

Victorian Commission for Gambling Regulation

Minor Gaming Unit
GPO Box 1988
MELBOURNE VIC 3001
Phone:(03) 9651 3630 Fax:(03) 9651 3246
Email:Minor.Gaming@vcgr.vic.gov.au

DECLARATION AS A COMMUNITY OR CHARITABLE ORGANISATION

INFORMATION SHEET

Under section 8.3.12 of the *Gambling Regulation Act 2003*, only organisations which are declared by the Victorian Commission for Gambling Regulation (the Commission) to be genuine community or charitable organisations can conduct minor gaming activities such as running raffles, bingo and fundraising events or selling lucky envelopes.

The Commission can declare an organisation to be a community or charitable organisation if it is satisfied that the organisation is conducted in good faith for -

- A philanthropic or benevolent purpose, including the promotion of art, culture, science, religion, education or charity, and including the benefiting of a fund certified to be a patriotic fund under section 24 of the *Patriotic Funds Act 1958* or the fund or part of the fund of the Australian Red Cross Society; or
- A sporting or recreational purpose, including the benefiting of any sporting or recreational club or association; or
- A political party registered under the *Electoral Act 2002*, the *Commonwealth Electoral Act 1918* of the Commonwealth or a law of another State or Territory of the Commonwealth corresponding to these Acts.

To apply to be declared as a community or charitable organisation, please follow the steps listed below:

1. Complete Part A CONTACT DETAILS of the attached form.
2. Read the assessment categories listed in Part B and Part C of the form.
3. Determine which category best describes your organisation:

If you consider your organisation should be declared as having a philanthropic or benevolent purpose, please complete the section RELEVANT CATEGORY indicating which category describes your organisation.

If you consider your organisation should be declared as having a sporting or recreational purpose, please complete PART C indicating which category describes your organisation.

If you consider your organisation should be declared as a political party, please submit documentary evidence to indicate that your organisation is a registered political party.
4. Submit the application to the Minor Gaming Unit of the Victorian Commission for Gambling Regulation, together with all the required documents relevant to your organisation's category.

5. **Please allow at least 28 days for processing of your application. Failure to provide all required information with the application will result in the application being returned.**

Additional information in support of your application may be requested by the Minor Gaming Unit. If you have any questions on this matter or you are unsure which category best describes your organisation, please contact the Minor Gaming Unit on telephone (03) 9651 3630 or by email at **Minor.Gaming@vcgr.vic.gov.au**. Further information can be found on our website at **www.vcgr.vic.gov.au** under community permits.

PART A - APPLICATION FOR DECLARATION

NAME OF ORGANISATION:

.....

CONTACT DETAILS

Details of Person that can be contacted by the Commission regarding the application:

--	--	--	--

Title First name Second name Surname

--	--	--	--

No. Street Name City/Town/Suburb Postcode

Postal Address (if already stated write "as above")

--

Contact Numbers:

()	()	
-----	-----	--

daytime phone number Daytime fax number Mobile phone number

--	--

Position held in organisation Email address

Signature: Date: / /

RELEVANT CATEGORY

Please identify which category from Part B or Part C is relevant to your organisation:

Part B Philanthropic or Benevolent Purpose Category No:
Please indicate relevant category number

Part C Sporting or Recreational Purpose Category No:
Please indicate relevant category number*

*If Category 1, advise the name of the governing body with which the organisation is affiliated:

.....

Please ensure all required supporting documentation for the relevant category is attached. Failure to provide all the required information will result in the application being returned.

Additional information in support of your application may be requested by the Minor Gaming Unit.

PART B

ORGANISATIONS HAVING A PHILANTHROPIC OR BENEVOLENT PURPOSE

CATEGORY 1:

A state or registered school under the *Education Act 1958*

REQUIRED SUPPORTING DOCUMENTATION:

- Letter of request from principal, bursar or business manager on school letterhead.

CATEGORY 2:

A University or TAFE College

REQUIRED SUPPORTING DOCUMENTATION:

- Letter of request from Vice-Chancellor on letterhead (University).
- Letter of request from Director on letterhead (TAFE College).

CATEGORY 3:

A registered children's service under the *Children's Services Act 1996* (kindergarten, creche, playhouse, childcare centre)

REQUIRED SUPPORTING DOCUMENTATION:

- Copy of current licence issued by Department of Human Services; and
- Copy of the constitution/rules/articles of association for the organisation operating the registered children's service.

* Note: A playgroup cannot be declared under this category unless it holds a licence to operate a children's service issued by Department of Human Services. If the playgroup is not licensed, it must meet the requirements of Part B Category 9.

CATEGORY 4:

A religious body or organisation which has been declared as a recognised denomination for the purposes of section 26 of the *Marriage Act 1961*.

REQUIRED SUPPORTING DOCUMENTATION:

- Letter of request from a recognised leader of the religious body or organisation such as bishop, priest, minister or rabbi.

CATEGORY 5:

A Public Hospital or Health Service

REQUIRED SUPPORTING DOCUMENTATION:

- Letter of request from Chief Executive Officer (or equivalent) of hospital or health service (Hospital or Health Service must be registered with Department of Human Services) on letterhead; and
- Copy of the most recent Annual Report.

□ **CATEGORY 6:**

A Rural or Urban Fire Brigade.

REQUIRED SUPPORTING DOCUMENTATION:

Letter of request from Brigade Captain (Brigade must be registered under the *Country Fire Authority Act 1958*) on letterhead.

□ **CATEGORY 7:**

RSL Sub-Branch or Patriotic Fund

REQUIRED SUPPORTING DOCUMENTATION:

Letter of request from President (or equivalent) of the Sub-Branch (Sub-Branch must be registered with the Victorian Branch of the Returned & Services League of Australia) or advice of Patriotic Fund registration.

□ **CATEGORY 8:**

A recognised service club or association: Apex, Kiwanis, Lions, Rotary or Zonta club.

REQUIRED SUPPORTING DOCUMENTATION:

- A letter of request from President (or equivalent) on club letterhead.

* Note: A service club other than a type listed above must provide the required supporting documentation of Part B Category 9.

□ **CATEGORY 9:**

All other organisations

REQUIRED SUPPORTING DOCUMENTATION:

- A copy of the constitution, memorandum and articles of association, or rules under which the organisation operates (which must provide that, in the event of the winding up of the organisation, the assets and property of the organisation must not be distributed to its members but to an organisation with similar objects); and
- A copy of the purposes / objects of the organisation (The objects must include the relief of poverty, the advancement of education, the advancement of religion, or any philanthropic or benevolent purpose); and
- A copy of the Certificate of Incorporation (if applicable); and
- A list of members for the past 2 years; and
- A copy of the statements of income and expenditure and the balance sheets for the past 2 financial years; and
- A letter from the Australian Taxation Office confirming that a tax deduction allowance or deductible gift recipient endorsement has been approved under section 78 of the *Income Tax Assessment Act 1936* or under section 30-45, item 4.1.1 of the *Income Tax Assessment Act 1997* (if applicable); and
- A copy of the Minutes from the past 2 Annual General Meetings.

PART C

ORGANISATIONS HAVING A SPORTING OR RECREATIONAL PURPOSE

□ CATEGORY 1:

An organisation which has a sporting or recreational purpose including the benefiting of any sporting or recreational club or association, and is affiliated with a local, regional, state, national or international body or association with similar objects.

This type of organisation include bona fide sporting clubs and associations that are affiliated with a governing body or operate as the governing body of the sport.

□ CATEGORY 2:

An organisation which has a social or recreational purpose and has been in existence for a period of at least 2 years during which time it has complied with the requirements of regulation 77 of the Gambling Regulation Regulations 2005 (see attached).

These type of organisations include social or recreational clubs such as Hotel Sporting & Social Clubs, Past Players & Officials Associations and Football Club Social Clubs.

All of the following documentation must be provided to establish eligibility of all sporting or recreational organisations shown in Categories 1 and 2:

- a copy of the list of members for the past 2 years
- a copy of the minutes of the past 2 annual general meetings
- a copy of the statements of income and expenditure and the balance sheets for the past 2 financial years
- a copy of the constitution / articles of association (including statement of purposes/objects/aims)
- a copy of the Certificate of Incorporation / Certificate of Registration as a company (if applicable)
- the name of the local, regional, state, national or international body or association to which the organisation is affiliated (if applicable)

Important Note

Your organisation must have a winding-up clause in its constitution which is suitable to meet the requirements of Regulation 64(h) of the *Gambling Regulation Regulations 2005* (see attached).

If your organisation does not currently have a winding-up clause that meets this requirement, it will be required to amend the constitution at an Annual General Meeting or Special General Meeting.

Please contact the Minor Gaming Unit of the Victorian Commission for Gambling Regulation if you require further advice on these requirements.

Gambling Regulation Regulations 2005

r.64. Sporting or recreational club or association

For the purposes of section 8.3.3(1)(b) of the Act, a sporting or recreational club or association is of a prescribed kind if -

- (a) it has a bona fide membership; and
- (b) it has been formed for recreational purposes or for the promotion of any sport; and
- (c) if it is incorporated, it can show continuing compliance with the requirements of the law under which it is incorporated; and
- (d) if it is unincorporated -
 - (i) it is managed by a committee, elected by the general body of members for a period of not less than 12 months, which meets regularly; and
 - (ii) it consistently holds annual general meetings; and
 - (iii) it records its decisions accurately in writing; and
- (e) it has a treasurer who maintains proper financial records and presents a statement of income and expenditure and a balance sheet at its annual general meeting; and
- (f) it operates a banking account in its name; and
- (g) it issues cheques signed by not less than 2 authorised officers; and
- (h) it has a constitution which provides that in the event of the club or association being disbanded, its net assets will not be distributed to members but will be distributed to -
 - (i) a fund with objectives similar to those of the club or association; or
 - (ii) a fund which is appropriated exclusively for a purpose referred to in paragraph (b)(i) of the definition of "community purpose" in the Act; or
 - (iii) a community or charitable organisation.