

Australian Capital Territory

Lotteries (Fees) Determination 2023

Disallowable Instrument DI2023-187

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.

Section 18A of the Act provides that the Minister may determine fees for the Act. Fees were previously determined by the ACT Gambling and Racing Commission. The *Justice and Community Safety Legislation Amendment Act 2021* amended the Lotteries Act to provide that fees were determined by the Minister, to make the Act consistent with other gaming legislation. This instrument provides for fees in relation to applications to the Gambling and Racing Commission for approval to conduct lotteries in the Australian Capital Territory.

The new determination sets the fees that will apply beginning on 1 July 2023 and repeals the Lotteries (Fees) Determination 2022 DI2022-137. It provides for fee increases in line with annual adjustments to the Wages Price Index (WPI) of 3.75%, rounded down to the nearest dollar for most fees, with the exception of fees that have been consecutively rounded down in previous years by more than \$1.00 which have been rounded up to the nearest dollar.

This approach aligns with Treasury Guidelines for Fees and Charges.

Clause 5 of the instrument provides for the refund or waiver of fees. Clause 5(1) provides that if an application under section 7 of the Act for approval to conduct a lottery is withdrawn before assessment, the fee, less \$70.00 is refundable. The previous determination provided that the fee, less \$68.00 was refundable.

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

The Attachment to this Explanatory Statement lists the fees previously determined to enable comparison.

Comparison of Previous and Revised Fees

Column 1	Column 2	Column 3	Column 4
Item	Matter in respect of which fee or charge is payable	Previous Fee	Fee on and after 1 July 2023
1	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a non-trade promotion lottery with a total prize value of ≤ \$500	Nil	Nil
2	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a non-trade promotion lottery with a total prize value of > \$500 and ≤ \$1,000	\$80.00	\$83.00
3	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a non-trade promotion lottery with a total prize value of > \$1,000 and ≤ \$2,500	\$155.00	\$160.00
4	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a non-trade promotion lottery with a total prize value of > \$2,500 and ≤ \$5,000	\$230.00	\$238.00
5	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a non-trade promotion lottery with a total prize value of >\$5,000 and ≤\$10,000	\$336.00	\$348.00
6	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a non-trade promotion lottery with a total prize value of >\$10,000 and ≤\$50,000	\$647.00	\$671.00
7	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a non-trade promotion lottery with a total prize value of >\$50,000	\$925.00	\$959.00
8	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a trade promotion lottery with a total prize value of >\$3,000 and ≤\$5,000	\$230.00	\$238.00
9	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a trade promotion lottery with a total prize value of >\$5,000 and ≤\$10,000	\$336.00	\$348.00
10	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a trade promotion lottery with a total prize value of >\$10,000 and ≤\$50,000	\$647.00	\$671.00
11	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a trade promotion lottery with a total prize value of >\$50,000 and ≤\$100,000	\$925.00	\$959.00

**This is page 2 of 2 pages of the Attachment to the Explanatory Statement to the
*Lotteries (Fees) Determination 2023***

Column 1	Column 2	Column 3	Column 4
Item	Matter in respect of which fee or charge is payable	Previous Fee	Fee on and after 1 July 2023
12	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a trade promotion lottery with a total prize value of >\$100,000 and ≤\$200,000	\$1,846.00	\$1,915.00
13	Fee for application under section 7 of the <i>Lotteries Act 1964</i> for approval to conduct a trade promotion lottery with a total prize value of >\$200,000	\$3,702.00	\$3,840.00
14	Fee for application for variation of approval under section 7A of the <i>Lotteries Act 1964</i> to conduct a non-trade promotion lottery	\$68.00	\$70.00
15	Fee for application for variation of approval under section 7A of the <i>Lotteries Act 1964</i> to conduct a trade promotion lottery with a total prize value of ≤\$5,000	\$68.00	\$70.00
16	Fee for application for variation of approval under section 7A of the <i>Lotteries Act 1964</i> to conduct a trade promotion lottery with a total prize value of >\$5,000	\$130.00	\$134.00