

WESTERN AUSTRALIA

**GAMING COMMISSION
REGULATIONS 1988**

REPRINTED AS AT 6 JUNE 1997

Reprinted under the
Reprints Act 1984 as
at 6 June 1997

WESTERN AUSTRALIA

GAMING COMMISSION REGULATIONS 1988

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GAMING COMMISSION ACT 1987

**GAMING COMMISSION
REGULATIONS 1988**

PART 1 — PRELIMINARY

Citation

1. These regulations may be cited as the *Gaming Commission Regulations 1988*¹.

Commencement

2. These regulations shall come into operation on 2 May 1988.

Interpretation, and compliance with forms

3. (1) In these regulations —
 - (a) a reference to a section shall be construed as a reference to that section of the *Gaming Commission Act 1987*;
 - (b) a reference to a form by number is a reference to the form in Schedule 3 which bears that number;

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(c) a reference to an organization is a reference to a body of persons, corporate or unincorporate.

(2) Strict compliance with the style of a form set out in Schedule 3 is not necessary, unless the Commission so requires.

(3) Strict compliance with the substance of, and the provision of the information required by, a form set out in Schedule 3 is necessary, unless the Commission otherwise agrees.

(4) A form in Schedule 3 is required to be completed in accordance with the directions and instructions specified in, or which relate to, that form.

(5) Where the space provided for a particular purpose in a form is not sufficient to contain all the required information in relation to a particular item, that information shall be set out in an annexure marked so as to identify it in relation to that item and signed by the person signing the form.

(6) A reference in these regulations to an annexure includes a document or any other matter accompanying, attached to or annexed to a form.

Prescribed fees

4. (1) In relation to a provision specified in column 1 of Schedule 1, for the purposes of an item described in column 2, the amount specified in column 3 in respect to that item shall be the amount payable as the prescribed fee.

(2) The Commission may at its discretion reduce, waive or refund, in whole or in part, any prescribed fee.

[Regulation 4 amended in Gazette 27 March 1992 p.1370.]

PART 2 — ENFORCEMENT

Forfeiture

5. For the purposes of section 32 (2), the following offences are prescribed —

- (a) any offence contravening section 41 (3), 42 (4), 42 (5), 44 (1), 45 (2), 45 (4), 85 (4) or 106; or
- (b) any offence relating to prescribed gaming equipment, an unlawful gaming machine, or unlawful gaming equipment, within the meaning of section 84.

[Regulation 5 amended in Gazette 26 May 1989 p.1548.]

Modified penalties and infringement notices

6. (1) For the purposes of section 36 (1) the offences which may be dealt with by way of an infringement notice are set out in Schedule 2 opposite the modified penalty prescribed for the offence.

(2) An infringement notice referred to in section 36 (2) shall be in accordance with Form 1.

(3) Where an infringement notice is withdrawn under section 36 (7) the notice of withdrawal shall be in accordance with Form 2.

Form of warrant under section 25

6A. A warrant for the purposes of section 25 shall be in accordance with Form 4.

[Regulation 6A inserted in Gazette 7 October 1988 p.4106.]

PART 3 — THE REGISTER

The register

7. (1) The Commission shall cause the information required to be noted in the register maintained under section 50 —

- (a) to be entered in a computerised recording system approved by the chief executive officer providing a current description of the items required to be registered, to be retained in that part of the register for a period of 2 years; and
- (b) after the expiry of the 2 year period, to be retained in a permanent record.

(2) Where a person who wishes to search the register is unable to furnish to the Commission sufficient details of an entry in the register to enable that entry to be readily identified, the Commission may in substitution for the search fee prescribed in Schedule 1 impose a charge which the Commission determines to be reasonable having regard to the time and work involved.

PART 4 — PERMITTED GAMING

Division 1 — Gaming generally

Gaming permits

8. (1) A permit issued under section 47 (1) (a) or (b) shall be in accordance with Form 3.

(2) The conditions applicable to a permit of a continuing nature may be varied by the Commission at any time by service on the permit holder of a notice setting out particulars of the variation, and that notice is deemed to be an annexure to the permit.

(3) Every permit under section 47 (1) (a) or (b) or section 48 is issued subject to the condition that the permit holder is required to cause any gaming authorized by the permit to be conducted strictly in accordance with any rules and conditions —

- (a) specified in Schedule 4; or
- (b) required by the Commission, and specified in an annexure to the permit,

in relation to gaming of that kind.

Application for a gaming permit

9. (1) An organization which, or an individual who, desires to apply to the Commission for approval as a person eligible to hold a gaming permit, or a permit in relation to a particular kind of permitted gaming, permitted lottery, or permitted provision of amusements with prizes, shall furnish to the Commission such information as it may require and in particular —

- (a) details of relevant experience in the conduct of gaming;
- (b) details of any gaming equipment or other apparatus that may be proposed to be used, and from what source it is to be obtained;

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- (c) details of any person who, pursuant to a service agreement, is to perform any operation to which section 91 applies or is likely to apply;
- (d) as to the facilities proposed to be made available, including a description of the premises which are to be used for, or the use of which will be ancillary to, the gaming;
- (e) as to any arrangement or circumstances whereby the benefit arising from the holding of the permit may accrue to any other person;
- (f) where the applicant is an organization, the manner of appointment of an individual who (if the Commission approves the individual as nominee permit holder) is to be responsible for the conduct of the gaming or betting, and the written consent of that person to the appointment.

(2) An applicant for a gaming permit shall furnish to the Commission, or to a stipendiary magistrate acting in respect of a function permit on behalf of the Commission, at the time the application is made —

- (a) the name and address of the applicant, and if the applicant is an organization the name and address of the proposed nominee permit holder;
- (b) the address of the premises where the gaming (not being a lottery) is to be conducted;
- (c) if the applicant, the nominee permit holder or the premises have been approved by the Commission previously, particulars sufficient to identify the relevant entry in the register;
- (d) the type of permit required, the nature of the gaming to be conducted, and the nature and value of any prizes to be offered;
- (e) the period for which the permit is required, and if the application is for a function permit the nature and duration of the function;

- (f) particulars of the object, or the activity, for the benefit of which the moneys raised by the proposed gaming are to be used, and of the intended manner of that use; and
 - (g) particulars of any charges to be made for participation in, or otherwise relating to, the gaming.
- (3) An application for a function permit if made —
- (a) by or on behalf of a person or organization approved as eligible to hold a gaming permit in relation to gaming of the kind specified, or an approved nominee of such an organization; and
 - (b) in respect of premises approved, in relation to gaming of the kind specified,

may, unless the Commission otherwise directs, be made informally but otherwise should be made to the Commission or the magistrate not later than 28 days before the proposed gaming in writing on a form supplied by the Commission, unless the Commission or the magistrate agrees to give the application expedited consideration.

(4) An application for a gaming permit of a continuing nature shall be made in writing on a form supplied, or otherwise in a manner approved, by the Commission —

- (a) where the applicant is an eligible person or organization entered in the register, not later than 14 days; and
- (b) otherwise, not later than 28 days,

before the proposed gaming, unless the Commission agrees to give the application expedited consideration.

(5) In addition to the amount prescribed in Schedule 1 as the fee payable on the issue of a gaming permit, the Commission may require an applicant to pay such charges as the Commission determines to be reasonable in relation to the inquiries and work involved to determine whether or not the applicant is a person to whom or which a permit should be granted, but where an entry relating to a person appears in the current part of the register in relation to a specific kind of gaming as a person approved as eligible to hold a permit in respect of gaming of

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that kind no charge under this subregulation is payable in respect of any further application by that person for a permit in respect of gaming of that kind.

Application for approval of premises

10. (1) An application for the grant by the Commission of approval to the use of premises for gaming or betting shall be made, unless section 55 (1) (a) (i) applies, in writing and the applicant shall —

- (a) disclose the nature and extent of the interest in the premises held by the applicant;
- (b) describe, and give details of the title to, the premises;
- (c) furnish evidence satisfactory to the Commission of the consent of the owner, and any relevant occupier, of the premises to the proposed use;
- (d) state the periods, or the nature of the functions or occasions, for which the approval is sought; and
- (e) state the kind of gaming, whether or not the public in general is to be allowed to participate, and any charges proposed for the use of the premises for permitted gaming.

(2) Where the approval of the Commission is sought to the use of premises for gaming or betting in relation to function permits, unless for a specific occasion, or in relation to a permit of a continuing nature the Commission may require the applicant to pay such charges as the Commission determines to be reasonable having regard to any necessary inspection or inquiries made or to be made, but where a person has applied and approval has been granted in respect of any premises the terms of the approval shall be entered in the register and no further charge under this subregulation is payable in respect of any further use of those premises during the succeeding 5 years pursuant to a permit authorizing the kind of gaming to which the approval of the premises relates.

Applications for renewals, etc.

11. (1) An application under section 56 for the renewal or re-instatement of an approval, a permit or a certificate shall be made in the manner required in respect of an application for the grant of approval, or the issue of a permit or certificate, of that kind, or otherwise in a manner approved by the Commission, giving particulars sufficient to identify any previous relevant entry in the register and of any changes to the information furnished at the time of the original application not noted in the current register.

(2) The fee payable shall accompany the application at the rate applicable to the grant of a new approval, or the issue of a new permit or certificate, of that kind but may be re-assessed by the Commission pursuant to section 49 (2) (c), and any change in the fee resulting from the re-assessment shall be payable, or refundable, on the grant of the approval or the issue of the permit or certificate.

Financial statements

12. (1) Every permit relating to —
- (a) permitted 2-up, unless section 80 applies;
 - (b) permitted bingo, unless section 95 (2) (a) applies;
 - (c) a permitted lottery, not being a lottery to which section 103, 107 or 108 applies; or
 - (d) any other kind of gaming,

is issued subject to the condition that the permit holder is, whether or not required to furnish a report under section 57, required to prepare and furnish to the Commission a financial statement in or substantially complying with the form that is annexed to the permit, in accordance with the directions of the Commission specified in, or which relate to, that annexure.

(2) Unless it is otherwise provided in the directions of the Commission specified in, or which relate to, the form that is annexed to the permit, a permit to which subregulation (1) applies is issued subject to the condition that the financial statement referred to in that subregulation is required to be prepared and furnished to the Commission —

- (a) if the permit authorizes a permitted lottery to which subregulation (1) (c) applies —
 - (i) that is a standard lottery, within 14 days after the drawing of the lottery is completed; or
 - (ii) that is a continuing lottery, within 14 days after the date of the expiry of the permit;

or

- (b) if the permit authorizes any other kind of gaming, within 7 days after the date of the expiry of the permit.

*[Regulation 12 amended in Gazette 28 June 1996 p.3099;
16 May 1997 p.2393.]*

No permit required if gaming, etc. deemed permitted

13. Where gaming, betting, a lottery or the provision of an amusement with prizes is deemed by the Act to be permitted, an application for, or the issue of, a permit in respect of it is not required.

[Division 2. Repealed in Gazette 28 June 1996 p.3099.]

Division 3 — Permitted 2-up

Financial information

16. (1) Where a person is authorized pursuant to section 80 (1) (b) (i) to conduct the game known as “2-up”, that person

shall within 7 days after each game lodge with the committee of the club by which he was authorized a return showing —

- (a) the gross proceeds of the game; and
- (b) details of all expenses incurred by that person in the conduct of the game,

and give to that committee or its representative such further information as to the conduct of the game and the moneys involved as is requested.

(2) Within 7 days of conduct of a game to which section 80 applies, the committee of the club on behalf of which the permit relating to that game was issued shall prepare and furnish to the Commission a financial statement in or substantially complying with —

- (a) the form that is annexed to the permit, in accordance with the directions of the Commission specified in, or which relate to, that annexure; or
- (b) any other form that may be required under section 82.

(2a) Where a person to whom subregulation (1) applies fails to give the committee the information required to enable the committee to comply with subregulation (2), the committee shall be deemed to have been required under section 82 to furnish to the Commission a statement setting out such relevant information as is available and informing the Commission of the steps taken by the committee to secure compliance with subregulation (1).

(3) A person to whom subregulation (1) applies or a committee or any person required to furnish information under section 82 shall, within such time as is required by the notice, furnish to an authorized officer or other officer of the commission or a member of the Police Force such further information, books or other records for the purposes of furnishing or verifying the information required pursuant to subregulation (1) or section 82 as that officer or member of the Police Force may by notice in writing require.

*[Regulation 16 amended in Gazette 28 June 1996 p.3099;
16 May 1997 p.2393.]*

Suspension of permit

17. Where an authorized officer or other officer of the Commission or a member of the Police Force has reasonable cause to believe that a term or condition applicable to that permit has been or is likely to be contravened, the officer or member of the Police Force may serve on the holder of a permit authorizing the conduct of 2-up, or on the nominee permit holder on behalf of that person, a notice in writing requiring that person to cause play to cease forthwith and that notice has effect to suspend immediately the operation of that permit in relation to the game of 2-up.

Division 4 — Gaming machines and other equipment

Records and accounts

18. (1) For the purposes of this Division a person who rents from another any gaming equipment shall —

- (a) maintain records showing —
 - (i) the type of gaming equipment rented;
 - (ii) the type and number of tokens rented;
 - (iii) the name of the agent supplying the equipment and tokens;
 - (iv) the period for which the equipment and tokens will be rented;
 - (v) the cost of renting the equipment;
 - (vi) the cost of renting the tokens; and
 - (vii) any maintenance charges or other payments required;
- (b) maintain accounts showing the amount of money and the monetary value of any tokens —
 - (i) removed from a gaming machine; or

- (ii) hazarded on a game to which the equipment relates;
- (c) retain those records and accounts for a period of 12 months; and
- (d) furnish to the Commission on request copies of those records and accounts or such other information relating to the gaming equipment as the Commission may require.

(2) In subregulation (1) "rents" shall be construed as including any hiring or other disposition of gaming equipment for reward other than a sale.

Regulation of certain gaming machines

18A. (1) The possession or use of a gaming machine that is —

- (a) a machine of the kind generally known or described as a "Skilltester" or "Merchandiser" machine;
- (b) a display case machine containing prizes that is in the nature of, or similar to a machine referred to in paragraph (a); or
- (c) a machine played by inserting a coin into the machine and operating a mechanical assembly to pick up or otherwise convey a prize to the player,

is unlawful unless the conditions in subregulations (2), (3), (4) and (5) are met.

(2) A gaming machine may only be located in —

- (a) an amusement centre;
- (b) an arcade;
- (c) a shopping centre;
- (d) a mall; or

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- (e) any other premises approved by the Gaming Commission and specified in a permit issued for that type of gaming machine.

(3) The maximum amount which may be charged per game for a machine is \$5.

(4) The prizes which may be won by using a gaming machine must be prizes in the nature of goods and not money.

(5) The maximum retail value of a prize which may be won using a gaming machine is \$50.

[Regulation 18A inserted in Gazette 22 October 1993 pp.5805-6; amended in Gazette 22 April 1994 p.1710.]

Video lottery terminals

18AA. (1) In these regulations, “**video lottery terminal**” means a device which displays electronically on a video screen a depiction of a card displaying symbols, by reference to which prizes in the game played may be won.

(2) The possession or use of a video lottery terminal is unlawful unless the conditions in subregulations (3), (4), (5), (6), (7), (8) and (9) are met.

(3) A video lottery terminal must not —

- (a) provide a means of direct cash pay out; or
- (b) allow more than 4 different kinds (“**series**”) of the same type of game to be played at any one time.

(4) A video lottery terminal shall not be constructed or adapted so as to be playable by means of the insertion of any cash, other than of the amount determined from time to time by the Commission.

(5) A video lottery terminal shall not dispense to the person playing the device any thing other than, where the card displayed

electronically by the device constitutes a winning score, a prize docket evidencing the amount of the win.

(6) A prize docket evidencing a win on a video lottery terminal shall be exchangeable with a person authorized by the permit holder for cash equal to the amount displayed on that docket.

(7) A video lottery terminal shall be located in premises approved by the Commission and specified in a permit issued in respect of that device, and not elsewhere.

(8) The total value of the prize dockets a video lottery terminal is designed to distribute shall comprise 70% of the total cash received by the device.

(9) Of the total amount of cash received by a video lottery terminal 6% shall be paid to the Commission.

[Regulation 18AA inserted in Gazette 15 December 1995 pp.6124-5; amended in Gazette 28 June 1996 p.3099.]

Regulation of certain games used for gaming

18B. (1) The possession or use of an item of gaming equipment, other than one referred to in regulation 18A or 18AA, the playing of which can result in vouchers being dispensed, at the conclusion of a sequence of play, that may be exchanged for prizes is unlawful unless the conditions in subregulations (2), (3), (4), (5) and (6) are met.

(2) An item of gaming equipment may only be located in —

- (a) premises approved by the Gaming Commission and specified in the permit as being approved for that particular item of gaming equipment; or
- (b) premises approved by the Gaming Commission and specified in a permit as being approved for a specified class of gaming equipment of which that item forms a part.

(3) The maximum amount which may be charged per sequence of play is \$5.

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(4) In the case of amusement parlours, the maximum value of the voucher or vouchers which may be dispensed per sequence of play must not exceed a value which is 10 times the amount charged per sequence of play for that game.

(5) The prizes which may be won by exchanging a voucher or a number of vouchers must be prizes in the nature of goods and not money.

(6) The maximum retail value of a prize which may be won is —

- (i) \$500, if the prize is won by exchanging a voucher or a number of vouchers dispensed at an amusement parlour; or
- (ii) \$50, if the prize is won by exchanging a voucher dispensed at any other premises.

(7) In this regulation —

“amusement parlour” means premises where —

- (a) video machines and other games of chance are played; and
- (b) the predominant purpose of the premises is to provide a place to play such machines or games of chance;

“voucher” includes a ticket, a token, or any other symbolic item of exchange.

[Regulation 18B inserted in Gazette 22 October 1993 p.5806; amended in Gazette 22 April 1994 p.1710; 6 January 1995 pp.27-8; 15 December 1995 p.6125.]

Division 5 — Permitted bingo

Rules

19. (1) Rules for the conduct of games of bingo are set out in Part 1 of Schedule 4.

(2) The permit holder shall cause a copy of those rules to be displayed in each of the following locations —

- (a) at the entrance to the premises;
- (b) in close proximity to the players; and
- (c) in close proximity to the caller.

Senior citizens recreation

20. Where bingo is conducted by, on behalf of, and at a club the members of which are wholly or mainly senior citizens or pensioners, and the persons participating in the play are members or the guests of members, no fee or other charge under these regulations is payable.

Percentage of receipts to be paid to Commission

21. Subject to regulation 20, the holder of a permit authorizing the playing of the game of bingo is to pay to the Commission, within 7 days of the conclusion of a session of bingo (or such longer period as the Commission allows), 1% of the gross receipts obtained from participants in that session.

[Regulation 21 inserted in Gazette 28 June 1996 p.3099.]

Permits

21A. (1) A permit shall specify, as a condition of that permit, whether a session of the permitted bingo is to be conducted in the day (any 3 hour period after 9 am and before 7 pm) or at night (any 3 hour period after 7 pm and before 9 am).

(2) An organization may have no more than 2 permits per week, those permits being either for 2 day sessions, 2 night sessions, or a combination of one day session and one night session, of bingo.

(3) Premises may not be used to conduct more than one day session and one night session of bingo in any 24 hour period.

[Regulation 21A inserted in Gazette 21 May 1993 p.2520.]

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Sessions of bingo

22. (1) For the purposes of these regulations a session of bingo is a period —

- (a) of not more than 3 hours; or
- (b) in which 30 games are played,

whichever is the shorter.

(2) Except where the permit otherwise provides —

- (a) not more than one session of bingo shall be conducted under the authority of that permit in any week;
- (aa) not more than one session per month per premise shall have a requirement that participants purchase a minimum number of books of tickets as a condition of entry to that session;
- (b) no charge for admission to a session of bingo shall be made;
- (ba) the purchase of raffle tickets shall not be a prerequisite to participation in a session of bingo.

*[Regulation 22 amended in Gazette 6 April 1990 p.1768;
21 May 1993 p.2520.]*

Control of session

23. (1) Each session of bingo shall be controlled by —

- (a) a person appointed by the permit holder from a list of persons the appointment of whom the permit holder has had authorized by the Commission; and
- (b) at least 2 other persons to assist that person, appointed by the club.

(2) The person appointed by the permit holder under subregulation (1) (a) shall —

- (a) in respect of each session keep, or cause to be kept, an accurate record of —
 - (i) the gross receipts for each game of bingo; and
 - (ii) the amount of the prizes awarded for each game;
- (b) where a session has more than 100 participants, provide not less than 2 spotters for each session, who shall not participate in the session;
- (c) at the conclusion of each game, cause the winning card numbers to be called back and checked with the drawn numbers by 2 unsuccessful players in the game; and
- (d) ensure that the unsuccessful players only participate in the call back for one game in each session.

[Regulation 23 amended in Gazette 6 April 1990 p.1768.]

Advertising value of prizes prohibited

23A. (1) The permit holder, organizer, promoter or a person appointed by the permit holder under regulation 23 (1) shall not, prior to a session —

- (a) advertise or cause to be advertised; or
- (b) announce or cause to be announced,

the value of a prize at that session.

Penalty: \$500.

(2) For the purpose of subregulation (1) a reference to the value of any prize includes a reference to a projected value, an estimated value or a potential value of a prize.

[Regulation 23A inserted in Gazette 27 February 1991 p.5068.]

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Prizes

24. The total of all prizes paid for each session of bingo shall be calculated on the percentage of gross receipts for the session in accordance with the following table —

TABLE

Gross receipts	Total of prizes	permitted variation
\$1 500 and under	no limit	—
\$1 501 to \$3 000	60%	10%
\$3 001 and above	60%	5%

[Regulation 24 amended in Gazette 15 February 1994 p.552.]

Expenses

25. (1) Unless prior agreement is obtained from the Commission in writing, expenses shall not exceed 20% of gross receipts.

(2) For the purposes of this regulation —

- (a) the cost of any bus used to carry participants or organizers, to or from the venue; and
- (b) the total retail value of incentives offered, or where any incentive offered has been donated, the retail cost of that incentive,

shall be included in the calculation of expenses.

(3) For the purpose of this regulation, receipts from bingo, and from any lottery and any continuing lottery conducted at or in connection with a session of bingo, shall be included in the calculation of the gross receipts.

[Regulation 25 inserted in Gazette 6 April 1990 p.1768.]

Playing of other games of chance

26. (1) Subject to subregulation (2), no other game of chance or lottery shall be conducted, or permitted to be conducted, on the same premises as are used for the conduct of any session of bingo.

(2) A continuing lottery, a lottery deemed to be permitted under section 103, or both, may be conducted or permitted to be conducted on the same premises as are used for the conduct of any session of bingo.

(3) Where a lottery is conducted by a bingo permit holder pursuant to subregulation (2), that permit holder shall cause to be kept accurate records of —

- (a) the gross receipts for each lottery; and
- (b) the amount of prizes awarded for each lottery.

[Regulation 26 inserted in Gazette 6 April 1990 p.1768-9.]

Division 6 — Lotteries, etc.

Subdivision A — Standard lotteries

Rules for the conduct of a standard lottery

27. Rules for the conduct of a standard lottery, other than a lottery deemed to be permitted under section 103, are set out in Division 1 of Part 2 of Schedule 4.

Conditions relating to a standard lottery

28. A permit for a standard lottery shall contain conditions limiting —

- (a) the total number of —
 - (i) chances which may be offered for sale; or
 - (ii) subscriptions which may be received;

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- (b) the price of each chance or subscription;
- (c) the dates between which chances may be sold or subscriptions called; and
- (d) the maximum retail value of prizes or amount of prize money which may be distributed and offered.

[Regulation 28 amended in Gazette 11 May 1993 p.2397.]

[28A and 28B. Repealed in Gazette 6 July 1993 p.3312.]

Unsolicited lottery chances

28C. No chance in a lottery, whether represented by the issue of a ticket in that lottery or allocated in the form of a lucky number or in any other way, shall be sent, posted or allocated to any person for the purposes of sale to or by that person unless that person has previously consented to either buy or sell that chance.

[Regulation 28C inserted in Gazette 11 May 1993 p.2398.]

Completion date for drawing

29. (1) A permit holder shall complete the drawing of a standard lottery within 14 days of the closing date of the lottery, unless the Commission authorizes a longer time period in the permit for that lottery.

(2) Where under section 104 (3) of the Act the Commission permits a permit holder to postpone the closing date of a standard lottery, the permit holder shall cause the new closing date to be made available to the public using the means by which notification of winners is to take place.

[Regulation 29 inserted in Gazette 11 May 1993 p.2398; amended in Gazette 23 February 1996 p.674.]

Unclaimed prizes

30. (1) Where any prize in a standard lottery is not claimed within 1 year of the date of drawing the permit holder shall furnish to the Commission in writing —

- (a) the name, and any known address, of the prize winner;
- (b) details of the prize; and
- (c) particulars of the steps taken to locate the prize winner.

(2) The Commission may give directions to the permit holder to take specific further steps to locate the prize winner.

(3) Where, after the expiry of such period as the Commission may set following receipt of a notification under subregulation (1), a prize remains unclaimed the Commission may —

- (a) direct that any property or money representing that prize be applied to any object detailed in the application, if section 58 applies; and
- (b) otherwise, give directions as to the disposal of the prize.

(4) It is deemed to be a condition imposed in relation to any permit issued in respect of a lottery that the permit holder will cause any direction given under this regulation to be implemented.

Prizes from Donor Organizations

30A. (1) Where a permit holder obtains an undertaking from a donor organization that a prize will be offered, and prior to the drawing of the lottery —

- (a) the donor organization has not honoured its undertaking; or
- (b) in the opinion of the Commission, exceptional circumstances exist,

the permit holder may, after first obtaining the written approval of the Commission, pay the equivalent cash value of the prize, or substitute the same or a similar prize of equal value, in place of the original prize.

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(2) The Commission may grant approval, for the purposes of subregulation (1), where an application, in writing, for that approval is received from the permit holder prior to the drawing of the relevant lottery.

(3) For the purposes of subregulation (1), "donor organization" includes an individual.

[Regulation 30A inserted in Gazette 27 September 1991 p.5069.]

Purchase of chances by organizations

30B. (1) A body on behalf of which or for the purposes of which a standard lottery is conducted or a person acting on behalf of that body shall not purchase or otherwise acquire a chance in that standard lottery.

(2) Where a chance in a lottery is purchased or otherwise acquired by a body on behalf of which or for the purposes of which a standard lottery is conducted or by a person acting on behalf of that body, that chance shall be ineligible for any prize in that lottery.

[Regulation 30B inserted in Gazette 11 May 1993 p.2398.]

Small private lotteries

31. For the purposes of section 103 —

- (a) the amount prescribed under subsection (1) (d) as the maximum value of any prize is \$500; and
- (b) the amount prescribed under subsection (2) (c) as the aggregate prize value is \$1 000.

[Regulation 31 amended in Gazette 16 May 1997 p.2393.]

Subdivision B — Continuing lotteries

Rules for the conduct of continuing lotteries

32. Rules for the conduct of continuing lotteries are set out in Division 2 of Part 2 of Schedule 4.

Condition relating to a continuing lottery

33. (1) A permit for a continuing lottery shall contain conditions —
- (a) limiting the total number of tickets which may be offered for sale;
 - (b) specifying the price of tickets; and
 - (c) specifying or limiting the premises or locations where tickets may be sold.
- (2) Every permit for a continuing lottery is issued subject to the conditions —
- (a) that all tickets offered for sale in that lottery are obtained from a person who is a licensed supplier within the meaning of section 108 of the *Stamp Act 1921*;
 - (b) that the total value of the prizes that may be won shall be not less than 60% of the total face value of the tickets; and
 - (c) that each ticket offered for sale is so made that the layer concealing the symbols, from which the holder of a ticket ascertains whether or not the presentation of the ticket will entitle the holder to receive any prize in the lottery, is continuously sealed on all sides against the portion of the ticket on which the symbols are printed.

Ticket vending machines

34. (1) For the purposes of section 105 (2) —
- (a) premises licensed under a written law for the sale or supply of alcoholic liquor are premises of a prescribed kind; and
 - (b) a prize to the value specified on the winning ticket may be provided in the form of liquor, meals, accommodation or goods, of a kind normally offered on the premises.

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- (2) The permit holder shall cause each ticket vending machine —
- (a) to be identified by a number permanently fixed on the vending machine;
 - (b) to have displayed on it or in close proximity a notice to the effect that cash prizes can not be won; and
 - (c) unless in a club, to have —
 - (i) the cash tray separately locked and independent from any other part of the machine;
 - (ii) a notice clearly displayed on it specifying the organization for the benefit of which and the purposes to which proceeds of the lottery are to be applied,

and compliance with this subregulation is a condition imposed and deemed to be implied in respect of every licence to conduct a continuing lottery using a ticket vending machine.

Accounts, etc.

35. With respect to a continuing lottery, all accounts, tickets, vouchers and things relating to the lottery shall at all times be kept readily accessible by the permit holder for inspection or audit as provided by the Act.

[Regulation 35 inserted in Gazette 16 May 1997 p.2393.]

Distribution of benefit

36. Where an organization or purpose is named in the permit as that on behalf of which a continuing lottery is conducted then, subject to section 58, not less than 15% of the total face value of the tickets sold shall be distributed to that organization or applied for that purpose.

Subdivision C — Lotteries generally

Account book to be kept

37. An account book required to be kept by the permit holder under section 104 (3) (a) in relation to a standard lottery, or required to be kept by the permit holder under a condition imposed in respect of a continuing lottery, shall be in a form agreed with the Commission prior to the issue of the permit for the lottery concerned and shall show —

- (a) from what sources property or moneys are received in connection with the lottery, and the nature and value of each item;
- (b) the retail value placed on any prize other than a monetary prize;
- (c) the nature and purpose of all outgoings, the amount or item disbursed and the recipient;
- (d) if the Commission requires, the persons authorized to sell tickets or chances or to receive subscriptions and the nature and extent of that authorization;
- (e) the manner in which the prizes were distributed, and the recipients;
- (f) the manner in and the purposes for which proceeds were distributed, the amounts or items disbursed for each purpose and the recipients;
- (g) any unclaimed prizes or moneys; and
- (h) whether any and what property or moneys remain,

and such other information as the Commission may require under a condition imposed in respect of the permit, shall be retained for 1 year after the expiration of the permit, and shall be furnished to the Commission on request.

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Prohibition as to private gain, etc.

38. Every permit relating to a lottery is issued subject to the conditions that —

- (a) no part of any property or money donated for the purposes of the lottery is to be used for any other purpose; and
- (b) the whole proceeds of the lottery after deduction for proper expenses are to be devoted to purposes other than private gain.

Offences related to permitted lotteries

38A. (1) A person who conducts a permitted lottery otherwise than in accordance with any condition imposed in respect of the permit commits an offence.

Penalty: \$500.

(2) A person who conducts a standard or continuing lottery other than in accordance with —

- (a) the regulations; or
- (b) a condition imposed by or under the regulations,

commits an offence.

Penalty: \$500.

[Regulation 38A inserted in Gazette 11 May 1993 p.2398.]

Subdivision D — Amusements, etc.

Amusements

39. For the purposes of section 107 (4) —

- (a) the amount paid for a chance to win a prize shall not exceed \$5; and

- (b) no money prize shall be distributed or offered of an amount exceeding \$50.

[Regulation 39 amended in Gazette 8 February 1991 p.651.]

Entertainment or sporting amusements

39A. For the purposes of section 107 (1), an amusement with prizes which constitutes gaming or a lottery or both which is provided in relation to or in connection with any entertainment or sporting event is unlawful if —

- (a) the amount paid for a chance to win a prize exceeds \$2;
- (b) the maximum prize to be distributed exceeds \$10 or \$10 worth; or
- (c) the amusement with prizes is conducted at any time other than during the entertainment or sporting event to which it relates.

[Regulation 39A inserted in Gazette 30 April 1993 pp.2282-3.]

Minor fund raising activities

40. For the purposes of section 108, the aggregate value of prizes shall not exceed \$100.

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SCHEDULE 1

Prescribed fees

Column 1 Provision	Column 2 Description	Column 3 Amount
		\$
50 (3)	Fee for —	
	(a) search of the register for an identified entry	5
	(b) copy of extract from register	10
47	Fee on application for a function permit for —	
	(a) an item of gaming equipment (regulation 18B (2) (a))	20
	(b) a class of gaming equipment (regulation 18B (2) (b))	40
47	Fee on application for a permit of a continuing nature for —	
	(a) a video lottery terminal (regulation 18AA (7))	20
	(b) an item of gaming equipment (regulation 18B (2) (a))	40
	(c) a class of gaming equipment (regulation 18B (2) (b))	80
47, 53	Fee on application for a permit of a continuing nature for —	
95	(a) bingo	20
96	(b) multiple bingo, for each premises	20
97	(c) simultaneous bingo, for each premises	20
104 (1) (a)	(d) a standard lottery, where the total retail value of prizes or prize money is —	
	(i) not more than \$5 000	30
	(ii) more than \$5 000 but not more than \$50 000	75
	(iii) more than \$50 000 but not more than \$100 000	150
	(iv) more than \$100 000 but not more than \$200 000	300
	(v) more than \$200 000	500

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Column 1 Provision	Column 2 Description	Column 3 Amount
		\$
104 (1) (b)	(e) a continuing lottery —	
	(i) where the total retail value of prizes or prize money does not exceed \$5 000	10
	(ii) otherwise	25
	(f) gaming (per day authorized) —	
	(i) 1 — 5 tables	150
	(ii) 6 — 10 tables	250
	(iii) over 10 tables	300
	(g) 2-up —	
80	(i) by a country race club	50
81	(ii) otherwise	150
47, 53	Fee on application for a permit of a continuing nature for —	
95	(a) bingo	20
96	(b) multiple bingo, for each premises	20
97	(c) simultaneous bingo, for each premises	20
104 (1) (a)	(d) a standard lottery —	
	(i) where the total retail value of prizes or prize money does not exceed \$5 000	30
	(ii) otherwise	75
104 (1) (b)	(e) a continuing lottery —	
	(i) where the total retail value of prizes or prize money does not exceed \$5 000	30
	(ii) otherwise	75
	(f) gaming (per day authorized) —	
	(i) 1 — 5 tables	120
	(ii) 6 — 10 tables	220
	(iii) over 10 tables	270
	(g) 2-up —	
80	(i) by a country race club, per day authorized	40
81	(ii) otherwise, per day authorized	120

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Column 1 Provision	Column 2 Description	Column 3 Amount
		\$
53, 55	Fee on application for approval of premises —	
	(a) for a specific function	5
	(b) for functions from time to time	25
	(c) for a permit of a continuing nature	25
92	Fee on the issue of a certificate relating to —	
96 (2) (c)	(a) multiple bingo	100
97 (2) (c)	(b) simultaneous bingo	100
98 (c)	(c) assisting in the conduct of bingo, for hire or reward	100
92	Fee for an approved operation's certificate	100
88 (5)	Fee on the issue of a certificate relating to —	
	(a) the sale or supply of bingo and lottery tokens	100
	(b) the sale, supply, maintenance or repair of —	
	(i) tables and equipment used in table games	150
	(ii) electronic gaming machines	200

[Schedule 1 amended in Gazette 7 October 1988 p.4106; 18 November 1988 p.4527; 25 August 1989 p.2835; 4 May 1990 p.2243; 6 January 1995 p.28; 23 February 1996 pp.674-5.]

SCHEDULE 2

Prescribed Penalties Under Section 36 (1)

Section	Description of offence	Modified penalty
		\$
41 (3)	Being concerned in the conduct of gaming or betting at a common gaming house	250
41 (6)	Being present at a common gaming house for the purpose of taking part in gaming or betting	50
42 (4)	Being knowingly concerned in the conduct of an unlawful game	200
42 (5)	Playing or betting on an unlawful game	50
44 (1)	Cheating by deceit or any fraudulent means . .	250
45 (1)	Fraudulent falsification of gaming records . . .	200
45 (2)	Fraudulent conduct of permitted gaming	200
45 (3)	Unauthorized diversion of funds raised	100
45 (4)	Conduct of permitted gaming in an unauthorized manner	100
86	Inserting in a gaming machine anything other than money or an authorized token	20
95 (4)	Participating in bingo when not on the premises, or on behalf of another person not present on the premises	20
38A (1)	Conducting a permitted lottery otherwise than in accordance with a permit	100
38A (2)	Conducting a standard or continuing lottery otherwise than in accordance with the regulations	100

[Schedule 2 amended in Gazette 27 September 1991 p.5069;
11 May 1993 p.2398; 28 June 1996 p.3099.]

Gaming Commission Regulations 1988

Sch. 3

Form 3

Gaming Commission Act 1987

[ss.47; 51]

GAMING PERMIT

No.

The Gaming Commission grants —

*(1) to of *and/or
*(2) to of (approved nominee)
as a person appointed by and responsible for the conduct of gaming or
betting on behalf of *(3) of
a *function/continuing permit to conduct (4)
at (5)
which is valid, *during (6)
from (7) a.m./p.m. on to a.m./p.m. on

This permit is granted subject to the conditions implied by the
Gaming Commission Act 1987 or prescribed in regulations made under
that Act and also to the conditions endorsed below or annexed.

Conditions

.....
.....
.....
(8)
for the Gaming Commission

Issued 19
Fee Receipt No. dated

Notes

Insert

- (1) Name and address of permit holder, if not issued on behalf
of a body of persons.
(2) Name and address of individual approved as nominee
permit holder.
(3) Name and address of organization, club or other body.
(4) The kind of gaming or betting authorized.
(5) Address of approved premises.
(6) Where it is a function permit, a description of the function.
(7) The duration of the period concerned, or the days
authorized.
(8) Signature of the officer of the Commission or, in the case of
a function permit, of the Stipendiary Magistrate by whom
the permit was issued.

*Delete if inapplicable.

Form 4

Gaming Commission Act 1987

[s.25]

WARRANT

I, [insert name of justice of the peace granting the warrant], of
., being a JUSTICE OF THE PEACE and being satisfied upon
complaint by [insert name of complainant] that there is reason to
suspect that contrary to the *Gaming Commission Act 1987*

- (1) (a) premises are or are to be opened, kept or used as a common gaming house;
- (b) unlawful gaming is, has been or is about to be conducted at the premises; or
- (c) an offence in relation to permitted gaming is, or is likely to be, committed at the premises;

at (2)

HEREBY GRANT to (3)
THIS WARRANT empowering that person to enter those premises with such other persons as may be necessary to assist using such force as may be necessary and there to do any of the things referred to in paragraphs (a), (b) and (c) of section 25 (2) of that Act, and this warrant continues to have effect until the purposes for which it was granted is satisfied.

Granted on
at

.
Signature of justice of the
peace granting the warrant.

- (1) Delete if any inapplicable.
- (2) Insert particulars of premises.
- (3) Insert the name and designation of the authorized officer or member of the Police Force.

[Schedule 3 amended in Gazette 7 October 1988 p.4106.]

SCHEDULE 4

RULES FOR THE CONDUCT OF PERMITTED GAMES

PART 1 — PERMITTED BINGO

RULES FOR THE CONDUCT OF BINGO

Children excluded

1. Children under 12 years of age are not permitted to play bingo.

Spotters excluded

2. Spotters for the session are not permitted to play bingo at that session.

Checking players

3. An unsuccessful player may only take part in the call back of a game once in each session.

Bingo cards

4. (1) Every bingo card must have 15 numbers printed on it.
(2) All cards used in any one game must bear the same serial number, and that number must be announced to players immediately before the commencement of each game.

Playing of split games permitted

5. (1) A split game, involving a specified pattern or range of numbers, may be played during a game of bingo.
(2) Where a split game is to be played during a game of bingo the permit holder must cause the type of split game or games that are to be played to be announced before the commencement of the game.
(3) Where no split game is to be played during a game of bingo, the permit holder will cause this to be announced before the commencement of the game.
(4) Interim prizes will be awarded to players winning split games in accordance with rule 5A (2) (a).

Award of prizes

5A. (1) For the purposes of this rule a number is properly called when the person calling the number has announced both the number displayed to him or her and any colloquial expression for that number (eg. for number 22 — “2 little ducks, 22”).

(2) A prize for a winning split or a full house will not be awarded to a player unless —

- (a) in the case of a player calling a winning split, the last number properly called forms part of the winning split; and
- (b) in the case of a player calling a full house, the last number properly called is on the players card.

Conclusion of a game of bingo

5B. (1) A game of bingo concludes when a player is awarded a prize for obtaining a full house.

(2) Where —

- (a) a split game is being played during a game of bingo; and
- (b) a player obtains a full house before any player obtains a winning split,

the player obtaining the full house will receive any unclaimed prize in respect of the split game in addition to the prize awarded for the full house.

Prohibitions

6. Except where the gaming permit authorizes it —

- (a) the price of a card —
 - (i) where the card is a separate “flyer” card, shall not exceed 50 cents; or
 - (ii) shall not exceed 30 cents;
- (b) there shall be no more than 2 games using “flyer” cards per session;
- (c) there may be one game in which both a standard prize and a prize contingent on the number of calls made prior to a winning card being announced (“snowball” prize) may be offered, and the “snowball” prize shall —
 - (i) if not won, be offered in the next session without increasing in value; and

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- (ii) be included in the calculation of the value of the total prizes paid for each session at which it is offered;
- and
- (d) a prize —
 - (i) shall not accumulate; and
 - (ii) shall not form part of a jackpot based on accumulated prize money.

Prizes to be announced

7. (1) The permit holder will cause the value of the prizes for each game to be announced before the commencement of the game.

(2) If the prizes for a game consist of, or include, something else having a value other than money ("**prize goods**"), the aggregate value of the prize goods for the game shall not exceed \$1 000.

(3) A player who is awarded prize goods will be offered money to the value of the prize goods as an alternative prize in place of the prize goods and may choose to receive either the prize goods or the money.

Prize shared if more than one winner

8. (1) Where there is more than one winning card the prize money will be shared equally among all the winners.

(2) Where —

- (a) there is more than one winning card in relation to a prize that consists of, or includes, something else having a value other than money ("**prize goods**"); and
- (b) it is not possible or practicable to share the prize goods equally among all the winners,

money to the value of the prize goods will be shared equally among all the winners in place of the prize goods.

Prizes paid as soon as practicable

9. Prizes awarded for each game of bingo will be paid as soon as practicable after the conclusion of that game.

Player who makes incorrect call allowed to continue play

10. A player who incorrectly calls a winning split or a full house in a game is allowed to continue to play in that game.

Late calls by players permitted

11. A call by a player indicating a winning split or full house in a game will be accepted if it is made by the player at any time prior to the conclusion of the calling back of the numbers for that split game or game (as the case may be).

Time when a call by a player made

12. A call by a player indicating a winning split or full house is not a valid call unless the call is acknowledged by the person calling the numbers or by a spotter.

PART 2 — PERMITTED LOTTERIES

Division 1 — Rules for the conduct of a standard lottery

Chance numbers

1. Chances shall —
 - (a) not exceed the total number authorized by the permit; and
 - (b) be numbered consecutively, whether issued in the form of tickets or allocated in the form of lucky numbers or otherwise.

Information on each ticket

2. (1) Each chance in the form of a ticket shall have printed on it —
 - (a) the number;
 - (b) the price;
 - (c) the name and address of the permit holder;
 - (d) the name of the body on behalf of which, or the purposes for which, the lottery is conducted;
 - (e) the number of the permit;

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- (f) the amount, or the nature and retail value, of each prize;
- (g) the closing date, and the date of drawing if that differs from the closing date; and
- (h) the manner in which notification of winners is to take place.

(2) Where the chance is not in the form of a ticket, the information required under subrule (1) shall be printed on the document used by the purchaser of the chance to make that purchase.

(3) The manner of notifying winners to be printed on tickets under subrule (1) (h) must be —

- (a) the printing of the results in a publication, the name and date of issue of which are printed on the ticket; or
- (b) the making available of the results by means of a telephone “information line”, or other approved form of electronic media, details of access to which are printed on the ticket.

Means of identifying the holder of a chance

2A. To identify the holder of a chance —

- (a) where a ticket is issued, each ticket butt must record —
 - (i) the surname of the person intended to collect the prize; and
 - (ii) the postal or residential address of that person;or
- (b) if the chance is allocated otherwise than by the issue of a ticket, the information referred to in paragraph (a) (i) and (ii) may be recorded in a register and manner approved by the Commission.

Results of draw

3. After the drawing of a standard lottery, the permit holder must cause the results of the draw, including —

- (a) the number of each prize winning chance;
- (b) the name and address of the permit holder; and
- (c) the manner in which prizes may be claimed,

to be published or made available in accordance with the manner of notifying winners printed on the tickets or other documents for the lottery under rule 2.

Order in which prizes are to be drawn

4. When a standard lottery is drawn, prizes shall be awarded as follows —

- (a) the first chance drawn shall win the first prize;
- (b) the second chance drawn shall win the second prize;
- (c) the third chance drawn shall win the third prize; and
- (d) if more than 3 prizes are drawn, prizes shall continue to be ranked according to the order of drawing.

Division 2 — Rules for the conduct of a continuing lottery

Information on each ticket

1. Each ticket shall have printed on it —

- (a) a serial number;
- (b) the price; and
- (c) if the tickets are sold by means of a vending machine which is not located in a club, the name of the permit holder or the name of the premises where the machine is.

Where tickets may be sold

2. Tickets shall be sold only at premises or locations specified in the permit.

[Schedule 4 amended in Gazette 18 November 1988 pp.4527-9; 4 August 1989 pp.2497-500; 6 April 1990 pp.1769-70; 4 August 1992 p.3831; 11 May 1993 p.2399; 15 February 1994 pp.553-4; 23 February 1996 p.675; 28 June 1996 p.3100; 16 May 1997 p.2394.]

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NOTES

¹ This reprint is a compilation as at 6 June 1997 of the *Gaming Commission Regulations 1988* and includes the amendments effected by the regulations referred to in the following Table.

Table of Regulations

Regulation	Gazettal	Commencement	Miscellaneous
<i>Gaming Commission Regulations 1988</i>	29 April 1988 pp.1295-304	2 May 1988	
<i>Gaming Commission Amendment Regulations 1988</i>	7 October 1988 p.4106	7 October 1988	
<i>Gaming Commission Amendment Regulations (No. 2) 1988</i>	18 November 1988 pp.4527-9	18 November 1988	
<i>Gaming Commission Amendment Regulations 1989</i>	26 May 1989 p.1548	26 May 1989	
<i>Gaming Commission Amendment Regulations (No. 2) 1989</i>	4 August 1989 pp.2497-500	4 August 1989	
<i>Gaming Commission Amendment Regulations (No. 3) 1989</i>	25 August 1989 p.2835	25 August 1989	
<i>Gaming Commission Amendment Regulations (No. 4) 1989</i>	6 April 1990 pp.1768-9	6 April 1990	
<i>Gaming Commission Amendment Regulations 1990</i>	6 April 1990 p.1770	6 April 1990	
<i>Gaming Commission Amendment Regulations (No. 2) 1990</i>	4 May 1990 p.2243	4 May 1990	
<i>Gaming Commission Amendment Regulations (No. 4) 1990</i>	8 February 1991 p.651	8 February 1991	
<i>Gaming Commission Amendment Regulations 1991</i>	27 September 1991 pp.5068-9	27 September 1991	

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Regulation	Gazettal	Commencement	Miscellaneous
<i>Gaming Commission Amendment Regulations 1992</i>	27 March 1992 p.1370	27 March 1992	
<i>Gaming Commission Amendment Regulations (No. 2) 1992</i>	4 August 1992 p.3831	4 August 1992	
<i>Gaming Commission Amendment Regulations (No. 2) 1993</i>	30 April 1993 pp.2282-3	30 April 1993	
<i>Gaming Commission Amendment Regulations 1993</i>	11 May 1993 pp.2397-9	11 May 1993	
<i>Gaming Commission Amendment Regulations (No. 3) 1993</i>	21 May 1993 pp.2519-20	21 May 1993	
<i>Gaming Commission Amendment Regulations (No. 4) 1993</i>	6 July 1993 p.3312	6 July 1993	
<i>Gaming Commission Amendment Regulations (No. 5) 1993</i>	22 October 1993 pp.5805-6	22 October 1993	
<i>Gaming Commission Amendment Regulations 1994</i>	15 February 1994 pp.552-4	15 February 1994	
<i>Gaming Commission Amendment Regulations (No. 2) 1994</i>	22 April 1994 p.1710	22 April 1994	
<i>Gaming Commission Amendment Regulations (No. 3) 1994</i>	6 January 1995 pp.27-8	6 January 1995	
<i>Gaming Commission Amendment Regulations 1995</i>	15 December 1995 pp.6124-5	15 December 1995	
<i>Gaming Commission Amendment Regulations 1996</i>	23 February 1996 pp.674-5	23 February 1996	
<i>Gaming Commission Amendment Regulations (No. 2) 1996</i>	28 June 1996 pp.3098-3100	1 July 1996 (see regulation 2)	

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Regulation	Gazettal	Commencement	Miscellaneous
<i>Gaming Commission Amendment Regulations 1997</i>	16 May 1997 pp.2392-4	16 May 1997	
