

Declaration as a community or charitable organisation

JUNE 2015

This package contains the application and information material for approval as a community or charitable organisation to conduct raffles, fundraising events, bingo, trade promotion lotteries or sell lucky envelopes.

How to apply

Send application to:

Victorian Commission for Gambling and Liquor Regulation
GPO Box 1988
Melbourne Vic 3001

or lodge in person at:

49 Elizabeth Street
Richmond

Need help?

For more information on how to apply for a liquor or gaming licence or permit:

- visit the Victorian Commission for Gambling and Liquor Regulation website at vcglr.vic.gov.au
- telephone the VCGLR on 1300 182 457
- email the VCGLR at contact@vcglr.vic.gov.au



IMPORTANT INFORMATION

Under Chapter 8 of the *Gambling Regulation Act 2003* (the Act), only organisations which are declared by the Victorian Commission for Gambling and Liquor Regulation (the VCGLR) to be genuine community or charitable organisations can conduct raffles, fundraising events, bingo, trade promotion lotteries or sell lucky envelopes.

What kinds of organisations can be declared?

To be declared, an organisation must be conducted in good faith and be established as a not for profit organisation. As well, it must be a community or charitable organisation, a sporting or recreational club or an organisation conducting the activity for the purposes of a political party.

An organisation may be declared as a community or charitable organisation (refer to Part A of this application to determine which category is relevant to the applicant) if it is conducted for one of the following purposes—

- any 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.

An organisation may be declared as a community or charitable organisation if it is conducted for a sporting or recreational purpose (refer to Part B of this application to determine which category is relevant to the applicant). Such an organisation must be established as a sporting or recreational club or association for the benefit of such a club or association.

An organisation may be declared as a community or charitable organisation if it is conducted for the purposes of a political party (refer to Step 2 of the Lodgement Guide at page 2 of this application for the supporting documentation required).

How do I apply?

The Lodgement Guide on the following page tells you what you need to do to apply to be declared as a community or charitable organisation.

How long does it take to be declared?

You should allow at least 28 days for processing of your application. If you have any questions on this matter, or if you are unsure which category best describes your organisation, please contact the VCGLR on 1300 182 457 or by email at contact@vcglr.vic.gov.au.

How long is my declaration status valid?

If you are declared as a community or charitable organisation by the VCGLR, the declaration will be valid for 10 years from the date of approval unless sooner revoked by the Commission or renounced by your organisation. If your organisation is wound up or does not wish to continue conducting minor gaming activities, you must notify the VCGLR in writing that you renounce your declared status. You will be given the opportunity at that time to renew the Declaration.

Will I need a permit?

Once your organisation has been declared, you may need to:

- apply for a minor gaming permit to conduct raffles, fundraising events or sell lucky envelopes; or
- notify that it is intended to commence bingo sessions; or
- apply for a permit to conduct trade promotion lotteries.

Relevant forms and information sheets for each of the above activities are available on our website, at www.vcglr.vic.gov.au, under “Application Forms”.

False or Misleading Information

It is an offence under the Act to give information that is false or misleading. If you give false or misleading information, your application may be refused and/or you may be prosecuted and fined up to 60 penalty units (go to www.vcglr.vic.gov.au to confirm the current value of a penalty unit).

Privacy Policy

The VCGLR is committed to responsible and fair handling of personal information consistent with the *Information Privacy Act 2000* and its obligations under the *Gambling Regulation Act 2003*.

LODGEMENT GUIDE

Note: The requirements detailed below apply whether an organisation is applying for a Declaration for the first time or to renew its Declaration. Note: The application **will not be accepted** if any required information **is not provided**.

To apply for Declaration as a Community or Charitable Organisation, you need to do the following:

Step 1: Read the categories listed in Part A and Part B (at pages 3- 5).

Step 2: Decide which of the following categories best describes your organisation –

- if you consider your organisation has a philanthropic or benevolent purpose, in PART A tick the box next to the category which describes your organisation;
- if you consider your organisation has a sporting or recreational purpose, in PART B tick the box next to the category which describes your organisation.
- if you consider your organisation has the purposes of a political party, submit documentary evidence to indicate that your organisation is a registered political party under the *Electoral Act 2002*, the *Commonwealth Electoral Act 1918*, or a law of another State or Territory of the Commonwealth corresponding to these Acts.

Step 3: Complete the following sections of Part C of the attached form using BLOCK LETTERS –

- Name of Organisation
- Contact Details
- Banking Details
- Relevant Category
- Declaration

Step 4: Submit your application (i.e. Part C) to the VCGLR, together with all the required documents (as set out in Parts A and B of the form) relevant to your organisation's category. The application will be returned if all required information is not provided.

If you have any questions, or need assistance with completing the application form, please contact the VCGLR on 1300 182 457, or by email at contact@vcglr.vic.gov.au.

PART A: 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 your constitution, memorandum and articles of association, or rules under which the organisation operates, which must, among other things, provide that:
 - the organisation is not carried on for profit or gain of its individual members; and
 - prohibits distribution of profits or gains to individual members; and
 - 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.

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 A Category 9.

CATEGORY 4:

- (a) A religious body or organisation which has been declared as a recognised denomination for the purposes of section 26 of the *Marriage Act 1961*, or
- (b) an organisation which can demonstrate that it operates for the public benefit and has the purpose of advancing, in a direct and immediate sense, religion involving belief in a supernatural being, thing or principle and acceptance of canons of conduct that give effect to that belief.

REQUIRED SUPPORTING DOCUMENTATION:

- If (a) above, a letter of request from a recognised leader of the religious body or organisation such as bishop, priest, minister or rabbi; or
- If (b) above, all of the required supporting documentation listed under Category 9.

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 your most recent Annual Report.

- CATEGORY 6:** Disaster relief or prevention organisations such as a Rural or Urban Fire Brigade, SES or rural ambulance.

REQUIRED SUPPORTING DOCUMENTATION:

- Letter of request on letterhead from Commanding Officer (Brigade or Unit must be registered with the Country Fire Authority, Rural Ambulance or State Emergency Services Victoria).

If the application is on behalf of a group of fire brigades (formed under s23A of the *Country Fire Authority Act 1958*), a letter of request on letterhead from the Commanding Officer or Regional Officer of the Group of Brigades which states that each of the brigades in the group is aware of and supports the group declaration and lists:

- the names of brigades within the group;
- the name of the captain of each brigade; and
- the address of each brigade.

- 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 A Category 9.

- CATEGORY 9:** All other organisations having a philanthropic or benevolent purpose

REQUIRED SUPPORTING DOCUMENTATION:

- a copy of your constitution, memorandum and articles of association, or rules under which the organisation operates, which must, among other things, provide that:
 - the organisation is not carried on for profit or gain of its individual members; and
 - prohibits distribution of profits or gains to individual members; and
 - 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
- a copy of the purposes/objects of the organisation, which must, among other things, provide for:
 - the relief of poverty; or
 - the advancement of education; or
 - the advancement of religion; or
 - any other purposes beneficial to the community.
- a list of members for the past two years
- a copy of your statements of income and expenditure and the balance sheets for the past two financial years
- a copy of the Minutes from the past two Annual General Meetings
- a copy of your Certificate of Incorporation (if applicable)
- evidence of endorsement by the Australian Taxation Office as an income tax exempt charity, an income tax exempt fund or a deductible gift recipient (if applicable).

PART B: ORGANISATIONS HAVING A SPORTING OR RECREATIONAL PURPOSE

IMPORTANT INFORMATION

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 two years
- a copy of the minutes of the past two 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)

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.

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 includes genuine 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 64 of the Gambling Regulation Regulations 2005 (see attached).

This type of organisation includes genuine social or recreational clubs such as past players and officials associations, sporting club social clubs and other special interest social or recreational clubs (for example, vintage car clubs).

STRICTLY CONFIDENTIAL

APPLICATION FOR DECLARATION AS A COMMUNITY OR CHARITABLE ORGANISATION	Minor Gaming Unit GPO Box 1988 MELBOURNE VIC 3001 Phone 1300 182 457 Fax: (03) 9098 5036 Email: contact@vcglr.vic.gov.au
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PART C: ORGANISATION DETAILS:

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Name of organisation (e.g. incorporated name, name as appears on rules/constitution) Declaration No. (if currently held)

This application relates to (tick applicable box):

a new Declaration; or for renewal of a Declaration as a Community or Charitable Organisation

CONTACT DETAILS: (details of person making Declaration below)

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Title First name Second name Surname

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No. Street Name City/Town/Suburb Postcode

Postal Address: (if already stated, write "as above")	
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Daytime phone number Daytime fax number Mobile phone number

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Position held in organisation Email address

BANKING DETAILS:

IMPORTANT INFORMATION

The organisation must maintain an account at an authorised Victorian deposit taking institution (financial institution) for all financial transactions relating to any minor gaming activity.

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Full name of account (must be name of organisation or trading name) Name of financial institution

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Branch (must be within Victoria) Account number

RELEVANT CATEGORY: (advise which category from Part A or Part B of this form is relevant to your organisation)

Part A - Philanthropic or Benevolent Purpose Category No:	
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Part B - Sporting or Recreational Purpose Category No*:	
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*If Category 1, advise the name of the governing body with which the organisation is affiliated:

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DECLARATION:

I declare that: all statements contained in or accompanying this application are true and correct.

.....
Signature

..... /..... /.....
Date (Day/Mth/Year)

.....
Signature of Witness (any adult can be a witness)

.....
Name of Witness

Gambling Regulation Regulations 2005

Regulation 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.