



*Keno Act 1996*

# **Keno Regulation 2007**

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## Queensland

# Keno Regulation 2007

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# Keno Regulation 2007

## 1 Short title

This regulation may be cited as the *Keno Regulation 2007*.

## 2 Commencement

This regulation commences on 1 September 2007.

## 3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

### 3A Meaning of *keno supervisor*

- (1) A *keno supervisor* is a person who—
  - (a) is employed by, or works for, an appointed agent; and
  - (b) has responsibility for supervising the conduct of keno games.
- (2) For keno games played in a casino, a *keno supervisor* is a casino employee who—
  - (a) holds a casino key employee licence under the *Casino Control Act 1982*; and
  - (b) has responsibility for supervising keno games conducted in the casino under a casino licence.
- (3) A *keno supervisor* includes a person acting as a keno supervisor.

## 4 Persons with whom keno licensee may enter into agency agreements—Act, s 85

For section 85(1) of the Act, each of the following persons is prescribed as a person eligible to be a keno agent—

- (a) a body corporate that holds a community club licence;

- (b) the holder of a commercial hotel licence;
- (c) the holder of a prescribed liquor licence;
- (d) a casino licensee;
- (e) a casino operator;
- (f) a wagering licensee;
- (g) a subsidiary operator.

**5 Day for giving monthly gross revenue return—Act, s 111**

For section 111(2)(b) of the Act, the day prescribed is the 10th day after the end of the month to which the monthly gross revenue return relates.

**7 Percentages for penalties for late payment—Act, s 114**

- (1) For section 114(2) of the Act, the percentage prescribed is 5%.
- (2) For section 114(4) of the Act, the percentage prescribed is 5%.

**8 Approved places of operation for appointed agents—Act, s 142**

- (1) This section prescribes, for section 142(2)(a) of the Act, each of the places that is an approved place for an appointed agent.
- (2) If the appointed agent is the holder of a commercial hotel licence, community club licence or prescribed liquor licence, the approved place is the part of the premises to which the licence relates where the sale and consumption of liquor is authorised under the licence.
- (3) If the appointed agent is a casino licensee or casino operator, the approved place is the casino to which the relevant casino licence relates.
- (4) If the appointed agent is a wagering licensee, the approved place is each place where a totalisator is operated by or for the licensee.

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**9 Prohibited periods for keno games for keno licensees—Act, s 143**

For section 143(1) of the Act, the following periods are prescribed—

- (a) Anzac Day—between 3a.m. and 1p.m.;
- (b) Good Friday and Christmas Day—between 3a.m. and midnight.

**10 Prohibited periods for keno games for appointed agents—Act, s 143**

- (1) This section prescribes periods for section 143(2) of the Act.
- (2) If the appointed agent is the holder of a liquor licence, the periods prescribed are any periods that are not—
  - (a) within a trading period for the premises; or
  - (b) if the holder of the liquor licence also holds a gaming machine licence for the premises and the hours of gaming fixed for the premises under the gaming machine licence extend beyond the trading period for the premises—within the hours of gaming fixed for the premises under the gaming machine licence.
- (3) If the appointed agent is a casino licensee or casino operator, the periods prescribed are any periods that are not periods approved by the chief executive as periods during which the casino to which the relevant casino licence relates is required to be operated.
- (4) If the appointed agent is a wagering licensee, the periods prescribed are any periods that are not periods during which a totalisator may be operated by or for the licensee.
- (5) In this section—

***gaming machine licence*** means a gaming machine licence under the *Gaming Machine Act 1991*.

***liquor licence*** means a commercial hotel licence, community club licence or prescribed liquor licence.

*trading period*, for premises to which a liquor licence relates, means the period comprising—

- (a) the ordinary trading hours and approved extended trading hours under the *Liquor Act 1992* for the premises; and
- (b) the 2 hours following the end of the period mentioned in paragraph (a).

## **11 Evaluation of regulated keno equipment—Act, s 145**

For section 145 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.

## **11A Declaration of approved evaluators—Act, s 146A**

Each entity mentioned in schedule 1A is declared to be an approved evaluator for section 146A of the Act.

## **12 Requests to resolve claims for payment—Act, s 152**

- (1) This section prescribes, for section 152(6) of the Act, how the chief executive must deal with a request, made by a person (the *claimant*) under section 152(4)(a) of the Act, to resolve a claim for payment of a prize for an approved keno game.
- (2) The chief executive must ask the authorised keno operator to immediately try to resolve the claim.
- (3) Subsection (4) applies if, within 14 days of making the request under subsection (2), the chief executive is not advised by the authorised keno operator or claimant that the claim has been resolved.
- (4) The chief executive must give written notice to the operator and the claimant inviting the operator and claimant to make a



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written submission to the chief executive about the claim within 1 month after receiving the notice (the *submission period*).

- (5) The chief executive may—
  - (a) cause an investigation to be made about any matter the chief executive considers is relevant to the claim; and
  - (b) request a report of the investigation to be given to the chief executive.
- (6) As soon as practicable after the end of the submission period, the chief executive must—
  - (a) consider all written submissions made in the submission period by the authorised keno operator or claimant; and
  - (b) consider the outcome of any investigation under subsection (5); and
  - (c) make a decision about the claim; and
  - (d) give the authorised keno operator and claimant a written notice stating the decision and the reasons for the decision.
- (7) However, the chief executive is not required to take or complete action under subsection (6) if the chief executive is advised of the resolution of the claim by the authorised keno operator or claimant.

### **13 Requests to review decisions about claims for payment—Act, s 152**

- (1) This section prescribes, for section 152(6) of the Act, how the chief executive must deal with a request, made by a person (the *claimant*) under section 152(4)(b) of the Act, to review a decision of an authorised keno operator (the *operator's decision*).
- (2) The chief executive must either review or refuse to review the operator's decision.
- (3) The chief executive may refuse to review the operator's decision only if—

- (a) the request was not made within 10 days after the claimant received the claim result notice for the decision; 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 operator's decision, the chief executive must give—
- (a) the authorised keno operator written notice of the chief executive's decision; and
  - (b) the claimant a written notice—
    - (i) of the chief executive's decision; and
    - (ii) stating the reasons for the chief executive's decision.
- (5) If the chief executive decides to review the operator's decision, the chief executive must give—
- (a) the authorised keno operator—
    - (i) a copy of the claimant's request; and
    - (ii) written notice inviting the operator to make a written submission to the chief executive about the operator's decision within 1 month after receiving the notice (the *submission period*); and
  - (b) the claimant written notice inviting the claimant to make a written submission to the chief executive about the operator's decision within 1 month after receiving the notice (also 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) request 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 in the submission period by the authorised keno operator or claimant; and
  - (b) consider the outcome of any investigation under subsection (6); and
  - (c) make a decision about the review; and
  - (d) give the authorised keno operator and claimant a written notice stating the decision and the reasons for the decision.

#### **14 Report about prohibition under order or direction—Act, s 154L**

- (1) An appointed agent must give the chief executive a report about the prohibition of persons from taking part in keno gaming at, or entering or remaining in, the agent's approved place of operation under a self-exclusion order or an exclusion direction
- (2) For subsection (1) the report must be given to the chief executive within 14 days after 30 June and 31 December in each year.
- (3) If a person takes part in keno gaming at, or enters or remains in, an appointed agent's approved place of operation in contravention of a self-exclusion order or an exclusion direction, the appointed agent must, within 7 days, give a report to the chief executive about the contravention.

#### **15 Entities to whom information may be disclosed—Act, s 240**

The entities prescribed for section 240(3)(a) of the Act are the entities stated in schedule 1.

#### **15A Names of keno wagers**

A keno licensee may, with the chief executive's approval, use any name the keno licensee considers appropriate for a wager for a keno game.

### **15B Drawing equipment**

- (1) A keno drawing device must be used to select the 20 winning numbers in a keno game.
- (2) If a keno ball drawing device is used, a keno supervisor must—
  - (a) each keno day, replace all balls in the device; and
  - (b) regularly inspect the balls for defects and ensure any defective balls are replaced.
- (3) In this section—

*keno day* means a period of about 24 hours proposed by a keno licensee and approved by the chief executive.

### **15C Drawing winning numbers**

- (1) As soon as a keno drawing device is activated to draw a keno game, notice must be given in the keno gaming place to advise persons the game is being drawn.
- (2) If a keno ball drawing device is used to select the winning numbers in a keno game, the drawing must take place in a way that enables persons in the keno gaming place to view the drawing.
- (3) If a keno random number generator is used to select the winning numbers in a keno game, the keno random number generator must be situated in a place approved by the chief executive.
- (4) The 20 numbers selected by the keno random number generator or the numbers on the 20 balls selected by the keno ball drawing device are the winning numbers for the game.
- (5) If a keno ball drawing device is used for the drawing and numbers other than the numbers on the balls selected are displayed, the numbers on the balls selected are the winning numbers.

### **15D How keno ball drawing device operates**

A keno ball drawing device operates by—

- 
- (a) rotating in 1 direction for at least 1 revolution to allow any balls held in the device's retaining arms to return to the main body of the device and mix with the remainder of the balls; and
  - (b) then rotating in the opposite direction drawing 1 ball only on each revolution until 20 balls are drawn.

### **15E Malfunction by keno ball drawing device**

- (1) This section applies if a keno ball drawing device malfunctions during a drawing.
- (2) If the keno ball drawing device is capable of being operated by hand and in the way it is intended to operate, a keno supervisor may operate the device by hand to complete the drawing.
- (3) If the keno ball drawing device is not capable of being operated by hand or of operating in the way it is intended to operate, the drawing is not effective for deciding the winning numbers.
- (4) If a ball breaks and only part of the ball is drawn—
  - (a) the number on the part ball drawn is not a winning number; and
  - (b) the drawing must be completed; and
  - (c) at the completion of the drawing, the keno supervisor, in the presence of an inspector, must replace all the balls in the keno ball drawing device.

### **15F Malfunction by keno random number generator**

If a keno random number generator malfunctions during a drawing—

- (a) any numbers selected are not winning numbers for the drawing; and
- (b) before conducting a new drawing, the keno licensee must seek an inspector's approval.

## 15G Major prizes

- (1) If the total value of major prizes for a keno game is more than \$3m, the payout for each major prize of more than \$1000 must be abated proportionately, to ensure the total payout for major prizes for the game is not more than \$3m.

*Example—*

If the major prizes that would be payable in a keno game are prizes of \$1.8m, \$900,000 and \$500,000, the payouts will abate to \$1,687,500, \$843,750 and \$468,750 to ensure the total payout for major prizes is \$3m.

- (2) However, a major prize will not be abated to less than \$1000 even though the total payout for major prizes for the game would be more than \$3m.

## 15H Refund

A person may obtain a refund for an amount wagered on a keno game before the keno drawing device is activated to draw the game.

## 15I Unpaid prize money

- (1) Unpaid prize money must be paid by cheque to the chief executive as soon as practicable after becoming unpaid prize money.
- (2) In this section—

*unpaid prize money* means the prize money for a winning wager not paid to, or to the order of, the prize winner within—

- (a) if the chief executive approves a period—the approved period; or
- (b) if the chief executive does not approve a period—5 years after the day on which the wager was made.

*winning wager* see section 15J.

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**15J Meaning of *winning wager***

- (1) Subject to subsection (2), a *winning wager* in a keno game is a wager in which—
  - (a) a number or numbers selected by a person taking part in the game matches or match a number or numbers selected by the keno drawing device as the winning numbers for the game; and
  - (b) the combination of numbers matched and numbers selected by the person is a winning wager in the schedule of prizes.
- (2) A winning heads wager, tails wager or evens wager is a wager in which the distribution of numbers for the wager correspond with the distribution of numbers selected by the keno drawing device.
- (3) In this section—

*evens wager* means a wager in which a person makes a wager that 10 of the 20 numbers selected by the keno drawing device are between numbers 1 and 40 and the remaining 10 numbers selected are between numbers 41 and 80.

*heads wager* means a wager in which a person makes a wager that 11 or more of the 20 numbers selected by the keno drawing device are between numbers 1 and 40.

*schedule of prizes*, for a keno game, means the schedule of prizes approved for the game by the chief executive.

*tails wager* means a wager in which a person makes a wager that 11 or more of the 20 numbers selected by the keno drawing device are between numbers 41 and 80.

**15K Unredeemed keno dollars**

- (1) Unredeemed keno dollars must be paid by cheque to the chief executive as soon as practicable after becoming unredeemed keno dollars.
- (2) In this section—

***keno dollars*** means a voucher for use at a keno terminal in place of money to make a wager, give change from a wager or pay winnings.

***unredeemed keno dollars*** means keno dollars not used or redeemed for cash within—

- (a) if the chief executive approves a period—the approved period; or
- (b) if the chief executive does not approve a period—5 years after the day they were issued.

### **15L Meaning of *jackpot fill***

- (1) A ***jackpot fill***, for a keno game, means a prize of a fixed amount that is approved by the chief executive as a jackpot fill for the game.
- (2) The fill is payable only in relation to the first \$1 of the wager for the game to which it applies.

*Example—*

The jackpot fill payable to a person who wagers \$10 would be the same as the jackpot fill payable to a person who wagers \$1.

### **15M Meaning of *keno bonus jackpot prize***

- (1) A ***keno bonus jackpot prize***, for a keno game, means a prize of a fixed amount that is approved by the chief executive as a keno bonus jackpot prize for the game.
- (2) The prize—
  - (a) is payable only in relation to the first \$1 of the wager for the game to which it applies; and

*Example for paragraph (a)—*

The keno bonus jackpot prize payable to a person who wagers \$10 would be the same as the keno bonus jackpot prize payable to a person who wagers \$1.

- (b) is not increased by the multiplier, if any, that applies to the related keno game.



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**16 Regulated keno equipment—Act, sch 4**

For schedule 4 of the Act, definition *regulated keno equipment*, the keno equipment stated in schedule 2 is declared to be regulated keno equipment.

**17 Fees**

- (1) The fees payable under the Act are stated in section 17A and schedule 3.
- (2) A fee stated in schedule 3, item 3 may consist of, or include, an amount for part of an hour that is the equivalent of the relevant proportion of the hourly rate, stated in the schedule, worked out using 15-minute periods (wholly or partly completed).

**17A Fee for particular investigations**

- (1) This section applies to any of the following persons for whom the chief executive may undertake an investigation under the Act, section 18—
  - (a) a proposed keno licensee;
  - (b) a business or executive associate of a proposed keno licensee.
- (2) This section also applies to a person who is a business or executive associate of a keno licensee for whom the chief executive may undertake an investigation under the Act, section 36(2).
- (3) The person must pay to the chief executive the reasonable costs of conducting the investigation.

*Examples of costs of conducting the investigation—*

- costs of outsourcing professional services, for example, legal or accounting services
- internal costs, including staff costs
- travel and accommodation costs incurred inside or outside the State or overseas

## **17B How fee for investigation must be paid**

- (1) This section applies in relation to a fee payable by a person (the *relevant person*) under section 17A for an investigation.
- (2) The chief executive may require, in writing, the relevant person to pay all or part of the fee in advance.
- (3) The chief executive may make the requirement before the investigation starts, and at any time during the investigation.
- (4) If the requirement is made before the investigation starts, the chief executive may decide not to start the investigation until the fee or part of the fee is paid.
- (5) If the requirement is made during the investigation, the fee or part of the fee must be paid within 28 days after the requirement is made.
- (6) The fee or part of the fee payable in advance must be—
  - (a) an amount not more than the chief executive's estimate or latest estimate of the fee payable under section 17A; and
  - (b) reduced by the amount, if any, already paid by the relevant person to the chief executive under this section in relation to the investigation.
- (7) As soon as reasonably practicable after the investigation is finished the chief executive must—
  - (a) give the relevant person a written itemised account of the costs comprising the fee; and
  - (b) either—
    - (i) refund any overpayment to the relevant person; or
    - (ii) require, in writing, the relevant person to pay to the chief executive, within 28 days after the requirement is made, the amount of any shortfall between the amount already paid by the relevant person under this section and the amount of the fee.
- (8) For subsection (7), an investigation is finished in relation to a relevant person if—

- 
- (a) both of the following apply—
    - (i) the chief executive considers the relevant person has failed to comply with a requirement made by the chief executive under the Act, section 37 in relation to the investigation;
    - (ii) the chief executive considers the investigation is finished; or
  - (b) the chief executive considers the investigation has been completed for the chief executive's purposes under the Act, section 36(2).
- (9) A relevant person given a requirement under subsection (2) or (7)(b)(ii) must comply with the requirement.
- (10) A failure by the chief executive to comply with subsection (7)(a) or (b) as soon as reasonably practicable after the investigation does not affect the recovery of the amount of any shortfall mentioned in subsection (7)(b)(ii).
- (11) In a proceeding to recover the amount of a shortfall mentioned in subsection (7)(b)(ii), a written itemised account of the costs given to the relevant person for the investigation under subsection (7)(a) is evidence of the costs.

## **18 Repeal**

The Keno Regulation 1997, SL No. 149 is repealed.

## **Schedule 1A    Approved evaluators**

section 11A

BMM Australia Pty Ltd ACN 084 016 044

ENEX Pty Ltd ACN 096 299 099

GTA Pty Ltd ACN 082 989 446

QALAB Pty Ltd ACN 136 553 832

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## **Schedule 1      Entities**

### **section 15**

Alberta Gaming and Liquor Commission, Canada  
Alcohol and Gaming Commission of Ontario, Canada  
Alcohol and Gaming Division Nova Scotia, Canada  
Australian Capital Territory Gambling and Racing  
Commission  
Australian Competition and Consumer Commission  
Australian Crime Commission  
Australian Customs Service  
Australian Federal Police  
Australian Securities and Investments Commission  
Australian Security Intelligence Organisation  
Australian Taxation Office  
Australian Transaction Reports and Analysis Centre  
(AUSTRAC)  
British Columbia Gaming Policy and Enforcement Branch,  
Canada  
Casino Liquor and Gaming Control Authority, New South  
Wales  
Casino Regulatory Authority of Singapore  
Centrelink  
Colorado Division of Gaming, USA  
Colorado State Patrol, USA  
Crime and Corruption Commission, Queensland  
Department of Immigration and Citizenship  
Department of Internal Affairs, New Zealand

Department of Racing, Gaming and Liquor, Western Australia  
Department of Treasury and Finance, Revenue, Gaming and  
Licensing Division, Tasmania  
Department of Treasury and Finance, South Australia  
Gambling Commission, Great Britain  
Gambling Commission, New Zealand  
Gaming and Wagering Commission of Western Australia  
Gaming Board of the Commonwealth of the Bahamas  
Independent Gambling Authority, South Australia  
Interpol  
Lotteries Commission of South Australia  
Lotterywest, Western Australia  
Louisiana State Police, USA  
Missouri State Highway Patrol, USA  
Mpumalanga Gaming Board, South Africa  
National Indian Gaming Commission, USA  
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 Crime Commission  
New South Wales Liquor Administration Board  
New South Wales Office of Liquor, Gaming and Racing  
New South Wales Police Service  
New Zealand Police  
Northern Territory Licensing Commission  
Northern Territory Police  
Office of Fair Trading, Queensland

Office of State Revenue, Queensland  
Office of the Liquor and Gambling Commissioner, South  
Australia  
Pueblo of Isleta Gaming Regulatory Agency, USA  
Queensland Police Service  
Racing, Gaming and Licensing Division, Northern Territory  
Racing Services Tasmania  
South Australia Police  
South Dakota Commission on Gaming, USA  
Tasmanian Gaming Commission  
Tasmania Police  
The Mississippi Gaming Commission, USA  
Victorian Commission for Gambling Regulation  
Victoria Police  
Western Australia Police Service  
Western Cape Gambling and Racing Board, South Africa  
WorkCover Queensland

## **Schedule 2      Regulated keno equipment**

section 16

keno ball drawing device

keno computer system (hardware and software)

keno draw controller

keno network controller

keno random number generator

keno result display system

keno terminal



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## Schedule 3      Fees

### section 17

	\$
1    Application for keno employee licence (Act, s 49(2)(c))	566.10
2    Issue of replacement keno employee licence (Act, s 59(4))	41.65
3    Evaluation by the chief executive of regulated keno equipment (Act, s 145(3)(a)), for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation	234.30
(ii) intermediate evaluation	292.80
(iii) advanced evaluation	344.80
(iv) administration for an evaluation	175.60
(b) giving advice for an evaluation	175.60
(c) holding meetings for an evaluation	175.60

*Note—*

See section 17(2) in relation to a fee for part of an hour.

## Schedule 4 Dictionary

### section 3

***advanced evaluation*** means an evaluation of any of the following things relating to regulated keno equipment—

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

***basic evaluation*** means an evaluation of any of the following things relating to regulated keno equipment—

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

***body corporate*** means—

- (a) a corporation as defined in the Corporations Act; or
- (b) an incorporated association as defined in the *Associations Incorporation Act 1981*; or
- (c) a body incorporated under another Act or law.

***casino licence*** see the *Casino Control Act 1982*, schedule.

***casino licensee*** see the *Casino Control Act 1982*, schedule.

***casino operator*** see the *Casino Control Act 1982*, schedule.

***commercial hotel licence*** means a commercial hotel licence under the *Liquor Act 1992*.

***community club licence*** means a community club licence under the *Liquor Act 1992*.

***intermediate evaluation*** means an evaluation of any of the following things relating to regulated keno equipment—

- 
- (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 fill*** see section 15L.

***jackpot growth***, for a keno game, means a prize that is—

- (a) in the keno computer system as the jackpot growth prize for the game; and
- (b) payable only in relation to the first \$1 of the wager for the game; and

*Example for paragraph (b)—*

The jackpot growth payable to a person who wagers \$10 would be the same as the jackpot growth payable to a person who wagers \$1.

- (c) calculated in a way approved by the chief executive.

***keno ball drawing device*** means a device—

- (a) containing 80 balls numbered 1 to 80; and
- (b) designed and used to select, at random and 1 at a time, 20 balls.

***keno bonus jackpot prize*** see section 15M.

***keno computer system*** means a computer system used for the conduct of keno games by a keno licensee under a keno licence.

***keno draw controller*** means a device—

- (a) electronically linked to a keno computer system; and
- (b) used to activate a keno ball drawing device or keno random number generator.

***keno drawing device*** means—

- (a) a keno ball drawing device; or
- (b) a keno random number generator.

***keno network controller*** means a device that electronically links a keno computer system to keno terminals.

***keno random number generator*** means an electronic device designed and used to select, at random, 20 numbers from the numbers 1 to 80.

***keno result display system*** means a system—

- (a) connected to a keno computer system and keno terminals; and
- (b) used to display the winning numbers for a keno game.

***keno supervisor*** see section 3A.

***keno terminal*** means a device that accepts information about a person's wager for a keno game for validation by a keno computer system.

***major prize***, for a keno game, means the prize for a winning wager in the game, and does not include any of the following—

- (a) a jackpot fill;
- (b) a jackpot growth;
- (c) a keno bonus jackpot prize.

***prescribed liquor licence*** means a liquor licence mentioned in the *Gaming Machine Regulation 2002*, section 57.

***subsidiary operator*** see the *Gaming Machine Act 1991*, schedule.

***totalisator*** see *Wagering Act 1998*, section 8.

***wagering licensee***, see the *Wagering Act 1998*, schedule 2.