

Fundraising and minor gaming in the Northern Territory

Legal information for Northern Territory community organisations

This fact sheet covers:

- ▶ do we need an authority to fundraise?
- ▶ how do we apply for a community gaming permit?
- ▶ what are the obligations of a community gaming permit holder?

Do we need an authority to fundraise?

The Northern Territory doesn't have legislation that governs fundraising.

As a result, people and organisations don't need an authority to fundraise for charity in the Northern Territory. General fundraising activities, such as fundraising through doorknock appeals, tin collections and clothing bins don't require a special permit (although they do in many Australian states).

The exception to this is if you intend to conduct gaming activities, including some lotteries and raffles, which fall into the scope of the *Gaming Control Act 1993* (NT) and the *Gaming Control (Community Gaming) Regulations* (NT) (**NT Acts**).



Caution

Certain gaming activities are prohibited under Northern Territory's gaming laws.

For more information, go to the [lotteries and community gambling section of the Northern Territory Government website](#).

Community gaming

Only 'approved associations' may conduct community gaming activities for fundraising purposes.

Community gaming activities include raffles, lotto, tipping competitions, bingo, calcuttas and sweepstakes.

If you are a 'community organisation' with 10 or more members, you can apply to become an 'approved association' under the *Gaming Control Act 1993* (NT). A community organisation includes any association, society, institution or body whose purpose:

- is religious, educational, benevolent or charitable
- provides medical treatment or attention



- promotes or encourages literature, science, art or a cultural activity
- involves recreation or amusement
- improves community centres, or
- any other association, society, institution or body certified in writing by the Director-General to be an association for the purposes of the NT Acts

To become an approved association, an organisation must make an application to the Director-General of Licensing. The application must be in the approved form and accompanied by:

- a copy of the certificate of incorporation of the association
- if the organisation is not incorporated, a copy of the advice of an incorporating authority that the association is ineligible for incorporation, or
- a statement by the governing body giving reasons why the association is not incorporated

The application must also enclose a copy of:

- the association's constitution
- a document identifying the members of the governing body, and
- a copy of the authorised person's notice of consent to act on behalf of the organisation

The authorised person is the person responsible for running the gaming or lottery activities for the organisation.

A copy of the approved association form can be found on the ['Become an approved association' page of the Northern Territory government's website](#). The form includes the details of where to lodge the completed form.

Once an association is an 'approved association' it can run the following activities without obtaining a permit:

- sweepstakes, calcuttas and bingo
- a free entry lottery with a prize less than or equal to \$10,000
- raffles with a total value of ticket sales or entry fees less than or equal to \$5,000
- a lottery with a prize less than or equal to \$5,000
- a tipping competition with a prize less than or equal to \$5,000
- a 'minor trade' lottery (that is, a lottery conducted for the purposes of promoting a product or business of the association with a prize less than or equal \$5,000)

Other gaming activities require a permit (discussed further below).

How do we apply for a community gaming permit?

Approved associations must apply to obtain either – a minor lottery permit, or a major permit to conduct gaming activities outside those listed above.

You need a minor lottery permit if the total value of tickets or entry fees is between \$5,000 and \$20,000 and a major lottery permit if the total value of tickets or entry fees is above \$20,000.

A copy of the application form to apply for a minor or major lottery permit can be found on the ['Apply to run a minor or major lottery' page of the Northern Territory Government's website](#).

It's important to review the conditions for the conduct of a minor or major lottery contained on the form (see further below). You must submit your application at least 14 days before the lottery start date.

Standard conditions for a lottery include that:

- the total value of the prizes must be at least one-third of the total value of the tickets or entry fees
- liquor must not be a major prize and cannot be advertised as a major component of the prize
- rules and conditions must be clearly stated on all promotional material, including when and how the lottery will be drawn and how the winners are determined
- the lottery must be drawn on the date specified and prizes awarded as set out in the lottery's terms and conditions

- all tickets included in the draw, including any unsold tickets, must be kept by the association for 12 months

Obligations of a community gaming permit holder

To retain the permit, the approved association must:

- act in accordance with the conditions of the permit
- as soon as practicable after any authorised person ceases to act in that capacity, authorise another member of the approved association to be the authorised person
- notify the Director-General not later than 14 days after holding the annual general meeting of the members of the governing body of the approved association
- notify the Director-General not later than 14 days following any change in address, a change in constitution, a change in the approved association's objectives or purposes or following the approved association's winding up
- ensure that financial records of all games conducted during the financial year are audited and any qualified audit report is submitted to the Director-General of Licensing not later than 14 days after the approved association receives the report

Record keeping

If you have applied and received a permit to hold your community game there are requirements for what records must be kept by the organisation. These include:

- records of the entries received and allocation of prizes
- evidence that the winners have received their prizes, for example if you are posting prizes to winners you may wish to send using registered post and keep a copy of the lodgement receipt
- original or certified copies of all expenditure receipts

Financial records must be kept for two years for a minor lottery, and seven years for a major lottery. There may be other obligations, so be sure to check when you are issued your permit.



Related resources

For more information on obtaining a permit for major or major trade lottery (including steps to conduct a lottery, ticket, prize and permit requirements and requirements after the lottery has been drawn) visit the ['Apply to run a minor or major lottery' page of the Northern Territory government website](#).

For more information on conditions and restrictions, see the ['Lotteries and community gambling' page of the Northern Territory government's website](#).



Resources

Not-for-profit Law resources

The [Not-for-profit Law website](#) has information on the following related topics:

- ▶ [Fundraising](#)

This webpage contains information about Fundraising in other Australian jurisdictions.

- ▶ [Running the organisation](#)

This webpage contains information on the legal aspects of running an organisation, such as who runs the organisation and holding meetings.

Legislation

- ▶ [Gaming Control Act 1993 \(NT\)](#)

- ▶ [Gaming Control \(Community Gaming\) Regulations \(NT\)](#)

Government agencies

- ▶ NT Government - [Lotteries and community gambling](#)