

Lotteries (Fees) Determination 2021

Disallowable Instrument DI2021-157

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 2021 and repeals the Lotteries (Fees) Determination 2020 (No 2) DI2020-171. It provides for fee increases in line with annual adjustments to the Wages Price Index (WPI) of 1.75%, 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 in which case have been rounded up to the nearest dollar. This approach also aligns with the 2021 Treasury Guidelines for Fees and Charges. Explanatory notes in the Attachment to this explanatory statement list the fees previously determined to enable comparison.

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 Clause 5(1) provides that if an application under section 7 of the Act for approval to conduct a lottery is withdrawn before assessment, the fee, less \$66.00 is refundable. The previous determination provided that the fee, less \$65.00 was refundable.

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

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

The instrument is effective beginning 1 July 2021.

Regulatory Impact Statement (RIS)

A RIS is not required for this fee determination. Section 36(1)(k) of the *Legislation Act 2001* provides that it is not necessary to provide a RIS for an amendment of a fee consistent with announced government policy.

Human Rights

The terms of reference of the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) require consideration of the human rights impacts of bills and subordinate legislation, among other matters. There are no human rights impacts arising from the new determination.

25 June 2021

Comparison of Previous and Revised Fees

Column 1 Item	Column 2 Matter in respect of which fee or charge is payable	Column 3 Previous Fee	Column 4 Fee on and after 1 July 2021
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	\$77.00	\$78.00
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	\$149.00	\$151.00
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	\$220.00	\$223.00
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	\$321.00	\$326.00
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	\$617.00	\$627.00
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	\$881.00	\$896.00
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	\$220.00	\$223.00
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	\$321.00	\$326.00
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	\$617.00	\$627.00
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	\$881.00	\$896.00

**This is page 2 of 2 pages of the Attachment to the Explanatory Statement to the
*Lotteries (Fees) Determination 2021***

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 2019
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	\$1,758.00	\$1,788.00
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	\$3,525.00	\$3,586.00
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	\$65.00	\$66.00
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	\$65.00	\$66.00
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	\$124.00	\$126.00