- ▲ how and by whom the winning numbers or symbols are to be determined
- ▲ how and by whom the winning game material is to be distributed
- ▲ the full prize structure to be won over the period of the trade promotion lottery
- ▲ the estimated prize payouts (if appropriate) for each week of the trade promotion lottery
- ▲ a written assurance that the system cannot be tampered with in any way by any person or organisation involved in the production or distribution of the game material
- ▲ evidence may be required of insurance coverage held by the promoter against any damage or loss caused by any structural faults or breakdowns which affect the successful conduct of the trade promotion lottery.

Permit conditions

Visit fairtrading.nsw.gov.au for information on standard permit conditions.

In addition to the standard permit conditions, the following conditions apply to these lotteries:

- ▲ all details of claims for prizes over \$100 which are denied must be retained. These details shall include the names and contact details of the claimants and the reason(s) why the claims were not met
- ▲ players must be informed as soon as possible of the reasons for refusing to award a prize, unless forgery or similar tampering with the card is suspected and the reason for the refusal to award the prize cannot be given to the claimant because of possible legal consequences

- ▲ adequate security measures must be adopted to eliminate the potential for the manipulation of the distribution of winning cards.

No game material is to be marketed or promoted in a manner which may mislead the public into thinking that the game material is a NSW Government licensed lottery or game of chance.

Winning game material must not be added during the course of the lottery.

Gaming machines

A permit is required when the gaming machine itself does not determine the winner or the prize; it simply determines that the person playing the machine has the right to receive an entry into a draw. Prizes awarded in the draw must adhere to the restrictions below.

A permit is not required where persons obtain a bonus prize based on the play of a gaming machine or where players accumulate bonus or reward points. Such promotions do not involve a draw to determine the prize winner. These promotions may involve the awarding of vouchers, stamps, tokens, points, or play money. A gaming machine win or any bonus points acquired cannot be credited to smart card.

Prizes in a gaming machine promotion

Under section 45 of the *Gaming Machines Act 2001*, prizes awarded as part of a gaming machine promotion are restricted and must not:

- ▲ be cash: including cheques, electronic transfer of funds (EFT), gold or silver coins and EFT/credit cards that cash can be drawn from
- ▲ exceed \$1,000 in value
- ▲ be exchangeable or redeemable for cash: including an amount of money that could be given as change (only if redeemed at a registered club or hotel).

When applying for a trade promotion lottery involving gaming machines your lottery rules must include a reference to these prize restrictions.

A link to a charity or other not-for-profit organisation

NSW permit conditions stipulate that a permit holder cannot represent that a trade promotion lottery is conducted for, or in conjunction with, an appeal for funds for a not-for-profit organisation. We can set aside this condition in a particular case, upon request.

If there is a link to a fundraising appeal for a not-for-profit organisation (including a charity) in connection with your application, you must give us:

- ▲ a letter from the not-for-profit organisation consenting to the link with the lottery
- ▲ an assurance that the proceeds of the fundraising appeal will not be used to fund the conduct of, or prizes in, the lottery
- ▲ an assurance that the proceeds of the fundraising appeal will be banked intact into the account of the benefiting organisation.

NSW Fair Trading will consider each application on its merits, and may need to seek additional information.

Lotteries conducted by wagering operators

A non-proprietary association or licensed wagering operator or their employee that conducts a lottery must not publish any advertising that offers any credit, voucher or reward as an inducement to participate, or to participate frequently, in any gambling activity including as an inducement to open a betting account.

Card jackpot games – for example, ‘Jokers Wild, Wild Card’

We will only grant a permit for a card jackpot game promotion if terms and conditions of entry are agreed to by the applicant/promoter/benefiting organisation. The terms and conditions require the applicant to answer specific questions about how the card jackpot game will be conducted. For information about card jackpot games and the terms and conditions refer to

the ‘Card jackpot games’ fact sheet at fairtrading.nsw.gov.au.

Lotteries involving alcohol

To ensure that licensees sell and supply liquor responsibly, guidelines have been developed for the responsible promotion of alcohol.

The **Liquor promotion guidelines** describe activities or promotions involving the responsible sale or supply of alcohol and must be referred to when applying for a trade promotion lottery involving an alcohol promotion. Find the GL4001 ‘Liquor promotion guidelines’ at liquorandgaming.nsw.gov.au.

All licensees should have a good understanding of these guidelines. Using the Liquor promotion guidelines will help you determine the risks associated with a proposed activity or promotion involving the sale and supply of alcohol. If any unacceptable risks are associated with the activity or promotion, it should not be conducted.

If alcohol is awarded as a prize in a lottery trade promotion either on or off premise, under the *Lotteries and Art Unions Act*, the following limits apply:

- ▲ no more than 20 litres of liquor with alcohol content not exceeding 20% by volume; or
- ▲ no more than 5 litres of liquor with alcohol content exceeding 20% by volume.

You must also make reference to the above limits when applying for a trade promotion lottery involving alcohol as a prize.

Computerised Draw Systems

Where a computerised system is used to decide the winners of prizes (including a device used in connection with a 190-telephone service, a SMS telephone facility, a MMS telephone facility or the Internet) the permit holder must obtain two reports:

1. Appraisal Report
2. Draw Procedure Report.

The permit holder must retain a copy of these reports for review by Liquor & Gaming NSW, if required. This is a once only report; it does not require a new report for each draw using the same system. However, if there are any changes to the system, the permit holder must obtain new reports for subsequent draws. Costs associated in producing these reports are to be borne by the applicant /benefiting business or its agent. Each report should include the particulars mentioned below:

1. Appraisal Report

The Appraisal Report must detail whether the computerised system is random in its selection of winners and has appropriate safeguards and controls in place to overcome the possibility of a person manipulating the system. For example: password control or two or more persons acting independently.

The appraisal report must be sourced from an appropriately qualified, independent person with knowledge of the technology used to develop the draw system. A person would be considered appropriately qualified where they are able to, on the basis of knowledge and experience, make an objective assessment of a computerised draw system used to determine the winner of a lottery and certify the integrity of that system. By way of example, the knowledge and experience considered appropriate may be the equivalent of three years full-time experience working as a developer with the code or platform used to develop the application or knowledge and experience working with a similar code or platform.

The appraisal report as prepared by the nominated independent person must make reference to the following:

- ▲ control and security features (login, passwords)
- ▲ operating procedures
- ▲ whether the system is tamper-proof
- ▲ whether all entrants have an equal chance of winning
- ▲ technical data and promotional material

- ▲ whether a hard-copy of the prize winners' list is provided
- ▲ operating procedures
- ▲ the name, title, address and expertise of the person giving the appraisal report
- ▲ the name and address of the supplier, manufacturer or developer of the device or system
- ▲ the name and model number of the random number generating device; or the name of the application or software of the computerised random number generator.

2. Draw Procedure Report

The Draw Procedure Report must detail the safeguards and controls in place to overcome the possibility of a person manipulating any stage of the draw or announcement of the prize winner processes and must contain information about the following:

- ▲ purposes for which the device will be used
- ▲ procedures used in entering the range of numbers or the draw procedure
- ▲ safeguards and controls exercised over the draw process (accessibility, passwords, supervision)
- ▲ how the results are to be announced, and
- ▲ what precautions are taken to ensure there is no substitution of prize winners.

Can records be inspected?

Yes, by our authorised officers or police.

Do penalties apply?

Yes. There are penalties for conducting a lottery contrary to requirements, including:

- ▲ failing to award the winner the prize
- ▲ conducting the lottery fraudulently
- ▲ misappropriating prizes
- ▲ making false statements
- ▲ failing to keep books and records
- ▲ awarding prohibited prizes
- ▲ unlawful advertising
- ▲ hindering or obstructing authorised officers or police.

For further information

This guide is designed to provide accurate and authoritative information in regard to the subject matter covered, and with the understanding that NSW Fair Trading, part of NSW Department of Finance, Services and Innovation, is not passing legal opinion or other professional advice. If you require a more detailed understanding of the legislation, it is recommended that you contact a specialist advisor.

The law governing the conduct of this lottery or game of chance is the *Lotteries and Art Unions Act 1901* and the *Lotteries and Art Unions Regulation 2014*. Online access to the legislation is available at legislation.nsw.gov.au

Sample terms and conditions

Example A

Eligibility

- ▲ Entry is open to ---- **(eligible entrants)**
- ▲ Employees, immediate family members of employees, employees of any company associated with the Promotion are ineligible to enter

Entry

- ▲ The Promotion commences on 00:00 --/--/20-- and entries close on 00:00 --/--/20-- **(promotion period)**
- ▲ To enter, Eligible Entrants must **(insert what entrants must do to enter the competition)** during the Promotion Period and enter via **(insert publication, website or URL)**

Prizes and winning

- ▲ The random prize draw will take place at 00:00 on --/--/20-- at **(insert address)**
- ▲ The winners will receive **(insert prize details)**
- ▲ Total Prize pool value is **(insert total prize pool)**

Prize conditions

- ▲ Winners will be notified by phone/email within two (2) business days of the draw. The winners will have their details published in (insert publication, website or URL) on --/--/20--. **(Only required if individual prize is valued over \$250)**
- ▲ If there are any unclaimed or un-awarded prizes a prize draw will be conducted on **(insert time and date) (Must be 3 months after the original prize draw unless it is an event based prize.)** at the same time and place as the original draw. If a winner is drawn they will be contacted by phone and in writing within two (2) business days and will have their name published (insert publication, website or URL) on --/--/20--. **(Only required if individual prize is valued over \$250)**

Authorised under NSW permit number: LTPx/xx/xxxxxx

Additional terms and conditions that may be required

If a multiple lottery permit

- ▲ **Multi B** – Individual prizes will not exceed \$250.00. Total prizes during the period of the permit will not exceed \$50,000.00
- ▲ **Multi C** – Individual prizes will not exceed \$1,000.00. Total prizes during the period of the permit will not exceed \$100,000.00

If instant win/predetermined lottery

- ▲ Printing and other quality control errors will not invalidate an otherwise valid prize claim. Unless otherwise due to fraud or ineligibility under these Terms and Conditions, all prize claims in excess of the advertised prize pool will be honoured. Instant win game materials void if stolen, forged, mutilated or tampered with in any way
- ▲ If there is **no second chance draw** – a statement that all prizes from the advertised total prize pool will be distributed during, or after the completion of, the lottery, together with a statement that details how prizes are to be distributed after the completion the lottery, unless Liquor & Gaming NSW waives this requirement

If promotion involves alcohol

- ▲ The Promoter encourages consumers to enjoy alcohol responsibly. Please refer to the GL4001 'Liquor promotion guidelines' and GL4003 'Intoxication guidelines' at liquorandgaming.justice.nsw.gov.au.

If promotion involves gaming machines

- ▲ Prizes are not redeemable for cash

If winner required to be at draw

- ▲ Winner must be on the premises when their name is announced to be eligible to claim their prize
- ▲ Winner has 4 minutes to claim their prize from the time their name is announced

Scrutiniser's Declaration

Example B

I of
name in full occupation

address contact telephone number/email

do hereby solemnly and sincerely declare that:

1. I have been engaged by or on behalf of
name of business or trade
to scrutinise (hereinafter called the scrutiniser) the draw of the lottery or game of chance authorised under
NSW Permit No. LTPS and known as
title of the lottery or game of chance
for the promotion of trade

2. (1) Except for my involvement with the scrutiny of the draw:

(a) I am not otherwise concerned with the management, conduct or promotion of the lottery or game of chance for which this permit is issued; and

(b) I am not a director, employee or otherwise employed by, or under contract to, the benefiting trade or business, the promoter, or an associated company, business or agency.

(2) I do not have any interest or relationship, personal or commercial, with the benefiting business or trade, or any person employed by that business or trade which might be, or appear to be, incompatible with my objectivity.

Delete clause 2 if official approval given for a non-independent scrutineer

3. I have scrutinised the draw for the lottery or game of chance for the promotion of trade and to the best of the knowledge and belief all entries to the lottery or game of chance have been treated equally, and that no person has received an unfair advantage or unfair gain.

4. To the best of my knowledge and belief the prizewinners of the respective prizes valued at over \$10,000 as per the schedule of prizewinners marked "A" annexed hereto is a true and correct record.

AND I make this declaration conscientiously believing the same to be true.

Subscribed and declared at
this day of
two thousand and
before me
A Justice of the Peace

Signature of scrutiniser

Trade promotion lotteries

'A' Schedule of winners of prizes over \$10,000

Name of trade or business

Title of trade promotion lottery

Permit number LTPS

Prize No.	Description of prize	Full name and contact details of prizewinner
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

This is annexure 'A' referred to in the Declaration of (name of scrutiniser)

made before me this day of 20

Justice of the Peace (must be signed by the same JP on the same date as the Scrutiniser's Declaration)

Winners published Name of publication/website

Publication Date

Date Scrutiniser's signature