

Queensland



*Gaming Machine Act 1991*

# **GAMING MACHINE REGULATION 2002**

**Reprinted as in force on 21 May 2004  
(includes commenced amendments up to 2004 SL No. 53)**

**Reprint No. 1D**

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- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
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The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
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# Queensland



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# GAMING MACHINE REGULATION 2002

[as amended by all amendments that commenced on or before 21 May 2004]

## PART 1—PRELIMINARY

### 1 Short title

This regulation may be cited as the *Gaming Machine Regulation 2002*.

### 2 Commencement

This regulation commences on 1 December 2002.

### 3 Definitions

The dictionary in schedule 7 defines particular words used in this regulation.

### 4 Meaning of “category 1 body corporate”

A body corporate is a “category 1 body corporate” if—

- (a) not more than 5% of its voting shares are held, directly or indirectly, by a person who is not ordinarily resident in Australia; and
- (b) either—
  - (i) the body corporate is not related to another body corporate and its net tangible assets amount to less than \$1 000 000; or
  - (ii) the combined net tangible assets of the body corporate and all other bodies corporate related to it amount to less than \$1 000 000.

## **PART 2—ADMINISTRATION**

### **5 Meetings of commission**

The commission must meet at least once a month in Brisbane.

### **6 Arrangements for taking fingerprints—Act, s 366**

(1) This section applies to an applicant for any of the following licences—

- (a) a gaming machine licence;
- (b) a gaming employee's licence;
- (c) a gaming nominee's licence;
- (d) a key monitoring employee's licence;
- (e) a repairer's licence;
- (f) a service contractor's licence.

(2) The chief executive may, for section 57(4) or 200(6)<sup>1</sup> of the Act, arrange with a police officer to have fingerprints of the applicant taken on terms agreed between the chief executive and the police officer, including, for example, terms about payment of the cost of taking the fingerprints.

### **7 Secrecy—Act, s 54**

For section 54(6)(a)<sup>2</sup> of the Act, the prescribed entities are stated in schedule 1.

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1 Section 57 (Recommendation by chief executive about application for gaming machine licence) or 200 (Chief executive to consider application) of the Act

2 Section 54 (Secrecy) of the Act



## **PART 3—GAMING MACHINE LICENCES**

### **8 Significant number of gaming machines—Act, s 55A**

For section 55A(1)(c)<sup>3</sup> of the Act, a significant number for an increase in gaming machines is—

- (a) for category 1 licensed premises—10 or more; and
- (b) for category 2 licensed premises—20 or more.

### **9 Maximum number of gaming machines—Act, ss 60, 64 and 85**

For sections 60(4)(b) and (5)(b), 64(4)(b) and 85(3) and (4)<sup>4</sup> of the Act, the maximum number is—

- (a) for category 1 licensed premises—40; and
- (b) for category 2 licensed premises—280.

### **10 Prescribed conditions of gaming machine licence—Act, s 73**

For section 73(1)(a)<sup>5</sup> of the Act, the prescribed conditions are stated in schedule 2.

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3 Section 55A (Applications of significant community impact) of the Act

4 Sections 60 (Basis on which number of gaming machines to be installed in premises and hours of gaming are to be decided), 64 (Fixing number of gaming machines and hours of gaming for additional premises) and 85 (Fixing increase number of gaming machines) of the Act

5 Section 73 (Conditions of gaming machine licences) of the Act

## **PART 3A—OPERATING AUTHORITIES FOR CATEGORY 1 LICENSED PREMISES**

### *Division 1—General matters for operating authorities*

#### **10A Maximum number of operating authorities—Act, s 109A**

For section 109A(1)<sup>6</sup> of the Act, the prescribed number is 18 843.

#### **10AB Selling entity and way operating authorities may be sold—Act, s 109B**

For section 109B of the Act—

- (a) the selling entity is The Public Trustee of Queensland under the *Public Trustee Act 1978*, section 8;<sup>7</sup> and
- (b) the way is by a competitive tender process.

#### **10B Amount to be paid into community investment fund—Act, s 109E**

For section 109E(4)<sup>8</sup> of the Act, the prescribed percentage is—

- (a) for operating authorities sold in relation to a decrease proposal that is an application—33%; and
- (b) for operating authorities sold in relation to a surrender of a gaming machine licence—50%.

#### **10C Working out amount to be paid to licensee—Act, s 109E**

(1) This section provides for how the balance to be paid to a licensee, under section 109E(2)(b) of the Act, is to be worked out.

(2) The selling entity for the sale must work out an average sale price (the “**average price**”) for each operating authority sold by dividing the

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6 Section 109A (Limit on number of operating authorities) of the Act

7 *Public Trustee Act*, section 8 (Corporation sole of public trustee)

8 Section 109E (Dealing with amounts received on sale of licensee’s operating authority) of the Act

total amount received for all the operating authorities sold by the total number of operating authorities sold.

(3) For each operating authority sold for a licensee at the sale, the licensee must be paid an amount equal to the average price less the amount payable under section 109E(2)(a) of the Act into the community investment fund for the sale of the operating authority.

### **10D Amount of payment—Act, s 322**

For section 322(3A)<sup>9</sup> of the Act, the prescribed amount is \$2.50.

### **10E Authority regions—Act, schedule**

(1) For the schedule of the Act, definition “authority region”, each of the following is an authority region—

- (a) the coastal region;
- (b) the south-east region;
- (c) the western region.

(2) In this section—

“**classification document**” means the 2001 edition of the Australian Standard Geographical Classification (Cat. No. 1216.0) published by the Australian Bureau of Statistics.

“**coastal region**” means the area of the Far North, Fitzroy, Mackay, Northern and Wide Bay-Burnett statistical divisions defined in the classification document.

“**south-east region**” means the area of the Brisbane and Moreton statistical divisions defined in the classification document.

“**western region**” means the area of the Central West, Darling Downs, North West and South West statistical divisions defined in the classification document.

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<sup>9</sup> Section 322 (Disposition of fees etc.) of the Act

***Division 2—Matters relating to transitional provisions for Gaming Machine and Other Legislation Amendment Act 2003***

**10F Application to tribunal—Act, s 416**

For section 416(1)<sup>10</sup> of the Act, the prescribed period is the period starting on 1 July 2003 and ending 6 months after that day.

**PART 4—REPAIRERS, SERVICE CONTRACTORS,  
GAMING NOMINEES, GAMING EMPLOYEES AND  
KEY MONITORING EMPLOYEES**

**11 Installation etc. not subject to s 187 of the Act**

For section 187(3)<sup>11</sup> of the Act, the following are prescribed—

- (a) installation of an electronic monitoring system if the installation is by the chief executive or a licensed monitoring operator;
- (b) installation of a gaming machine if the gaming machine is to be examined by an inspector before play is allowed on the gaming machine;
- (c) installation, alteration, adjustment, maintenance or repair of the fuses, electric light globes, fluorescent tubes and fluoro starters of a gaming machine that are easily accessible;
- (d) installation, alteration, adjustment, maintenance or repair of locks of gaming machine cabinets or console doors;
- (e) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine console doors;
- (f) adjustment of the device regulating the level of the contents of a gaming machine's hopper;

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10 Section 416 (Application to tribunal) of the Act

11 Section 187 (Unlicensed persons not to install etc. gaming equipment) of the Act

- (g) installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine;
- (h) repair by clearing gaming tokens jammed in a gaming machine;
- (i) repair by resetting minor fault conditions of a gaming machine.

## **12 Gaming duties**

For the definition “gaming duties” in the schedule of the Act, the prescribed duties are the following—

- (a) supervision of employees of a licensee who are responsible for the conduct of gaming;
- (b) supervision of the access to the internal parts of a gaming machine;
- (c) supervision of money clearances;
- (d) issuing of keys for the security of gaming machines to employees of a licensee;
- (e) supervision of entries in accounting records required to be kept and maintained under the Act;
- (f) arranging repairs to gaming equipment;
- (g) any other thing that, under part 7, has to be done, or that a licensee must ensure is done, by a gaming employee.

## **PART 5—SUPERVISION AND MANAGEMENT OF GAMING**

### **13 Layout of licensed premises**

A licensee must ensure the layout of the licensee’s licensed premises allows the licensee or an employee of the licensee to continuously supervise, from a place in the licensed premises where the licensee or employee would normally carry out the licensee’s or employee’s duties, each gaming machine that is available for gaming.

Maximum penalty—20 penalty units.

## 14 Installation of gaming equipment

A licensee must ensure gaming equipment installed on the licensee's licensed premises is installed in a way that allows—

- (a) cleaning and maintenance of the equipment; and
- (b) unrestricted access to fire exits in a way that complies with the *Fire and Rescue Service Act 1990* and the *Building Act 1975*; and
- (c) the use of things provided on the premises for safety and security.

Maximum penalty—20 penalty units.

## 15 Periods when gaming must not be conducted—Act, s 235

For section 235(1)(c)<sup>12</sup> of the Act, the following periods are prescribed—

- (a) Anzac Day before 1 p.m.;
- (b) Good Friday;
- (c) Christmas Day.

## 16 Rules ancillary to gaming—Act, s 236

For section 236(2)<sup>13</sup> of the Act, the prescribed rules ancillary to gaming are stated in schedule 3.

## 17 Calculation of player entitlement

(1) For section 241(2)(a)<sup>14</sup> of the Act, the amount a player is entitled to receive because of the playing of a gaming machine is the amount calculated using the formula—

$$PE = GMC + W - GMCB$$

(2) An entitlement under this section includes gaming machine credits stolen before the licensee makes payment for the gaming machine credits only if—

- (a) the player exercises reasonable control over the credits; and

12 Section 235 (Hours of gaming) of the Act

13 Section 236 (Rules ancillary to gaming) of the Act

14 Section 241 (Entitlement of players to winnings) of the Act

(b) the licensee, by act or omission, contributes to the stealing.

(3) In this section—

“**GMC**” means the player’s gaming machine credits for the gaming machine registered on the gaming machine by—

- (a) gaming tokens inserted into the gaming machine; or
- (b) gaming machine credits transferred to the gaming machine by a centralised credit system.

“**GMCB**” means the players gaming machine credits bet by the player on the gaming machine.

“**PE**” means the amount a player is entitled to receive.

“**W**” means the player’s winnings on the gaming machine.

## 18 Sharing of jackpot payout

(1) This section applies if more than 1 player of a gaming machine linked with other gaming machines under a linked jackpot arrangement is eligible to receive payment of a share of the amount displayed on the progressive jackpot prize meter for the arrangement.

(2) Each player (an “**eligible player**”) is eligible to receive payment of a share of the amount displayed on the progressive jackpot prize meter for the arrangement if—

- (a) the players obtain the winning result at the same time; or
- (b) 1 or more players obtain the winning result and—
  - (i) the linked jackpot arrangement allows other players, playing on other gaming machines linked under the arrangement, to complete bets made before, or at the same time as, the winning result is obtained; and
  - (ii) a player (an “**eligible player**”) completes a bet mentioned in subparagraph (i) and obtains a winning result as a result of the bet before the amount displayed on the progressive jackpot prize meter for the arrangement changes to a lesser amount.

(3) Each eligible player is entitled to receive payment of an amount (the “**shared jackpot amount**”) calculated using the formula—

$$\text{SJA} = \text{S} + \frac{(\text{D} - \text{S})}{\text{N}}$$

(4) In this section—

“D” means the amount displayed on the progressive jackpot prize meter for the arrangement.

“N” means the number of players eligible to receive payment of the amount displayed on the progressive jackpot prize meter for the arrangement.

“S” means the smallest jackpot payout payable under the linked jackpot arrangement.

“SJA” means the shared jackpot amount.

## **19 Requirements for identity card—Act, ss 189 and 194**

For sections 189(12) and 194(2)<sup>15</sup> of the Act, an identity card must—

- (a) state the name of the person to whom the card is given; and
- (b) for an identity card given under section 189(10) of the Act, identify the person as—
  - (i) an applicant for a gaming employee’s licence employed under section 189(4) or (6) of the Act; or
  - (ii) an applicant for a gaming nominee’s licence employed under section 189(4) of the Act; or
  - (iii) a person employed under section 189(9) of the Act; and
- (c) for an identity card given under section 194(1) of the Act, identify the person as a nominee of a licensee for premises under section 193(3) or (4)<sup>16</sup> of the Act; and
- (d) identify the premises; and
- (e) be easily legible; and
- (f) contain a copy of the person’s signature.

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15 Sections 189 (Licensing requirements for carrying out gaming duties on licensed premises) and 194 (Identity cards for certain nominees) of the Act

16 Section 193 (Meaning of nominee) of the Act



## **20 Submission and report about payments refused**

(1) A gaming employee who refuses to make a payment to a person under schedule 3, item 5 must advise the person that he or she may make a written submission to the chief executive about the refusal within 10 days after the day of the refusal and how the submission may be made.

(2) A submission mentioned in subsection (1) must—

- (a) state the full name and address of the person making the submission; and
- (b) identify the licensed premises and gaming machine to which the submission relates; and
- (c) state the name of the gaming employee who refused the payment; and
- (d) state the time and date of the refusal; and
- (e) contain a description of the events relating to the refusal.

(3) As soon as practicable after refusing the payment, the gaming employee must give a copy of the report mentioned in schedule 3, item 6 to the licensee of the licensed premises to which the submission relates.

## **21 Way submission under s 20 is to be dealt with**

(1) This section states the way the chief executive must deal with a submission, made by a person (the “**claimant**”) under section 20, about a refusal by a gaming employee to make a payment under schedule 3, item 5 (the “**original decision**”).

(2) The chief executive must either review, or refuse to review, the original decision.

(3) The chief executive may refuse to review the original decision only if—

- (a) the submission was not made within 10 days after the original decision; or
- (b) the chief executive considers the submission was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the original decision, the chief executive must—

- (a) give written notice of the chief executive’s decision to—

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- (i) the licensee (the **“involved licensee”**) of the licensed premises where the original decision was made; and
  - (ii) the claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive’s decision.
- (5) If the chief executive decides to review the original decision, the chief executive must—
- (a) give the involved licensee a copy of the claimant’s submission; and
  - (b) by written notice given to the involved licensee invite the involved licensee to make a written submission to the chief executive about the original decision within 1 month after receiving the notice (the **“submission period”**).
- (6) The chief executive may—
- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the review; and
  - (b) ask for a report of the investigation to be given to the chief executive.
- (7) As soon as practicable after the end of the submission period, the chief executive must—
- (a) consider all written submissions made before the end of the submission period by the involved licensee and claimant; and
  - (b) consider a report given to the chief executive under subsection (6); and
  - (c) make a decision about the review; and
  - (d) give the involved licensee and claimant a written notice stating the decision and the reasons for the decision.
- (8) Nothing in section 20 or this section affects or prejudices any other right or remedy of a person affected by a refusal by a gaming employee to make or allow a payment under schedule 3, item 5.

**22 Designated departmental account for unclaimed payments—Act, s 242A**

For section 242A(5)<sup>17</sup> of the Act, the designated departmental account is the Treasurer's Unclaimed Moneys Fund.

**23 Review of decisions—Act, s 248**

(1) For section 248(4)(a)<sup>18</sup> of the Act, a request must be made—

- (a) if section 248 applies because of section 248(1)(a)—within 10 days after the claimant receives the notice; or
- (b) if section 248 applies because of section 248(1)(b)—within 10 days after the day that is 1 month after the claimant asked for a review of the decision under section 246 of the Act.

(2) Also, the request must—

- (a) be written; and
- (b) state the full name and address of the claimant; and
- (c) for a request made—
  - (i) under section 248(2)—identify the licensed premises where the relevant payout refusal decision was made; or
  - (ii) under section 248(3)—identify the licensed premises where the payout refusal decision was made; and
- (d) identify the gaming machine in relation to which the decision was made; and
- (e) state the date and time of the decision; and
- (f) state the grounds for seeking a review of the decision.

**24 Request to review a review decision—Act, s 248**

(1) This section prescribes, for section 248(4)(b) of the Act, the way the chief executive must deal with a request, made by a claimant under section 248(2) of the Act, to review a review decision of an involved licensed monitoring operator.

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17 Section 242A (Unclaimed payments) of the Act

18 Section 248 (Review of initial review decisions) of the Act

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(2) The chief executive must either review, or refuse to review, the review decision.

(3) The chief executive may refuse to review the review decision only if—

- (a) the request was not made within the time stated in section 23(1)(a); or
- (b) the chief executive considers the request was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the review decision, the chief executive must—

- (a) give written notice of the chief executive's decision to the involved licensed monitoring operator and claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive's decision.

(5) If the chief executive decides to review the review decision, the chief executive must—

- (a) give the involved licensed monitoring operator a copy of the claimant's request; and
- (b) by written notice given to the involved licensed monitoring operator invite the involved licensed monitoring operator to make a written submission to the chief executive about the involved licensed monitoring operator's decision within 1 month after receiving the notice (the "**submission period**").

(6) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the review; and
- (b) ask for a report of the investigation to be given to the chief executive.

(7) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made before the end of the submission period by the involved licensee and claimant; and
- (b) consider a report given to the chief executive under subsection (6)(b); and
- (c) make a decision about the review; and

- (d) give a written notice stating the decision and the reasons for the decision to—
  - (i) the licensee of the licensed premises where the relevant payout refusal decision was made; and
  - (ii) the involved licensed monitoring operator; and
  - (iii) the claimant.

## **25 Request to review payout refusal decision—Act, s 248**

(1) This section prescribes, for section 248(4)(b) of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 248(3) of the Act, to review a payout refusal decision of a gaming employee.

(2) The chief executive must either review, or refuse to review, the payout refusal decision.

(3) The chief executive may refuse to review the payout refusal decision only if—

- (a) the request was not made within the time stated in section 23(1)(b); or
- (b) the chief executive considers the request was not made in good faith or is frivolous.

(4) If the chief executive decides to refuse to review the payout refusal decision, the chief executive must—

- (a) give written notice of the chief executive's decision to—
  - (i) the involved licensed monitoring operator for the payout refusal decision; and
  - (ii) the claimant; and
- (b) give the claimant a written notice stating the reasons for the chief executive's decision.

(5) If the chief executive decides to review the payout refusal decision, the chief executive must—

- (a) give the involved licensed monitoring operator a copy of the claimant's request; and
- (b) by written notice given to the involved licensed monitoring operator invite the involved licensed monitoring operator to make

a written submission to the chief executive about the gaming employee's decision within 1 month after receiving the notice (the “**submission period**”).

(6) The chief executive may—

- (a) cause an investigation to be made about any matter the chief executive considers is relevant to the review; and
- (b) ask for a report of the investigation to be given to the chief executive.

(7) As soon as practicable after the end of the submission period, the chief executive must—

- (a) consider all written submissions made before the end of the submission period by the involved licensee and claimant; and
- (b) consider a report given to the chief executive under subsection (6)(b); and
- (c) make a decision about the review; and
- (d) give a written notice stating the decision and the reasons for the decision to—
  - (i) the licensee of the licensed premises where the payout refusal decision was made; and
  - (ii) the involved licensed monitoring operator; and
  - (iii) the claimant.

## 26 Security of keys

(1) A licensee must ensure a person, other than a person mentioned in section 252(e) to (k)<sup>19</sup> of the Act, does not have possession of a key related to the security of gaming equipment (a “**secure key**”) on the licensee's licensed premises.

Maximum penalty—20 penalty units.

(2) A person who is not an inspector may have possession of a secure key only—

- (a) if the person has the key—

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19 Section 252 (Certain persons only to have access etc. to gaming machines) of the Act

- (i) on the licensed premises; and
  - (ii) for the time necessary for the performance of his or her duties; or
- (b) with the approval of the chief executive.

Maximum penalty—20 penalty units.

(3) A person who has possession of a secure key must keep the key on his or her person.

Maximum penalty—20 penalty units.

## **27 Security of locks and doors of gaming machines**

(1) This section applies to a person who unlocks a lock on, or opens a door of, a gaming machine on licensed premises.

(2) The person must lock the lock or securely close the door—

- (a) before leaving the gaming machine; and
- (b) on completion of the purpose for which the lock was unlocked or the door was opened.

Maximum penalty—20 penalty units.

## **28 Services for problem gambler**

A licensee must display a sign advertising services available to help problem gamblers in a conspicuous position at each place on the licensee's licensed premises where either of the following is carried out—

- (a) the sale or redemption of gaming tokens;
- (b) a transaction for a centralised credit system.

Maximum penalty—20 penalty units.

## **PART 6—CONTROL OF GAMING MACHINES**

### **29 Approval of premises of licensed major dealer or licensed monitoring operator—Act, s 266 or 267**

(1) For section 266(2) or 267(2A)<sup>20</sup> of the Act, an application for approval of premises must—

- (a) be in writing; and
- (b) be signed by the licensed major dealer or licensed monitoring operator or a person authorised by the licensed major dealer or licensed monitoring operator; and
- (c) contain the full name and business address of the licensed major dealer or licensed monitoring operator and the address of the premises.

(2) Also, an application must be accompanied by—

- (a) a plan that clearly shows how each part of the premises is to be used; and
- (b) particulars of all security and surveillance facilities installed on the premises; and
- (c) a description and diagrams of the systems to be used by the licensed major dealer or licensed monitoring operator—
  - (i) for the security, storage and recording of gaming machines and restricted components; and
  - (ii) for the use and maintenance of security and surveillance facilities on the premises.

### **30 Serial numbers for gaming machines**

(1) A licensed major dealer must give a serial number to each gaming machine—

- (a) manufactured by the dealer; or

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<sup>20</sup> Section 266 (Possession of gaming equipment and other property by licensed monitoring operators) or 267 (Possession etc. of gaming equipment and other things by licensed major dealers) of the Act



- (b) if the gaming machine does not already have an identification plate attached under section 31—obtained by the dealer.

Maximum penalty—20 penalty units.

(2) The dealer must ensure the serial number given under subsection (1)—

- (a) is within a sequence of numbers approved by the chief executive for use by the licensed major dealer; and
- (b) has not previously been given to another gaming machine manufactured or obtained by the licensed major dealer.

Maximum penalty—20 penalty units.

### **31 Identification plate to be attached**

(1) A licensed major dealer must attach an identification plate to each gaming machine—

- (a) manufactured by the dealer; or
- (b) if the gaming machine does not already have an identification plate attached under this section—obtained by the dealer.

Maximum penalty—20 penalty units.

(2) The dealer must ensure the identification plate—

- (a) is securely attached on a side of the gaming machine—
  - (i) during the process of manufacture of the gaming machine; or
  - (ii) as soon as the dealer obtains the gaming machine; and
- (b) is made of durable material; and
- (c) clearly displays in the English language—
  - (i) the name of the licensed major dealer that attached the identification plate; and
  - (ii) the year the gaming machine was manufactured or obtained; and
  - (iii) the licensed major dealer's serial number given to the gaming machine under section 30.

Maximum penalty—20 penalty units.

**32 Disconnection by licensed repairer of gaming machine from electronic monitoring system**

A licensed repairer who disconnects a gaming machine with a progressive jackpot prize meter from an electronic monitoring system must, within 14 days after the disconnection, give the chief executive, in the approved form, details of the amounts displayed on the meter immediately before the disconnection.

Maximum penalty—20 penalty units.

**33 Restricted components**

For the definition “restricted component” in the schedule of the Act, each component stated in schedule 4 is prescribed as a restricted component.

**34 Code numbers for approved gaming machine types and games**

The chief executive may give a code number to each gaming machine type, and each game, approved by the chief executive under section 281(8)<sup>21</sup> of the Act.

**35 Change to percentage return to players—Act, s 283**

For section 283(3)<sup>22</sup> of the Act, the period prescribed is—

- (a) the period of 1 month starting when the percentage return to players is last changed under section 283(1) of the Act; or
- (b) a period less than 1 month approved in writing by the chief executive for a particular change to be made at a particular time to a particular game.

**36 Payments out of approved trust account—Act, s 287**

For section 287(7)(b)<sup>23</sup> of the Act, the amounts to be paid out of the approved trust account are—

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21 Section 281 (Approval and rejection of gaming machines and games) of the Act

22 Section 283 (Changes to percentage returns) of the Act

23 Section 287 (Requirements for approvals for linked jackpot arrangements) of the Act

- (a) if a gaming machine on which a winning result is obtained is linked with other gaming machines under a multiple site linked jackpot arrangement—the jackpot payout for the winning result; and
- (b) amounts, other than multiple site jackpot increments, paid into the account by the operator to ensure the account has enough funds for jackpot payouts for a winning result; and
- (c) fees payable by the operator to the financial institution, with which the account is established, for keeping the account; and
- (d) interest accrued on, and paid into, the account.

## **PART 7—ACCOUNTING PROCEDURES**

### **37 Functions to be carried out with monthly money clearance—Act, s 295**

- (1) For section 295(4)<sup>24</sup> of the Act, the prescribed functions are—
- (a) to ensure no gaming machine credits are registered by the gaming machine while the monthly money clearance is being carried out; and
  - (b) to ensure a record of the value of the contents of the hopper is made in the gaming machine performance record; and
  - (c) to ensure a record is made in the gaming machine performance record of the amounts displayed on the following electronic RAM meters for the gaming machine—
    - (i) the total value of banknotes in the banknote acceptor;
    - (ii) the total value of coins to the cash box;
    - (iii) the total monetary value of wins (total wins);
    - (iv) the total monetary value of cancelled credits;
    - (v) the total monetary value of bets (turnover);
    - (vi) the total monetary value of wide area jackpots;

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24 Section 295 (Monthly money clearances) of the Act

- (vii) if the gaming machine has a progressive jackpot prize meter—the total monetary value of jackpot payouts;
- (viii) the total monetary value of cashless in;
- (ix) the total monetary value of cashless out;
- (x) the total monetary value of jackpot credits.

(2) In this section—

**“wide area jackpot”** means a jackpot payout paid by a licensed monitoring operator to a player for a winning result or promotions on a gaming machine that is part of a multiple site linked jackpot arrangement operated by the licensed monitoring operator.

### **38 Functions to be carried out with weekly money clearance— Act, s 296**

For section 296(2)<sup>25</sup> of the Act, the prescribed functions are—

- (a) to ensure no gaming machine credits are registered by the gaming machine while the weekly money clearance is being carried out; and
- (b) for a category 2 licensee who, under section 48, makes a periodic gaming deposit calculated using the win periodic method—to ensure a record of the value of the contents of the hopper is made in the gaming machine performance record; and
- (c) for a licensee who has a centralised credit system installed on the licensee’s licensed premises—to ensure a record is made of the amounts displayed on the following electronic RAM meters for the centralised credit system—
  - (i) the total monetary value of cashless in;
  - (ii) the total monetary value of cashless out;
  - (iii) the total monetary value of jackpot credits.

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25 Section 296 (Weekly money clearances) of the Act

**39 General requirements for money clearances**

(1) A licensee must ensure a gaming employee is present when a money clearance is carried out.

Maximum penalty—20 penalty units.

(2) A licensee must keep a cash clearances report in the approved form for each of the licensee's licensed premises.

Maximum penalty—20 penalty units.

(3) The licensee must ensure the cash clearances report is completed immediately after a money clearance.

Maximum penalty—20 penalty units.

**40 Requirements for money clearance of centralised credit system—Act, s 297**

(1) For section 297(3)<sup>26</sup> of the Act, the amount to be deducted is the amount (the “**net cashless amount**”) calculated using the formula—

$$\text{NCA} = \text{TCI} - \text{TCO} - \text{TJC}$$

(2) To carry out a money clearance of a centralised credit system, a licensee must keep a float to enable the net cashless amount to be deducted.

Maximum penalty—20 penalty units.

(3) In this section—

“**NCA**” means the net cashless amount for a clearance period.

“**TCI**” means the total monetary amount of gaming machine credits, for the clearance period, shown on the cashless in meters for the licensee's gaming machines.

“**TCO**” means the total monetary amount of gaming machine credits, for the clearance period, shown on the cashless out meters for the licensee's gaming machines.

“**TJC**” means the total monetary amount of gaming machine credits, for the clearance period, shown on the jackpot credit meters for the licensee's gaming machines.

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26 Section 297 (Requirement for money clearance) of the Act

**41 Manual payments register**

(1) A licensee must keep a manual payments register in the approved form for each of the licensee's licensed premises.

Maximum penalty—20 penalty units.

(2) Subsection (3) applies to a payout of \$500 or less if equipment ancillary to the electronic monitoring system for the licensed premises dispenses a print-out for a payout stating each of the following matters—

- (a) the date and time of the payout;
- (b) the machine identification number of the gaming machine;
- (c) the licensee's identification number of the gaming machine;
- (d) whether it is a short pay correction payout, hopper fill, hand-paid jackpot payout or cancelled credit;
- (e) for a cancelled credit—the betting unit and the number of gaming machine credits displayed on the credit meter;
- (f) the amount of the payout.

(3) The licensee is not required to record in the manual payments register the licence number and signature, or name and signature, of a second person who certifies that he or she observed—

- (a) for a cancelled credit—the number of gaming machine credits displayed on the credit meter; or
- (b) for a hand-paid jackpot payout—the winning combination of symbols; or
- (c) for a hopper fill—the hopper fill take place; or
- (d) for a short pay correction payout—the short pay correction payout take place.

(4) A licensee must ensure—

- (a) a hopper fill is performed only when a hopper is empty; and
- (b) the exact number of gaming tokens decided by the chief executive for the version of the software for the game of the gaming machine are placed in the hopper when a hopper fill is performed; and
- (c) the gaming tokens are of the denomination or type displayed on the gaming machine as a gaming token to be used to operate or gain credit on the gaming machine; and

- (d) at the end of the operation of gaming machines for each day—a notation is made immediately below the last entry in the manual payments register for the day indicating the entry is the last for the day; and
- (e) for a payout over \$500—the licence number and signature of a gaming employee for the licensee’s licensed premises is recorded in the manual payments register as the person who made or observed the payout.

Maximum penalty—20 penalty units.

(5) A licensee must ensure records are made in the manual payments register immediately after each short pay correction payout, hopper fill, hand-paid jackpot payout or cancelled credit is performed.

Maximum penalty—20 penalty units.

#### **42 Gaming machine performance record**

(1) A licensee must keep a gaming machine performance record in the approved form for each gaming machine connected to an electronic monitoring system.

Maximum penalty—20 penalty units.

(2) A licensee must ensure the period covered by a gaming machine performance record—

- (a) starts on the day and at the time—
  - (i) the gaming machine is provided to the licensee; or
  - (ii) of the completion of an alteration of the gaming machine to make a change in the game, gaming token denomination or betting unit of the gaming machine; or
  - (iii) of the completion of a monthly money clearance of the gaming machine; and
- (b) ends on the day and at the time—
  - (i) of the removal of the gaming machine by the chief executive; or
  - (ii) of the completion of an alteration of the gaming machine to make a change in the game, gaming token denomination or betting unit of the gaming machine; or

- (iii) of the completion of the next monthly money clearance of the gaming machine after an act mentioned in paragraph (a).

Maximum penalty—20 penalty units.

(3) A licensee must complete a gaming machine performance record for a gaming machine immediately after undertaking a money clearance of the machine.

Maximum penalty—20 penalty units.

### **43 Change to records**

(1) Subject to subsection (2), a person must not change or obliterate an entry in a manual payments register or cash clearances report.

Maximum penalty—20 penalty units.

(2) A person may change an entry mentioned in subsection (1) to correct an error in the entry.

(3) The change must be made by means of—

- (a) a single line through the part of the entry that is incorrect; and
- (b) insertion of the correct information; and
- (c) a marginal note or footnote, on the same page that must include—
  - (i) the licence number and signature of the person who made the change, or if the person is unlicensed, the person's name and signature; and
  - (ii) the date of the change.

### **44 Installation, removal and alteration of gaming machines**

(1) A licensee must ensure a money clearance is carried out on a gaming machine immediately before the gaming machine—

- (a) is altered to change the game, the gaming token denomination or the betting unit of the gaming machine; or
- (b) is stored on premises approved under section 225(2)(a)<sup>27</sup> of the Act; or

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27 Section 225 (Installation and storage of gaming machines by licensees) of the Act



(c) is removed from the licensee's licensed premises.

Maximum penalty—20 penalty units.

(2) A licensee must ensure a record of the amounts displayed on the meters mentioned in section 37(1)(c) is made in the gaming machine performance record for a gaming machine when—

- (a) the gaming machine is installed; or
- (b) the gaming machine is altered to change the game, the gaming token denomination or the betting unit of the gaming machine.

Maximum penalty—20 penalty units.

#### **45 Prescribed day—Act, s 299**

For section 299(1)<sup>28</sup> of the Act, the prescribed day is the sixth day.

#### **46 Number of gaming machines—community benefit statement required—Act, s 305**

For section 305(1)(e)<sup>29</sup> of the Act, the number of gaming machines is 50.

#### **47 Monthly gaming deposit**

(1) A licensee of category 2 licensed premises must calculate the “**monthly gaming deposit**” for each accounting period.

Maximum penalty—20 penalty units.

(2) The licensee may calculate the monthly gaming deposit under either the standard method or the win method.

(3) However, the chief executive may direct a licensee who has incorrectly calculated a monthly gaming deposit under the win method to calculate monthly gaming deposits under the standard method.

(4) Under the standard method, the amount of the monthly gaming deposit is calculated using the formula—

$$\mathbf{D = TC - NMP}$$

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28 Section 299 (Monthly gaming machine reconciliation reports) of the Act

29 Section 305 (Community benefit statement and other associated documents for audit report for category 2 licensee) of the Act

(5) Under the win method, the amount of the monthly gaming deposit is calculated using the formula—

$$D = RW + MGC$$

(6) In this section—

“**D**” means the monthly gaming deposit in dollars.

“**MGC**” means the total monetary amount of cancelled credits and jackpot payouts made by cheque drawn on a licensee’s monthly deposit account for an accounting period.

“**NMP**”, for an accounting period for a licensee, means the total monetary amount of all cancelled credits, hand-paid jackpot payouts, hopper fills and short pay correction payouts recorded in the monthly gaming machine reconciliation report for the accounting period for the licensee’s licensed premises that were not made by cheque drawn on the licensee’s monthly deposit account.

“**RW**” means the reported win for the relevant accounting period.

“**TC**”, for an accounting period for a licensee, means the total monetary amount of gaming tokens recorded in the monthly gaming machine reconciliation report for the accounting period for the licensee’s licensed premises as being removed during money clearances.

#### **48 Periodic gaming deposits**

(1) A category 2 licensee must, for each clearance period, make a deposit (a “**periodic gaming deposit**”) into an account (the “**monthly deposit account**”) kept by the licensee for the purpose at a financial institution.

Maximum penalty—20 penalty units.

(2) The periodic gaming deposit must be made within—

- (a) if no period is decided under paragraph (b)—2 business days after the end of the clearance period; or
- (b) a period, more than 2 days after the end of the clearance period, decided by the chief executive.

(3) The chief executive may decide a period under subsection (2)(b) for a particular licensee only if the chief executive considers it is appropriate to make the decision having regard to—

- (a) the remote location of the licensee’s licensed premises; or

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- (b) the lack of appropriate facilities, near the licensee's licensed premises, for making periodic gaming deposits; or
- (c) another circumstance the chief executive considers is relevant to the licensee's ability to make the periodic gaming deposit within the period mentioned in subsection (2)(a).

(4) The licensee must keep a float to enable the periodic gaming deposit to be made.

Maximum penalty—20 penalty units.

(5) The licensee must not withdraw funds deposited into the monthly deposit account and redeposit the funds into the account to make a periodic gaming deposit.

Maximum penalty—20 penalty units.

(6) The licensee may calculate the periodic gaming deposit under either the standard periodic method or the win periodic method.

(7) However, the chief executive may direct a licensee who has incorrectly calculated a periodic gaming deposit under the win periodic method to calculate periodic gaming deposits under the standard periodic method.

(8) Under the standard periodic method, the amount of the periodic gaming deposit is calculated using the formula—

$$D = TC - NMP$$

(9) Under the win periodic method, the amount of the periodic gaming deposit is calculated using the formula—

$$D = PRW + PGC$$

(10) In this section—

“**D**” means the periodic gaming deposit in dollars.

“**NMP**”, for a clearance period for a licensee, means the total monetary amount of all cancelled credits, hand-paid jackpot payouts, hopper fills and short pay correction payouts recorded in all gaming machine performance records for the clearance period for the licensee's licensed premises that were not made by cheque drawn on the licensee's monthly deposit account.

“**PGC**”, for a clearance period for a licensee, means the total monetary amount of cancelled credits and hand-paid jackpot payouts made by

cheque drawn on the licensee's monthly deposit account for the clearance period.

**“PRW”**, for a clearance period for a licensee, means the total of all amounts mentioned in schedule 7, definition “performance summary”, paragraph (h), recorded in all gaming machine performance records for the clearance period for the licensee's licensed premises.

**“TC”**, for a clearance period for a licensee, means the total monetary amount of gaming tokens recorded in all gaming machine performance records for the licensee's licensed premises as being removed at the money clearance ending the clearance period.

#### **49 Monthly variances record**

(1) A nominee of a category 2 licensee must, for each accounting period, complete and sign a monthly variances record in the approved form for the premises within 7 days after the end of the period.

Maximum penalty—20 penalty units.

(2) The nominee must take all reasonable steps to have the monthly variances record considered at the next meeting, held after completion of the record, of the entity responsible for managing the licensee's operations.

Maximum penalty—20 penalty units.

(3) Subsection (4) applies if a variance mentioned in subsection (5), definition “monthly variances record”, paragraph (c), (f), (i), (l) or (o) is more than 0.5% and the entity responsible for managing the licensee's operations considers the reason given under subsection (5), definition “monthly variances record”, paragraph (p) does not satisfactorily explain the variance.

(4) The entity must investigate the variance and take steps to ensure, as far as practicable, that the variance does not recur.

Maximum penalty—20 penalty units.

(5) In this section—

**“metered cancelled credits”** means the total monetary amount of cancelled credits, for the accounting period, shown on the cancelled credits meters for the licensee's gaming machines.

**“metered cash clearances”** means the total of—

- (a) the total monetary amount of gaming tokens shown on the cash box, or banknote acceptor, meters for the licensee's gaming machines as being cleared from the gaming machines during the accounting period; and
- (b) the total net cashless amount for the accounting period.

**“metered progressive jackpots”** means the total hand-paid jackpot payouts for the accounting period shown on the progressive jackpot prize meter for the gaming machines on the licensed premises.

**“monthly variances record”**, for an accounting period for a licensee, means a record, in the approved form, setting out the following details for the accounting period for the licensee's licensed premises—

- (a) the reported win;
- (b) the metered win;
- (c) any variance between the reported win and metered win;
- (d) the reported cash clearances;
- (e) the metered cash clearances;
- (f) any variance between the reported cash clearances and metered cash clearances;
- (g) the reported cancelled credits;
- (h) the metered cancelled credits;
- (i) any variance between the reported cancelled credits and metered cancelled credits;
- (j) the reported progressive jackpots;
- (k) the metered progressive jackpots;
- (l) any variance between the reported progressive jackpots and metered progressive jackpots;
- (m) the total (the **“total actual deposit”**) of the amounts paid into the monthly deposit account as representing the periodic gaming deposits;
- (n) the amount of the monthly gaming deposit;
- (o) any variance between the total actual deposit and monthly gaming deposit;

- (p) for a variance mentioned in paragraph (c), (f), (i), (l) or (o) of more than 0.5%<sup>30</sup>—the reason for the variance.

**“reported cancelled credits”** means the total of all amounts paid for cancelled credits.

**“reported cash clearances”** means the total of—

- (a) the total monetary amount of gaming tokens cleared from gaming machines; and
- (b) the total amount deducted by the licensee for the total net cashless amount.

**“reported progressive jackpots”** means the total of all amounts paid as hand-paid jackpot payouts.

**“TCI”** means the total monetary amount of gaming machine credits, for the accounting period, shown on the cashless in meters for the licensee’s gaming machines.

**“TCO”** means the total monetary amount of gaming machine credits, for the accounting period, shown on the cashless out meters for the licensee’s gaming machines.

**“TJC”** means the total monetary amount of gaming machine credits, for the accounting period, shown on the jackpot credit meters for the licensee’s gaming machines.

**“TNCA”** means the total net cashless amount for an accounting period.

**“total net cashless amount”** means the total net monetary amount of gaming machine credits received by the licensee during the accounting period calculated using the formula—

$$\text{TNCA} = \text{TCI} - \text{TCO} - \text{TJC}$$

## **PART 8—TAXES, LEVIES AND FEES**

### **50 Prescribed day—Act, ss 312, 316B, 317, 319 and 323**

For sections 312(2), 316B(2), 317(1), 319(1) and (2) and 323(a)<sup>31</sup> of the Act, the prescribed day is the tenth day.

### **51 Gaming machine tax—Act, s 312**

(1) This section prescribes percentages for section 312(3) and (4) of the Act.

(2) For category 1 licensed premises, the percentage is 35.91%.

(3) For category 2 licensed premises, the percentages are as follows—

- (a) for the first \$9 500 of monthly taxable metered win—nil;
- (b) for the amount of the monthly taxable metered win that is more than \$9 500 but not more than \$75 000—17.91%;
- (c) for the amount of the monthly taxable metered win that is more than \$75 000 but not more than \$150 000—20.91%;
- (d) for the amount of the monthly taxable metered win that is more than \$150 000 but not more than \$300 000—23.91%;
- (e) for the amount of the monthly taxable metered win that is more than \$300 000 but not more than \$1 400 000—25.91%;
- (f) for the amount of the monthly taxable metered win that is more than \$1 400 000—35.91%.

### **52 Gaming machine tax payable into community investment fund—Act, s 314**

For section 314(4)<sup>32</sup> of the Act, the prescribed percentage is 8.5%.

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31 Sections 312 (Gaming machine tax), 316B (Major facilities levy on category 1 licensed premises), 317 (Payment of taxes etc.), 319 (Penalty for late payment) and 323 (Adjustment of assessment in certain circumstances) of the Act

32 Section 314 (Community investment fund) of the Act

**53 Percentage of major facilities levy—Act, s 316B**

(1) This section prescribes percentages for section 316B(3) of the Act.

(2) The percentages are as follows—

- (a) for the first \$100 000 of monthly taxable metered win—nil;
- (b) for the amount of the monthly taxable metered win that is more than \$100 000 but not more than \$140 000—3.5%;
- (c) for the amount of the monthly taxable metered win that is more than \$140 000 but not more than \$180 000—5.5%;
- (d) for the amount of the monthly taxable metered win that is more than \$180 000 but not more than \$220 000—7.5%;
- (e) for the amount of the monthly taxable metered win that is more than \$220 000 but not more than \$260 000—13.5%;
- (f) for the amount of the monthly taxable metered win that is more than \$260 000—20%.

**54 Penalty for late payment—Act, s 319**

For section 319(1)(a) of the Act, the prescribed percentage is 5%.

**55 Crediting of payments—Act, s 319**

(1) For section 319(1)(b) of the Act, the amount is to be credited in the following order—

- (a) subject to subsection (2), in payment of any outstanding gaming machine taxes and major facilities levies, payable by the licensee under section 312 or 316B of the Act;
- (b) in payment of any outstanding penalty payable by the licensee under section 319(1)(a) of the Act.

(2) If the licensee is liable for payment of gaming machine tax and major facilities levy, any amount received from the licensee must be apportioned between the amount owing for gaming machine tax and the amount owing for major facilities levy in the same ratio the amount owing for gaming machine tax bears to the amount owing for major facilities levy.



*Example of subsection (2)—*

If a licensee owes \$10 000 for gaming machine tax and \$5 000 for major facilities levy and pays \$3 000, the gaming machine tax debt must be credited with \$2 000 and the major facilities levy debt must be credited with \$1 000.

## **56 Fees**

The fees payable under the Act are stated in schedule 5.

## **PART 9—GENERAL**

### **57 Prescribed liquor licences—Act, schedule**

The following liquor licences are prescribed for the schedule of the Act, definition “prescribed liquor licence”—

- (a) each licence mentioned in schedule 6;
- (b) a special facility licence for an activity, facility or presentation that—
  - (i) forms part of the tourist development of the State; and
  - (ii) provides residential accommodation.

### **58 Approved financiers**

The following entities are prescribed for the schedule of the Act, definition “approved financier”, paragraph (c)—

- (a) Club Gaming Financial Services Limited ACN 096 223 497;
- (b) Golden Casket Lottery Corporation Limited ACN 078 785 449;
- (c) Kay Cee Pty Ltd ACN 063 750 336;
- (d) RentWorks Limited ACN 003 421 136;
- (e) Techno Gaming Pty Ltd ACN 101 921 920.

**59 Evaluation by chief executive**

For sections 232(2)(a), 281(3)(a) and 288(2)(a)<sup>33</sup> of the Act, an evaluation carried out by the chief executive may include 1 or more of the following types of evaluation—

- (a) basic evaluation;
- (b) intermediate evaluation;
- (c) advanced evaluation.

**PART 10—REPEAL****60 Repeal**

The Gaming Machine Regulation 1991 SL No. 154 is repealed.

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<sup>33</sup> Sections 232 (Approvals for gaming related systems), 281 (Approval and rejection of gaming machines and games) and 288 (Decisions about approvals for linked jackpot arrangements) of the Act

**SCHEDULE 1****PRESCRIBED ENTITIES**

section 7

Alberta Gaming and Liquor Commission, Canada  
Australian Bureau of Criminal Intelligence  
Australian Capital Territory Gambling and Racing Commission  
Australian Crime Commission  
Australian Customs Service  
Australian Federal Police  
Australian Securities and Investments Commission  
Australian Security Intelligence Organisation  
Australian Taxation Office  
British Columbia Gaming Commission, Canada  
Casino Control Authority, New Zealand  
Colorado Division of Gaming, USA  
Colorado State Police, USA  
Commercial and Consumer Tribunal established under the *Commercial and Consumer Tribunal Act 2003*  
Crime and Misconduct Commission  
Department of Gaming and Racing, New South Wales  
Department of Internal Affairs, New Zealand  
Department of Racing, Gaming and Liquor, Western Australia  
Department of Treasury and Finance, South Australia  
Federal Airports Corporation  
Gaming Board for Great Britain  
Gaming Board of the Commonwealth of the Bahamas

## SCHEDULE 1 (continued)

Gaming Commission of Western Australia  
Independent Gambling Authority, South Australia  
Interpol  
Liquor Licensing Division, Queensland  
Lotteries Commission of South Australia  
Lotteries Commission of Western Australia  
Nevada Gaming Commission, USA  
Nevada Gaming Control Board, USA  
New Jersey Casino Control Commission, USA  
New Jersey Division of Gaming Enforcement, USA  
New South Wales Casino Control Authority  
New South Wales Crime Commission  
New South Wales Police Service  
New Zealand Police  
Northern Territory Licensing Commission  
Northern Territory Police  
Office of Fair Trading, Queensland  
Office of Gambling Regulation, Victoria  
Office of State Revenue, Treasury Department, Queensland  
Office of the Liquor and Gambling Commissioner, South Australia  
Queensland Police Service  
Racing, Gaming and Liquor Division, Northern Territory  
Racing Services Tasmania  
South Australia Police  
Tasmanian Gaming Commission  
Tasmania Police

SCHEDULE 1 (continued)

Victorian Casino and Gaming Authority

Victoria Police

Western Australian Police Service

**SCHEDULE 2****PRESCRIBED CONDITIONS OF GAMING MACHINE LICENCE**

section 10

**1. The licensee must—**

- (a) care for all gaming machines, and ancillary or related property, including, for example, consoles, fibre optic cable, progressive displays and site controllers, on the licensee's licensed premises, in the way a reasonable, careful and prudent owner would; and
- (b) provide, at the licensee's expense, locks of a type approved by the chief executive to secure the gaming machine cabinet, banknote receptacle, cage housing the receptacle and console door for each gaming machine; and
- (c) ensure a key to the locks securing the gaming machine cabinets for all gaming machines is exclusive to the locks; and
- (d) ensure a key to the locks securing the banknote receptacles, cages housing the receptacles and console doors for all gaming machines is exclusive to the locks; and
- (e) fix gaming machines to consoles in a way approved by the chief executive; and
- (f) carry out as required, at the licensee's expense (unless the work is carried out under a licensed major dealer's warranty), the following works to ensure gaming machines are at all times in a proper state of repair and safe for use—
  - (i) installation, alteration, adjustment, maintenance or repair of fuses, electric light globes, fluorescent tubes and fluoro starters of a gaming machine that are easily accessible;
  - (ii) installation, alteration, adjustment, maintenance or repair of locks of gaming machine cabinets or console doors;
  - (iii) installation, alteration, adjustment, maintenance or repair of hinges of gaming machine console doors;

## SCHEDULE 2 (continued)

- (iv) adjustment of the device regulating the level of the contents of the hopper;
- (v) installation, alteration, adjustment, maintenance or repair of external switch covers or glass or perspex panels of a gaming machine;
- (vi) repair by clearing gaming tokens jammed in a gaming machine;
- (vii) repair by resetting minor fault conditions of a gaming machine;
- (viii) regular inspection, testing and tagging of electrical equipment of a gaming machine and ancillary or related equipment; and
- (g) repay the chief executive the full cost—
  - (i) of any work carried out by the chief executive because the licensee has failed to comply with a condition of the licensee's licence; and
  - (ii) of investigating and correcting errors or omissions in, or the preparation of, a monthly gaming machine reconciliation report prepared by the licensee under section 299 of the Act; and
- (h) keep at the licensee's expense, all records, accounts, reports and other documentation required to be kept, by the licensee, under the Act or this regulation; and
- (i) not interfere with any connection between a gaming machine and any electronic monitoring system installed by a licensed monitoring operator; and
- (j) take all reasonable steps to ensure all gaming machines are—
  - (i) continuously provided with electricity; and
  - (ii) switched on at all times.

2. A licensee must remit to the chief executive, by electronic funds transfer, from an account held by the licensee for the purpose—

## SCHEDULE 2 (continued)

- (a) all taxes and levies payable under part 9 of the Act; and
- (b) any penalty payable under section 319 of the Act.<sup>34</sup>

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34 Part 9 (Taxes, levies and fees) and section 319 (Penalty for late payment) of the Act



**SCHEDULE 3****RULES ANCILLARY TO GAMING**

sections 16 and 21

1. A person under the age of 18 years must not play a gaming machine.
2. A gaming employee may determine that 1 gaming machine only may be played by a person at the same time.
3. A gaming machine may be reserved by a person without play for a maximum period of 3 minutes.
4. No person, other than a person permitted under the Act, is to touch an internal part of a gaming machine.
5. A gaming employee must refuse to pay a cancelled credit or jackpot payout if he or she believes on reasonable grounds that—
  - (a) the gaming machine credits were not accumulated, or the winning combination was not obtained, during permitted hours of gaming under section 235 of the Act; or
  - (b) the person claiming the cancelled credit or jackpot payout is not the person entitled to the payment or a person acting on behalf of that person; or
  - (c) the Act has been contravened by the person claiming the cancelled credit or jackpot payout.
6. If, under item 5, a gaming employee refuses to make a payment, the gaming employee must as soon as practicable submit a report to the chief executive.
- 7.(1) For section 242(2)(b) of the Act, a licensee required to make a payment to a player for a cancelled credit or jackpot payout of more than \$250 must make the payment in 1 of the following ways—
  - (a) \$250 of the payment in Australian currency and the balance of the payment by cheque;
  - (b) if requested by the player—
    - (i) an amount less than \$250 of the payment in Australian currency and the balance of the payment by cheque; or

## SCHEDULE 3 (continued)

(ii) the entire payment by cheque.

(2) For making a payment under subitem (1)—

- (a) if part of the payment is in Australian currency—the licensee must pay the Australian currency when the player claims payment; and
- (b) the licensee must give a cheque to the player or post it to the player's address, within 24 hours after the player claims payment.

**SCHEDULE 4****RESTRICTED COMPONENTS**

section 33

1. Game processor board.
2. Programming or software for a game (irrespective of the medium or method of storage).
3. Identification plate mentioned in section 31 of this regulation.

## SCHEDULE 5

### FEES

		section 56
		\$
<b>1.</b>	Appeal to Minister (s 29(2)(c) of the Act) . . . . .	273.00
<b>2.</b>	Filing a notice of appeal with the registrar of the commission (s 33(2)(a) of the Act) . . . . .	273.00
<b>3.</b>	Application for gaming machine licence for premises that are not licensed premises (s 56(5)(n) of the Act) . .	4 144.00
<b>4.</b>	Application for gaming machine licence for premises that are licensed premises (s 56(5)(n) of the Act) . . . . .	1 963.00
<b>5.</b>	Application for approval of additional licensed premises (s 61(3)(g)(ii) of the Act) . . . . .	1 963.00
<b>6.</b>	Copy of gaming machine licence (s 71(1) of the Act) . .	55.00
<b>7.</b>	Fresh gaming machine licence (s 71(3)(a) of the Act) .	55.00
<b>8.</b>	Application for renewal of gaming machine licence (s 76(2)(b) of the Act)—	
	(a) by a category 1 licensee . . . . .	328.00
	(b) by a category 2 licensee—for each premises . . . . .	328.00
<b>9.</b>	Application to increase approved number of gaming machines by less than 10 gaming machines for a category 1 licensed premises (s 81(2)(h) of the Act) . .	109.00
	plus—for each additional machine . . . . .	10.00
<b>10.</b>	Application to increase approved number of gaming machines by 10 or more gaming machines for a category 1 licensed premises (s 81(2)(h) of the Act) . . .	545.00
	plus—for each additional machine . . . . .	10.00
<b>11.</b>	Application to increase approved number of gaming machines by less than 20 gaming machines for a category 2 licensed premises (s 81(2)(h) of the Act) . . .	109.00
	plus—for each additional machine . . . . .	10.00

## SCHEDULE 5 (continued)

	\$
<b>12.</b> Application to increase approved number of gaming machines by 20 or more gaming machines for a category 2 licensed premises (s 81(2)(h) of the Act) . . . . .	545.00
plus—for each additional machine . . . . .	10.00
<b>13.</b> Application to increase approved hours of gaming (s 85A(1) of the Act) . . . . .	23.00
<b>14.</b> Application to decrease approved number of gaming machines (s 86(1) of the Act) . . . . .	55.00
<b>15.</b> Replacement gaming machine licence (s 88B(2)(b) of the Act) . . . . .	55.00
<b>16.</b> Application for approval to relocate a gaming machine area (s 91(2) of the Act)—for each machine . . . . .	23.00
<b>17.</b> Replacement gaming machine licence (s 109I(2)(b) of the Act) . . . . .	55.00
<b>18.</b> Application for monitoring operator’s licence (s 115(3)(e) of the Act) . . . . .	10 906.00
<b>19.</b> Monitoring operator’s licence fee (s 122(7) of the Act) . . . . .	261 744.00
<b>20.</b> Application for major dealer’s licence (s 115(3)(e) of the Act) . . . . .	10 906.00
<b>21.</b> Major dealer’s licence fee (s 122(7) of the Act) . . . . .	130 873.00
<b>22.</b> Application for secondary dealer’s licence (s 115(3)(e) of the Act) . . . . .	1 091.00
<b>23.</b> Secondary dealer’s licence fee (s 122(7) of the Act) . . . . .	4 363.00
<b>24.</b> Application for renewal of monitoring operator’s licence (s 130(3)(c) of the Act) . . . . .	10 906.00
<b>25.</b> Monitoring operator’s licence renewal fee (s 131(2) of the Act) . . . . .	261 744.00
<b>26.</b> Application for renewal of major dealer’s licence (s 130(3)(c) of the Act) . . . . .	10 906.00
<b>27.</b> Major dealer’s licence renewal fee (s 131(2) of the Act) . . . . .	130 873.00
<b>28.</b> Application for renewal of secondary dealer’s licence (s 130(3)(c) of the Act) . . . . .	1 091.00
<b>29.</b> Secondary dealer’s licence renewal fee (s 131(2) of the Act) . . . . .	4 363.00
<b>30.</b> Application for replacement of supplier’s licence (s 132(2)(a) of the Act) . . . . .	55.00

## SCHEDULE 5 (continued)

	\$
<b>31.</b> Application for service contractor's licence (s 198(4)(1) of the Act)—	
(a) by an individual. . . . .	328.00
(b) by a category 1 body corporate. . . . .	654.00
(c) by a category 2 body corporate. . . . .	5 453.00
<b>32.</b> Application for renewal of service contractor's licence (s 207(2)(c) of the Act)—	
(a) by an individual. . . . .	328.00
(b) by a category 1 body corporate. . . . .	654.00
(c) by a category 2 body corporate. . . . .	5 453.00
<b>33.</b> Copy of service contractor's licence (s 203(1) of the Act) . . . . .	55.00
<b>34.</b> Fresh service contractor's licence (s 203(3)(a) of the Act) . . . . .	55.00
<b>35.</b> Application for gaming nominee's licence by licensed gaming employee (s 196(2)(d) of the Act) . . . . .	328.00
<b>36.</b> Application for gaming nominee's or key monitoring employee's licence (s 198(4)(1) of the Act) . . . . .	328.00
<b>37.</b> Application for renewal of gaming nominee's or key monitoring employee's licence (s 207(2)(c) of the Act)	164.00
<b>38.</b> Application for gaming employee's licence by a licensed gaming nominee (s 197(2)(c) of the Act) . . . .	164.00
<b>39.</b> Application for gaming employee's or repairer's licence (s 198(4)(1) of the Act). . . . .	164.00
<b>40.</b> Application for renewal of gaming employee's or repairer's licence (s 207(2)(c) of the Act) . . . . .	164.00
<b>41.</b> Copy of gaming nominee's, gaming employee's, key monitoring employee's or repairer's licence (s 203(1) of the Act) . . . . .	23.00
<b>42.</b> Issue of fresh gaming nominee's, gaming employee's, key monitoring employee's or repairer's licence (s 203(3)(a) of the Act) . . . . .	23.00
<b>43.</b> Evaluation of a gaming related system (s 232(3)(a) of the Act)—for each hour, or part of an hour, involved in the following—	
(a) carrying out—	

## SCHEDULE 5 (continued)

	\$
(i) basic evaluation . . . . .	136.00
(ii) intermediate evaluation . . . . .	169.00
(iii) advanced evaluation . . . . .	203.00
(iv) administration for an evaluation . . . . .	102.00
(b) giving advice for an evaluation . . . . .	102.00
(c) holding meetings for an evaluation . . . . .	102.00
<b>44.</b> Application for approval under section 265(2) of the Act—for each machine . . . . .	23.00
<b>45.</b> Application for repossession of a gaming machine (s 274(3)(b) of the Act) . . . . .	23.00
<b>46.</b> Application for approval to destroy a gaming machine (s 277(3)(b) of the Act)—for each machine . . . . .	23.00
<b>47.</b> Evaluation of a gaming machine type or game (s 281(7)(a) of the Act)—for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation . . . . .	136.00
(ii) intermediate evaluation . . . . .	169.00
(iii) advanced evaluation . . . . .	203.00
(iv) administration for an evaluation . . . . .	102.00
(b) giving advice for an evaluation . . . . .	102.00
(c) holding meetings for an evaluation . . . . .	102.00
<b>48.</b> Evaluation of a linked jackpot arrangement (s 288(3)(a) of the Act)—for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation . . . . .	136.00
(ii) intermediate evaluation . . . . .	169.00
(iii) advanced evaluation . . . . .	203.00
(iv) administration for an evaluation . . . . .	102.00
(b) giving advice for an evaluation . . . . .	102.00
(c) holding meetings for an evaluation . . . . .	102.00
<b>49.</b> Application for approval to change the percentage return to players less than 1 month before it was last changed (s 35(b) of this regulation)—for each machine	23.00

## SCHEDULE 5 (continued)

	\$
<b>50.</b> Mediation fee (s 416(2) of the Act) . . . . .	330.00
<b>51.</b> Proceeding fee (s 418(2) of the Act) . . . . .	2 700.00



**SCHEDULE 6****PRESCRIBED LIQUOR LICENCES**

section 57(a)

1. The special facility licence held by the Surfers Paradise Bowls Club Incorporated, 4 Ferny Avenue, Surfers Paradise.
2. The special facility licence held by Nifsan Pty Ltd ACN 053 350 922, Emerald Lakes Golf Club, Nerang-Broadbeach Road, Nerang.
3. The special facility licence held by Diamead Pty Ltd ACN 002 295 650, Tallai Country Golf Course, 94 Worongary Road, Tallai.
4. The special facility licence held by Innes Park Country Club Tavern Pty Ltd ACN 082 223 747, Innes Park Road, Innes Park.
5. The special facility licence held by Pacific Shores Pty Ltd ACN 010 902 342, Pebble Beach Drive, Innes Park.

**SCHEDULE 7****DICTIONARY**

section 3

**“accounting period”** means the period covered by a monthly gaming machine reconciliation report for a licensed premises.

**“advanced evaluation”** means an evaluation of any of the following things relating to a game, gaming machine type, gaming related system or linked jackpot arrangement—

- (a) communications protocols;
- (b) monitoring systems;
- (c) random number generators.

**“basic evaluation”** means an evaluation of any of the following things relating to a game, gaming machine type, gaming related system or linked jackpot arrangement—

- (a) artwork;
- (b) cabinet design;
- (c) documentation, including for example, operational manuals.

**“cancelled credit”** means a payment, by a licensee to a player for gaming machine credits, that is not discharged out of the hopper.

**“cash clearances report”** means a report kept under section 39(2).

**“category 1 body corporate”** see section 4.

**“category 2 body corporate”** means a body corporate that is not a category 1 body corporate.

**“clearance period”**, for a licensee, means a period—

- (a) for the first clearance for a gaming machine after the gaming machine is connected to an electronic monitoring system—the period starting when the gaming machine is connected to an electronic monitoring system and ending at the first money clearance after the connection; or

## SCHEDULE 7 (continued)

(b) otherwise—

- (i) starting at a money clearance for the gaming machine on the licensee's licensed premises; and
- (ii) ending at the next money clearance for the gaming machine.

**“game processor board”** means an electronic circuit board designed to be used in a gaming machine.

**“gaming machine performance record”** means a record kept under section 42(1).

**“hand-paid jackpot payout”** means a jackpot payout not payable under the Act from an approved trust account.

**“hopper”** means the container in a gaming machine from which gaming tokens may be discharged to pay for gaming machine credits or winnings.

**“hopper fill”** means the placing by a licensee of gaming tokens into a hopper.

**“intermediate evaluation”** means an evaluation of any of the following things relating to a game, gaming machine type, gaming related system or linked jackpot arrangement—

- (a) hardware, other than hardware subject to basic evaluation;
- (b) software, other than software subject to advanced evaluation;
- (c) the mathematical treatise of the derivation of the theoretical return to a player.

**“jackpot credit”** means an amount won by a player and recorded on the progressive jackpot prize meter, and credited to the credit meter, of the player's gaming machine.

**“machine identification number”** means the identification number issued for a gaming machine under section 289(1) of the Act.

**“manual payments register”** means a register kept under section 41(1).

**“monthly deposit account”** see section 48.

**“monthly gaming deposit”** see section 47.

**“monthly gaming machine reconciliation report”** means a report prepared under section 299(1) of the Act.

## SCHEDULE 7 (continued)

**“monthly money clearance”** means a money clearance mentioned in section 295(1) of the Act.

**“performance summary”**, for a period covered by a gaming machine performance record, means a summary of the following expressed in monetary amounts—

- (a) the hopper contents at the end of the period;
- (b) the total of gaming tokens removed during money clearances for the period;
- (c) the total of short pay correction payouts during the period;
- (d) the total of hopper fills during the period;
- (e) the total of hand-paid jackpot payouts during the period;
- (f) the total of cancelled credits during the period;
- (g) the hopper contents at the start of the period;
- (h) the amount calculated by subtracting from the total of the amounts mentioned in paragraphs (a) and (b), the total of the amounts mentioned in paragraphs (c) to (g).

**“periodic gaming deposit”** see section 48.

**“player”** means a person who plays a gaming machine.

**“RAM”** means Random Access Memory.

**“reported win”** means the total of all amounts mentioned in this schedule, definition “performance summary”, paragraph (h), recorded in a monthly gaming machine reconciliation report for an accounting period.

## SCHEDULE 7 (continued)

**“short pay correction payout”** means a payment by a licensee to a player of an amount to which the player is entitled if the gaming machine fails to discharge, or register gaming machine credits for, the amount.

**“voting share”** see section 9<sup>35</sup> of the Corporations Act.

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35 Corporations Act, section 9—

**“voting share”** in a body corporate means an issued share in the body that carries any voting rights beyond the following:

- (a) a right to vote while a dividend (or part of a dividend) in respect of the share is unpaid;
- (b) a right to vote on a proposal to reduce the body’s share capital;
- (c) a right to vote on a resolution to approve the terms of a buy-back agreement;
- (d) a right to vote on a proposal that affects the rights attached to the share;
- (e) a right to vote on a proposal to wind the body up;
- (f) a right to vote on a proposal for the disposal of the whole of the body’s property, business and undertaking;
- (g) a right to vote during the body’s winding up.

## ENDNOTES

### 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	60
3	Key . . . . .	60
4	Table of reprints . . . . .	61
5	List of legislation . . . . .	61
6	List of annotations . . . . .	62

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 21 May 2004. Future amendments of the Gaming Machine Regulation 2002 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

### TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Notes
1	none	1 December 2002	
1A rv	to 2003 SL No. 127	1 July 2003	
1B	to 2003 SL No. 219	1 October 2003	
1C	to 2003 SL No. 254	31 October 2003	
1D	to 2004 SL No. 53	21 May 2004	

## 5 List of legislation

### **Gaming Machine Regulation 2002 SL No. 301**

made by the Governor in Council on 14 November 2002

notfd gaz 15 November 2002 pp 946–7

ss 1–2 commenced on date of notification

remaining provisions commenced 1 December 2002 (see s 2)

exp 1 September 2013 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Gaming Machine Amendment Regulation (No. 1) 2003 SL No. 127**

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

### **Gambling Legislation Amendment Regulation (No. 1) 2003 SL No. 219 ss 1, 2(2), pt 4**

notfd gaz 19 September 2003 pp 219–21

ss 1–2 commenced on date of notification

remaining provisions commenced 1 October 2003 (see s 2(2))

### **Gaming Machine Amendment Regulation (No. 2) 2003 SL No. 254**

notfd gaz 31 October 2003 pp 691–4

commenced on date of notification

### **Gaming Machine and Other Legislation Amendment Regulation (No. 1) 2004 SL No. 53 pts 1–2**

notfd gaz 21 May 2004 pp 191–4

commenced on date of notification

**6 List of annotations****PART 3A—OPERATING AUTHORITIES FOR CATEGORY 1 LICENSED PREMISES****pt hdg** ins 2003 SL No. 127 s 4**Division 1—General matters for operating authorities****div hdg** ins 2003 SL No. 127 s 4**Maximum number of operating authorities—Act, s 109A****s 10A** ins 2003 SL No. 127 s 4**Selling entity and way operating authorities may be sold—Act, s 109B****s 10AB** ins 2004 SL No. 53 s 3**Amount to be paid into community investment fund—Act, s 109E****s 10B** ins 2003 SL No. 127 s 4**Working out amount to be paid to licensee—Act, s 109E****s 10C** ins 2003 SL No. 127 s 4**Amount of payment—Act, s 322****s 10D** ins 2003 SL No. 127 s 4**Authority regions—Act, schedule****s 10E** ins 2003 SL No. 127 s 4**Division 2—Matters relating to transitional provisions for Gaming Machine and Other Legislation Amendment Act 2003****div hdg** ins 2003 SL No. 127 s 4**Application to tribunal—Act, s 416****s 10F** ins 2003 SL No. 127 s 4  
amd 2003 SL No. 254 s 3**Submission and report about payments refused****s 20** amd 2003 SL No. 219 s 11**Way submission under s 20 is to be dealt with****s 21** amd 2003 SL No. 219 s 12**Approval of premises of licensed major dealer or licensed monitoring operator—Act, s 266 or 267****s 29 prov hdg** amd 2003 SL No. 127 s 5**Payments out of approved trust account—Act, s 287****s 36** amd 2003 SL No. 127 s 6**Approved financiers****s 58** amd 2003 SL No. 127 s 7; 2004 SL No. 53 s 4**SCHEDULE 1—PRESCRIBED ENTITIES**

amd 2003 SL No. 127 s 8; 2003 SL No. 219 s 13

**SCHEDULE 3—RULES ANCILLARY TO GAMING**

amd 2003 SL No. 219 s 14



**SCHEDULE 5—FEES**

amd 2003 SL No. 127 s 9; 2003 SL No. 219 s 15