

Lotteries (Fees) Determination 2014 (No 1)

Disallowable Instrument DI2014–144

made under the

Lotteries Act 1964, section 18A (Determination of Fees)

EXPLANATORY STATEMENT

The *Lotteries Act 1964* (the Act) provides for the approval and regulation of lotteries in the Territory.

This instrument revokes the determination of fees made by Disallowable Instrument DI2013-164 notified on the Legislation Register on 27 June 2013.

Section 18A of the Act provides that the Commission may determine fees for the Act. This instrument provides for fees in relation to applications to the ACT Gambling and Racing Commission (the Commission) for approval to conduct lotteries in the Australian Capital Territory.

This instrument increases fees in accordance with Government policy which is based on the Wage Price Index estimate for 2014-2015 of 3% plus an additional 1%. Rounding to the nearest dollar has occurred in relation to the increases. A comparative table indicating the previous and revised fees is included as an Attachment to this Explanatory Statement.

The new instrument does not change the types of fees that may be charged in comparison to the revoked instrument.

However, the new determination does include a discretion that may be exercised by the Commission in the changing of fees where the applicant is a charitable organisation or the activity being supported is for a charitable purpose and the Commission considers it is in the public interest to waive or reduce the fee. This would allow the Commission to decide in certain circumstances that the fee be reduced or waived to ensure that the charitable organisation or purpose obtains the maximum benefit from their fund raising activities.

A determination under section 18A is a disallowable instrument and must be tabled in the Legislative Assembly.

The instrument is effective from 1 July 2014.

Comparison of Previous and Revised Fees

1. A lottery that is not a trade promotion lottery

- (a) The application fee payable for a lottery that is not a trade promotion lottery is dependent upon the total prize value of the lottery. The prize value parameters, the revised fee and the previous fee are shown below.

Prize Value of Lottery	Previous fee	Revised fee
Less than or equal to \$500	Nil	Nil
Greater than \$500 and less than or equal to \$1,000	\$64	\$67
Greater than \$1,000 and less than or equal to \$2,500	\$123	\$128
Greater than \$2,500 and less than or equal to \$5,000	\$184	\$191
Greater than \$5,000 and less than or equal to \$10,000	\$265	\$276
Greater than \$10,000 and less than or equal to \$50,000	\$512	\$532
Greater than \$50,000	\$732	\$761

- (b) The table below provides the revised and previous application fees payable in relation to the activity described in connection with an application for approval to conduct a lottery that is not a trade promotion lottery.

Activity	Previous fee	Revised fee
Withdrawal of application for approval prior to commencement of assessment	\$54	\$56
Withdrawal of application for approval after the commencement of the application's assessment	Application fee not refundable	Application fee not refundable
Application for approval is refused	Application fee not refundable	Application fee not refundable
Application under s.7A to vary an approval	\$54	\$56

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Lotteries (Fees) Determination 2014 (No 1)**

2. A lottery that is a trade promotion lottery

- (a) The application fee payable for a lottery that is a trade promotion lottery is dependent upon the total prize value of the lottery. The prize value parameters, the revised fee and the previous fee are shown below.

Prize Value of Lottery	Previous fee	Revised fee
Less than or equal to \$1,000	\$64	\$67
Greater than \$1,000 and less than or equal to \$2,500	\$123	\$128
Greater than \$2,500 and less than or equal to \$5,000	\$184	\$191
Greater than \$5,000 and less than or equal to \$10,000	\$265	\$276
Greater than \$10,000 and less than or equal to \$50,000	\$512	\$532
Greater than \$50,000 and less than or equal to \$100,000	\$732	\$761
Greater than \$100,000 and less than or equal to \$200,000	\$1,460	\$1,518
Greater than \$200,000	\$2,927	\$3,044

- (b) The table below provides the revised and previous application fees payable in relation to the activity described in connection with an application for approval to conduct a lottery that is a trade promotion lottery.

Activity	Previous fee	Revised fee
Withdrawal of application for approval prior to commencement of assessment	\$54	\$56
Withdrawal of application for approval after the commencement of the application's assessment	Application fee not refundable	Application fee not refundable
Application for approval is refused	Application fee not refundable	Application fee not refundable
A request to vary an application after the assessment of the application has commenced, if the prize value of the lottery is:		
(i) less than or equal to \$5,000	\$54	\$56
(ii) greater than \$5,000	\$103	\$107
Application under s.7A to vary an approval, if the prize value of the lottery is:		
(i) less than or equal to \$5,000	\$54	\$56
(ii) greater than \$5,000	\$103	\$107