

Explanatory Statement

Lotteries Act (Fees) - Determination 2003 (No. 1)

Disallowable instrument DI2003—55

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 Commission may determine fees for the Act.

A determination under section 18A is a disallowable instrument.

Section 1 of this new instrument revokes the previous instruments of determined fees.

Section 2 determines new fees for the Act.

Section 3 states that the instrument is effective from 1 July 2003.

Purpose

The purpose of these determinations is to increase the existing fees in line with movements in the Consumer Price Index in successive years since the last determination and to ensure that the Commission's costs are recovered.

Details of Determinations

Determination (a) outlines the fee payable to the Commission by an applicant under section 7 of the Act for a permit to conduct a lottery. The fee payable outlined in Table A of the Determination is dependent upon the total prize value of a lottery that is not a trade promotion, and is as follows:

- i. if the total prize value is greater than \$500 and less than or equal to \$1,000, a fee of \$45 is payable. This replaces the previous fee of \$40.
- ii. if the total prize value is greater than \$1,000 and less than or equal to \$2,500, a fee of \$90 is payable. This replaces the previous fee of \$80.
- iii. if the total prize value is greater than \$2,500 and less than or equal to \$5,000, a fee of \$140 is payable. This replaces the previous fee of \$125.
- iv. if the total prize value is greater than \$5,000 and less than or equal to \$10,000, a fee of \$195 is payable. This replaces the previous fee of \$175.
- v. if the total prize value is greater than \$10,000 and less than or equal to \$50,000, a fee of \$385 is payable. This replaces the previous fee of \$350.
- vi. if the total prize value is greater than \$50,000, a fee of \$550 is payable. This replaces the previous fee of \$500.

The fee outlined in Table B of the Determination is dependent upon the total prize value for a lottery that is a trade promotion, and is as follows:

- vii. if the total prize value is between \$0 and \$1,000 inclusive, a fee of \$45 is payable. This replaces the previous fee of \$40.
- viii. if the total prize value is greater than \$1,000 and less than or equal to \$2,500, a fee of \$90 is payable. This replaces the previous fee of \$80.
- ix. if the total prize value is greater than \$2,500 and less than or equal to \$5,000, a fee of \$140 is payable. This replaces the previous fee of \$125.
- x. if the total prize value is greater than \$5,000 and less than or equal to \$10,000, a fee of \$195 is payable. This replaces the previous fee of \$175.
- xi. if the total prize value is greater than \$10,000 and less than or equal to \$50,000, a fee of \$385 is payable. This replaces the previous fee of \$350.
- xii. if the total prize value is greater than \$50,000 and less than or equal to \$100,000, a fee of \$550 is payable. This replaces the previous fee of \$500.
- xiii. if the total prize value is greater than \$100,000 and less than or equal to \$200,000, a fee of \$1,100 is payable. This replaces the previous fee of \$1,000.

xiv. if the total prize value is greater than \$200,000, a fee of \$2,200 is payable. This replaces the previous fee of \$2,000.

Determination (a) further outlines that if the Commission has not begun an assessment of an application at the time when the applicant withdraws the application, the fee payable is refunded to the amount of that fee less \$35. The non-refundable amount recovers the administrative cost of receipting the application. If, however, the applicant withdraws an application after the assessment of the application has begun, the fee paid is not refundable.

A definition of “assessment” is included in the determination to assist in its interpretation. An “assessment” means the consideration or analysis of the application by the Commission in determining whether an application is eligible under the Act. In this context, “assessment” does not mean the registration or recording of the receipt of an application, which is purely an administrative task and does not involve any consideration of the content of the application.

Determination (b) outlines that the fee payable to the Commission by an applicant under section 7A of the Act for a variation to a permit to conduct a lottery is \$35. This fee recovers the cost of the processing of such an application. It replaces the previous fee of \$30.