

Australian Capital Territory

Lotteries (Exempt Lottery) Determination 2011 (No 1)

Disallowable Instrument DI2011–146

made under the

Lotteries Act 1964 section 6(1)(b)(i) (Exempt Lotteries)

EXPLANATORY STATEMENT

The *Lotteries Act 1964* (the Act) provides for the regulation of the conduct of lotteries in the Territory such as Raffles, Trade Promotion Lotteries and Housie. Section 6(1)(b)(i) of the Act empowers the Commission to determine the maximum total value of prizes for an exempt lottery where the proceeds of the subscriptions, after payment of any expenses incurred in printing tickets and purchasing prizes, are used wholly and exclusively for charitable purposes.

This determination states that the maximum total value of prizes for this type of exempt lottery shall be \$500.00. This total prize value is the same as the determined amount specified in the 1996 Instrument which is revoked by this Determination.

However this new instrument adds that where this type of exempt lottery is a raffle being decided by the use of Lucky Envelopes then the determined total value of prizes is \$0.00. The term “Lucky Envelope” is defined in the Instrument. This additional provision effectively ensures that Lucky Envelope type lottery raffles are not included in this exemption category. The reason for not allowing Lucky Envelopes as exempt is to ensure the integrity of this type of raffle by providing increased scrutiny of proposed games by requiring the operators of these games to apply for approval from the Gambling and Racing Commission. Importantly, this allows the Commission to place any necessary conditions on an approval. The risks associated with Lucky Envelope type raffles stem from the pre-determined nature of the conduct of the game in relation to the pre-printing of tickets (including prize-winning tickets) and the allocation of those tickets to sellers or directly to purchasers of the Lucky Envelope tickets.

Therefore, this provision is intended to ensure that the Commission can effectively apply the requirements of section 7(3) of the Act in respect of lotteries where the outcome is decided by the use of Lucky Envelopes and ensures that all non-private lotteries using this mechanism are assessed for approval, will be properly conducted and the interests of the subscribers to the lottery will be adequately protected. As necessary, this can be achieved through inclusion of conditions on any approval issued.