

Australian Capital Territory

Lotteries (Fees) Determination 2006 (No 1)

Disallowable Instrument DI2006–113

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 DI2003-55, made on 15 April 2003 and notified on the Legislation Register on 24 April 2003.

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 the Wage Price Index estimate of 3.7% for 2006-2007 and rounded to the nearest \$5. The new fees take into account the work effort experienced in assessing a variation to a lottery application or approval, particularly the more complex lotteries. A new scale of variation fees (Table C in the approval instrument) has been introduced to reflect the re-assessment process needed with the larger and more complex trade promotion lotteries. The graduated scale of variation fees replaces the previous set fee of \$35 applied to all lottery variations. A comparison of the previous and revised fees is included as an Attachment to this Explanatory Statement.

All fees are exempt from GST under Division 81 of the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth).

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

The instrument is effective from 1 July 2006.

**Attachment to the
Explanatory Statement to the
Lotteries (Fees)
Determination 2006 (No 1)**

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	\$45	\$50
Greater than \$1,000 and less than or equal to \$2,500	\$90	\$95
Greater than \$2,500 and less than or equal to \$5,000	\$140	\$145
Greater than \$5,000 and less than or equal to \$10,000	\$195	\$205
Greater than \$10,000 and less than or equal to \$50,000	\$385	\$400
Greater than \$50,000	\$550	\$570

(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	\$35	\$40
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	\$35	\$40

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	\$45	\$50
Greater than \$1,000 and less than or equal to \$2,500	\$90	\$95
Greater than \$2,500 and less than or equal to \$5,000	\$140	\$145
Greater than \$5,000 and less than or equal to \$10,000	\$195	\$205
Greater than \$10,000 and less than or equal to \$50,000	\$385	\$400
Greater than \$50,000 and less than or equal to \$100,000	\$550	\$570
Greater than \$100,000 and less than or equal to \$200,000	\$1100	\$1140
Greater than \$200,000	\$2200	\$2285

(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	\$35	\$40
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	No fee	\$40
(ii) greater than \$5,000	No fee	\$80
Application under s.7A to vary an approval, if the prize value of the lottery is:		
(i) less than or equal to \$5,000	\$35	\$40
(ii) greater than \$5,000	\$35	\$80