1. What is a Trade promotion lottery?

Competitions run by the university usually fall within the definition of a “trade promotion lottery” as defined under the *Gaming and Wagering Commission Act 1987* (WA). A trade promotion lottery is defined as:

“a lottery conducted to promote the sale of goods or the use of services, in which every participant takes part –

(a) without cost to him; or

(b) by reason of the purchase of goods or the use of services, the cost of which is no more than the cost would be without the opportunity to take part in the lottery”.

If your proposed activity meets the above definition, it is deemed to be a trade promotion lottery and must comply with the processes detailed below. These processes include compliance with:

a) the Department of Racing, Gaming and Liquor – Gaming and Wagering Commission - Trade Promotion Lottery General Conditions (see link below); and

b) Curtin University’s draft Competition Terms and Conditions (see link below)

**NOTE:** even if your proposed activity does not meet the above definition, legal compliance obligations may still apply to the activity. Please contact the Legal and Policy Officer for further information (details below).

2. What information do I need to know before planning a university competition?

**Q. Who can run a competition at the University?**

**A.** A competition may be run by any faculty or division of the university, however one staff member (‘competition organiser’) must be appointed as the competition organiser and ensure that the competition complies with the processes outlined in this document.

**Q. Who is responsible for the competition?**

**A.** The competition organiser is responsible for organising the competition and ensuring that the competition is run according to the processes in this document.

**Q. What does the competition organiser do?**

**A.** The organiser makes all arrangements for the competition, including:

(i) organising for the competition proposal form (see form below) to be completed and signed off by the appropriate Curtin staff members where the competition prize pool exceeds $2000;

(ii) reading and amending the university’s draft competition terms (see link below) and conditions to suit the proposed competition;
(iii) ensuring that the draft competition terms and conditions are reviewed by the Legal and Policy Officer
(iv) preparing entry forms, or web page details;
(v) arranging for the promotion and publicity;
(vi) making certain all the terms and conditions are prepared, are compliant, and are complied with;
(vii) notifying the prizewinner/s about the collection of their prize/s;
(viii) ensuring that competition records are kept and filed according to the Department of Racing, Gaming and Liquor and university requirements; and
(ix) arranging any reporting or follow-up at the conclusion of the competition.

Q. Which area bears the costs of a competition?

A. Normally the area running the competition bears all the costs of the competition including the costs of providing a prize/s. If the costs are to be shared amongst faculties or divisions of the university, the competition organiser must finalise the costs before the competition commences.

To ensure that there are no issues with the costs of the competition, please ensure that a competition proposal form has been completed and signed off by the Faculty Business Manager/Director (as appropriate) prior to the commencement of the proposed competition.

Q. What additional requirements should the competition organiser be aware of?

A. Competition organisers must ensure that all competition prizes have been obtained and are available to be distributed before the competition commences to ensure compliance with the Competition and Consumer Act.

In addition, if the proposed competition utilises Facebook in any manner, the competition organiser will need to ensure that the competition complies with Facebook’s promotion guidelines (www.facebook.com/promotions_guidelines.php). If you have any queries concerning compliance with the Facebook promotions guidelines, please contact the Legal and Policy Officer (see details below).

Q. Is there any legislation covering competitions with which the University must comply?

A. Yes, the Gaming and Wagering Commission Act 1987 (WA) regulates the operation of competitions within Western Australia. This Act is administered by the Department of Racing, Gaming and Liquor.

3. How do I organise a competition?

STEP 1:

Complete a competition proposal form (see form below) including obtaining all relevant signatures detailed in the form if your prize pool exceeds $2000. Please keep a copy of the completed proposal form for your records.

STEP 2:

Read through the Department of Racing, Gaming and Liquor’s conditions (see link below) for organising a trade promotion lottery. The competition organiser is responsible for ensuring that the proposed competition complies with the Department’s trade promotion lottery conditions.
STEP 3:

Read through the university’s draft competition terms and conditions (see link below) and insert all of the relevant competition details (e.g. how the competition will operate, how the winners will be decided, list the prizes etc) into the draft competition terms and conditions. After completing this, send the completed draft terms and conditions to the Legal and Policy Officer (see details below) for legal review.

STEP 4:

After the draft competition terms and conditions have been reviewed and approved by Legal and Compliance Services, the following text (‘tick-boxes’) must be incorporated into the competition entry form (whether the competition entry form is a hardcopy form or an online form) to indicate that the entrant accepts the competition terms and conditions. The tick-box text is detailed below:

For entrants who are 18 years of age or older:
I have read the <insert competition’s name> competition terms and conditions and provide my consent to be bound by them.

For entrants under the age of 18 years of age:
I have read the <insert competition’s name> competition terms and conditions and have obtained my parent’s or legal guardian’s consent before entering this competition.

In addition, any materials promoting the competition (eg flyers, advertising, website blurb, posters) need to clearly indicate that that competition terms and conditions apply, where the competition terms and conditions may be found and which prizes are available.

STEP 5 (if applicable):

You need to register (by email) your competition terms and conditions with the Department of Racing, Gaming and Liquor – Gaming and Wagering Commission if the proposed competition is conducted by audio, visual or electronic media. Only the competition terms and conditions need to be emailed to the Commission. Please see the precedent email below to assist in this process.

Please note that the Gaming and Wagering Commission typically does not respond with an approval or permit as such. By lodging the competition terms and conditions document with them, you automatically are deemed to have registered the competition. If you have any issues following the lodgement of the competition terms and conditions, please contact the Legal and Policy Officer for assistance.

STEP 6:

Please ensure that the competition terms and conditions are clearly accessible to all entrants.

For hardcopy entry forms, a description of the competition prizes and competition terms and conditions need to be printed on the entry form or, alternatively, published in The West Australian.

For electronic entry forms, a description of the competition prizes and competition terms and conditions must be clearly identified on the entry form or, alternatively, included on the entry form as a hyperlink.

STEP 7:

Conduct the competition in accordance with the competition terms and conditions and the Department of Racing, Gaming and Liquor’s competition Trade Promotion Lottery conditions.
Please ensure that you conduct the prize draw as detailed in the competition terms and conditions.

**STEP 8:**

Ensure you keep all relevant documentation pertaining to the conduct of the competition for the competition as the Department of Racing, Gaming and Liquor may conduct an audit (up to 12 months after the competition has been completed) on any of the competitions carried out by the university.

4. **Questions?**

   Any questions about the information contained in this document should be forwarded to the Legal and Compliance Office via our [contact us page](#) or on extension 3193.

5. **Relevant Links and Documents**

   Competition proposal form

   [Department of Racing, Gaming and Liquor Trade Promotion Lottery conditions](#)

   Draft university competition terms and conditions

   Precedent email to Department of Racing, Gaming and Liquor – Lodgement of completion terms and conditions