

# Lotteries (Exempt Lotteries) Determination 2015 (No 1)

## Disallowable Instrument DI2015-301

made under the

*Lotteries Act 1964* section 6(1)(a)(ii) (Exempt Lotteries)

## EXPLANATORY STATEMENT

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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.

The Act now provides flexibility in the regulation of low-risk lottery activities by no longer requiring the Commission's approval for their conduct. However, the Act does not exclude the requirement to conduct a fair lottery and a person or organisation conducting a lottery not requiring an approval is still subject to the Act's offence provisions in order to ensure consumers are protected and the integrity of the activity is maintained.

This determination complements the changes to the Act that provide for red tape reduction measures allowing minor or low prize level lotteries such as raffles, lucky door prizes and small value bingo/housie sessions to take place without requiring an approval under the Act. These activities are considered low risk for gambling harm and minimal risk for fraudulent or unlawful behaviour.

Section 6(1)(a)(ii) of the Act empowers the Commission to determine the maximum total value of prizes for an exempt lottery.

This instrument determines the maximum total value of prizes for the various minor lotteries regulated under the Act as follows:

<b>Lottery Product</b>	<b>Total Value of Prizes</b>
Trade Promotions	\$3,000
Raffles	\$2,500
Housie	\$1,000 per session*
Calcutta	\$1,000
Lucky Envelopes	\$0
Other	\$1,000

\*A session is a group of games run sequentially in close proximity (i.e. on the same day without a substantial break).

This determination states that the maximum total value of prizes for Lucky Envelopes has not changed from the previous determination and shall remain as \$0. The term “Lucky Envelope” is defined in the Instrument. By determining the maximum total value of prizes for Lucky Envelopes to be \$0, this instrument effectively ensures that these type of lottery raffles are not exempt and the operators of these games must apply for approval from the ACT 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.