

MARKET AND SOCIAL RESEARCH AND TRADE PROMOTION LOTTERIES

AUGUST 2017

Background

Market and social research companies sometimes offer an incentive to participate in a project. This may take various forms, for example a small incentive given at the time of interview or participation in a prize draw on completion of fieldwork. If the incentive involves any element of chance - eg participants' names will be selected at random for a prize draw - then it is deemed to be a trade promotion lottery and the relevant regulatory guidelines must be followed.

A trade promotion lottery is defined as a scheme that promotes the products or services of a company and offers prizes that are selected by a method that includes an element of chance. Entry in the lottery must be free.

Each state and territory has its own regulations or conditions governing the conduct of trade promotion lotteries. These must be followed when conducting a trade promotion lottery in that state or territory. In some states, the company must apply for a permit in addition to following specific regulations or legislation.

These regulations may cover topics such as the conduct and promotion of the lottery, the method of drawing of prizes and record keeping. They may also cover the type of prizes that can be given. Trade promotion lotteries cannot have prohibited goods or services as prizes and in some states products such as alcohol or tobacco cannot be given as prizes.

It is important to check all the specific requirements in each state or territory for full information.

These regulations cover all forms of research, whether commercial or social, with individuals, businesses or other organisations.

Trade promotion lottery requirements

This section gives an overview of the requirements in each state and territory and provides links for further information and permit application forms where applicable.

New South Wales

A permit is required for any trade promotion lottery.

Information and the permit application form can be found at:

<https://www.onegov.nsw.gov.au/New/categories/promotion-lotteries-fundRaising#TradePromotion>

Victoria

A permit is no longer required to conduct a trade promotion lottery.

A trade promotion lottery must always be conducted in accordance with specific conditions.

Further information can be found here:

<http://www.vcglr.vic.gov.au/gambling/lotteries/trade-promotion-lotteries/about-trade-promotion-lotteries>

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South Australia

A permit is required if a trade promotion lottery has prizes to the total retail value of over \$5,000. If a trade promotion lottery includes instant prizes, a permit is required.

More information can be found here:

<https://www.sa.gov.au/topics/family-and-community/community-organisations/fundraising-for-organisations/trade-promotions>

Western Australia

No permit is required if a trade promotion lottery is conducted in accordance with specified conditions.

More information can be found on the Department of Racing, Gaming and Liquor website:

<http://www.rgl.wa.gov.au/home/fact-sheets/chase-the-ace-trade-promotions>

Queensland

A permit is not required for a trade promotion lottery (or promotional game as it known in Queensland), but it must be free, with the winner decided by chance, and it must comply with relevant legislation.

Information on legislation:

<https://publications.qld.gov.au/dataset/charitable-and-non-profit-gaming-forms-and-resources>

Tasmania

No permit is required but specific conditions must be followed.

More information can be found here:

<http://www.treasury.tas.gov.au/domino/DTF/DTF.nsf/ALLS-V/7EBA19F06132DC33CA257D8200177241>

Australian Capital Territory

A permit is required if the total prize value is greater than \$3000.

More information is available here:

<http://www.gamblingandracing.act.gov.au/gambling/lotteries>

Northern Territory

A permit is required if the total prize value is greater than \$5,000. Standard conditions apply to the conduct of all trade lotteries, irrespective of whether a permit is required.

More information can be found here:

<https://nt.gov.au/industry/gambling/lotteries-community-gambling>

The information provided is accurate at the time of publication, but we recommend checking as the requirements may change.

Refer to the 'AMSRS Guideline on good practice for market and social research interviews' for information on incentive payments to participants.