



Queensland

Lotteries Act 1997

Lotteries Regulation 1997

Reprinted as in force on 1 July 2006

Reprint No. 4A

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NOT FURTHER AMENDED
LAST REPRINT BEFORE REPEAL
See 2007 SL No. 166 s 20

Information about this reprint

This regulation is reprinted as at 1 July 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Lotteries Regulation 1997

[as amended by all amendments that commenced on or before 1 July 2006]

1 Short title

This regulation may be cited as the *Lotteries Regulation 1997*.

2 Commencement

This regulation commences on the day section 8¹ of the Act commences.

3 Definitions

In this regulation—

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

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

audit computer system means a computer system, separate from a lotteries computer system, used by a lottery licensee to check the amounts received from the sale of tickets, the number of winners and the prizes payable in each drawing of an approved lottery.

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

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

¹ Section 8 (Lawful activities) of the Act

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classified lottery means—

- (a) a declared lottery; or
- (b) an approved lottery known as instant scratch-its, golden casket or pools.

declared lottery means an approved lottery known as oz lotto, powerball, Saturday gold lotto, super 66 or Wednesday gold lotto.

global GST amount, for a lottery licensee for a month, means the global GST amount, calculated under the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), division 126, for the month for the conduct of lotteries under the lottery licence.

instant prize means a prize that is known to be won when the matter printed in a game panel or panels on a ticket is exposed.

instant scratch-its means a lottery in which—

- (a) instant prizes are decided; and
- (b) additional prizes may be decided.

intermediate evaluation means an evaluation of any of the following things relating to regulated lottery 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.

lotteries computer system means a computer system used for the conduct of lotteries by a lottery licensee under a lottery licence.

lotteries ticket terminal means a terminal that—

- (a) is part of a lotteries computer system; and
- (b) is used at the point of sale of tickets in an approved lottery.

lottery random number generator means a device designed and used to select, at random and 1 at a time, the winning numbers in a drawing of an approved lottery.

monthly gross revenue see section 8.

Wednesday gold lotto ball drawing device means a device used to draw the winning numbers in a drawing of the approved lottery known as Wednesday gold lotto.

4 Prohibited words—Act, s 6

The following words are prescribed for section 6(5)² of the Act—

- casket
- lotto
- powerball
- scratch-it.

5 Persons with whom lottery licensee may enter into agency agreements—Act, s 79

- (1) This section prescribes the persons eligible to be lottery agents for section 79(1)³ of the Act.
- (2) If section 79(1)(a) of the Act applies, the person prescribed is a person who is the owner and controller of a small business that—
 - (a) is a retail business; or
 - (b) is operated or intended to be operated from retail shopping premises.
- (3) If section 79(1)(a) of the Act does not apply because of section 79(2)(a), the person prescribed is the owner and controller of a business in relation to which a previous agency agreement applied.

² Section 6 (Requirement for lottery licence) of the Act

³ Section 79 (Conditions for entering into agency agreement) of the Act

- (4) If section 79(1)(a) of the Act does not apply because of section 79(2)(b), the person prescribed is the owner and controller of a mail order business.

6 Lottery tax—Act, s 94

- (1) This section prescribes matters about the calculation and payment of the lottery tax for section 94(2)⁴ of the Act.
- (2) The lottery tax is payable for each month.
- (3) The lottery tax is to be paid on or before the seventh day of the month immediately following the month for which the tax is payable.
- (4) The gross tax amount for a month is the sum of the following amounts—
- (a) 62% of the lottery licensee's monthly gross revenue for the month from declared lotteries;
 - (b) 55% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as instant scratch-its;
 - (c) 45% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as golden casket;
 - (d) 59% of the lottery licensee's monthly gross revenue for the month from the approved lottery known as pools.
- (5) The lottery tax payable for a month is the gross tax amount less the lesser of the following amounts—
- (a) the global GST amount for the month;
 - (b) the gross tax amount for the month.

7 Returns for calculation of lottery tax—Act, s 96

- (1) This section prescribes matters about returns for section 96 of the Act.
- (2) A return must be given for each month.

4 Section 94 (Liability to tax) of the Act

- (3) A return must be given on or before the seventh day of the month immediately following the month to which the return relates.
- (4) A return must set out the following details for each classified lottery for the month to which the return relates—
 - (a) the total amount paid for tickets for all drawings of the lottery;
 - (b) the total amount set aside from the amount mentioned in paragraph (a) for payment of prizes;
 - (c) the lottery licensee's monthly gross revenue.
- (5) A return must also state the lottery licensee's global GST amount for the month to which the return relates.

8 Calculation of monthly gross revenue

- (1) Monthly gross revenue, for a lottery licensee, for a classified lottery, for a month, is the amount calculated using the following formula—

$$\mathbf{MGR = A - P}$$

- (2) In the formula in subsection (1)—

A means the total amount (the *total receipts*) paid for tickets (excluding mail order fees) for all drawings of the classified lottery that take place in the month.

MGR means the monthly gross revenue.

P means the total amount set aside from the total receipts for payment of prizes in the classified lottery.

- (3) In this section—

mail order fee, for a ticket in a classified lottery, means any amount, additional to the price of the ticket, charged by a lottery agent for selling the ticket (whether by mail or otherwise) to a person outside Queensland.

9 Percentages for penalties for late payment—Act, s 97

- (1) For section 97(2)⁵ of the Act, the percentage prescribed is 5%.
- (2) For section 97(4) of the Act, the percentage prescribed is 5%.

9A Percentage of lottery tax for community investment fund—Act, s 99A(3)

For section 99A(3)⁶ of the Act, the percentage is 8.5%.

10 Places of operation for lottery agents—Act, s 125

For section 125(2)⁷ of the Act, the following kinds of places are prescribed as appropriate for a lottery agent—

- (a) retail business premises;
- (b) retail shopping premises;
- (c) other commercial premises or offices.

10A Designated lottery for claims for prizes—Act, s 129(4)

For section 129(4)⁸ of the Act, definition *reference period*, paragraph (a), Probability Instant Scratch-Its is a designated lottery.

11 Requests to resolve claims for payment—Act, s 138

- (1) This section prescribes, for section 138(4)⁹ of the Act, the way in which the chief executive must deal with a request, made by a claimant under section 138(2) of the Act, to resolve a claim for payment of a prize in an approved lottery.
- (2) The chief executive must ask the lottery licensee to immediately try to resolve the claim.

5 Section 97 (Penalty for late payment) of the Act

6 Section 99A (Application of lottery tax) of the Act

7 Section 125 (Places of operation) of the Act

8 Section 129 (Claims for prizes) of the Act

9 Section 138 (Claims for payment) of the Act

- (3) If, within 14 days of making the request under subsection (2), the chief executive is not advised of the resolution of the claim by the lottery licensee or claimant, the chief executive must by written notice given to the licensee invite the licensee, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the claim within 1 month after receiving the notice (the *submission period*).
- (4) 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.
- (5) 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 lottery licensee and claimant; and
 - (b) consider any report given to the chief executive under subsection (4); and
 - (c) make a decision about the claim; and
 - (d) give the lottery licensee and claimant a written notice stating the decision and the reasons for the decision.
- (6) However, the chief executive is not required to take or complete action under subsection (5) if the chief executive is advised of the resolution of the claim by the lottery licensee or claimant.
- (7) Nothing in this section affects or prejudices any other right or remedy of a lottery licensee or participant in a lottery.

12 Requests to review decisions about claims for payment—Act, s 138

- (1) This section prescribes, for section 138(4)¹⁰ of the Act, the way in which the chief executive must deal with a request,

10 Section 138 (Claims for payment) of the Act

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made by a claimant under section 138(2) of the Act, to review a decision of a lottery licensee (the *licensee's decision*).

- (2) The chief executive must either review, or refuse to review, the licensee's decision.
- (3) The chief executive may refuse to review the licensee'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 licensee's decision, the chief executive must—
 - (a) give written notice of the chief executive's decision to the lottery licensee 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 licensee's decision, the chief executive must—
 - (a) give the lottery licensee a copy of the claimant's request; and
 - (b) by written notice given to the licensee invite the licensee, and by written notice given to the claimant invite the claimant, to make a written submission to the chief executive about the licensee'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) 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 lottery licensee and claimant; and
 - (b) consider any report given to the chief executive under subsection (6); and
 - (c) make a decision about the review; and
 - (d) give the lottery licensee and claimant a written notice stating the decision and the reasons for the decision.
- (8) Nothing in this section affects or prejudices any other right or remedy of a lottery licensee or participant in a lottery.

13 Entities to whom information may be disclosed—Act s 225

The entities prescribed for section 225(3)(a)¹¹ of the Act are set out in schedule 1.

14 Regulated lottery equipment—Act, sch 3

For the definition *regulated lottery equipment* in schedule 3¹² of the Act, the lottery equipment specified in schedule 2 is regulated lottery equipment.

14A Evaluation of regulated lottery equipment—Act, s 133

For section 133(2)(a) 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.

15 Fees

The fees payable under the Act are in schedule 3.

11 Section 225 (Confidentiality of information) of the Act

12 Schedule 3 (Dictionary) of the Act

Schedule 1 Entities

section 13

Alberta Gaming and Liquor Commission, Canada
Alcohol and Gaming Authority Nova Scotia, Canada
Alcohol and Gaming Commission of Ontario, Canada
Australian Bureau of Criminal Intelligence
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 Commission, Canada
Centrelink
Colorado Division of Gaming, USA
Colorado State Police, USA
Competition Bureau, Canada
Crime and Misconduct Commission
Department of Gaming and Racing, New South Wales
Department of Immigration and Multicultural Affairs
Department of Internal Affairs, New Zealand
Department of Justice, Canada

Schedule 1 (continued)

Department of Racing, Gaming and Liquor, Western Australia
Department of Treasury and Finance, South Australia
Gambling Commission, Great Britain
Gambling Commission, New Zealand
Gaming and Censorship Regulation Group, New Zealand
Gaming and Wagering Commission of Western Australia
Gaming Board of the Commonwealth of the Bahamas
Gaming Supervisory Authority, South Australia
Independent Gambling Authority, South Australia
Interpol
Liquor Licensing Division, Queensland
Lotteries Commission of South Australia
Lotterywest
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 Casino Control Authority
New South Wales Crime Commission
New South Wales Liquor Administration Board
New South Wales Police Service
New Zealand Police
Northern Territory Licensing Commission
Northern Territory Police

Schedule 1 (continued)

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 lottery equipment

section 14

audit computer system

lotteries computer system (hardware and software)

lotteries ticket terminal

lottery random number generator

lottery tickets in instant scratch-its

Wednesday gold lotto ball drawing device

Schedule 3 Fees

section 15

	\$
1 Application for lottery licence (s 9(2) of the Act)	12 329.00
2 Application for key person licence (s 47(2)(c) of the Act)	355.00
3 Issue of replacement key person licence (s 57(4) of the Act)	26.00
4 Evaluation of regulated lottery equipment (s 133(3)(a) of the Act), for each hour, or part of an hour, involved in the following—	
(a) carrying out—	
(i) basic evaluation	147.00
(ii) intermediate evaluation	183.00
(iii) advanced evaluation	219.00
(iv) administration for an evaluation	111.00
(b) giving advice for an evaluation	111.00
(c) holding meetings for an evaluation	111.00
5 Filing a notice of appeal (s 220(2)(a) of the Act)	295.00

Endnotes

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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 1 July 2006. Future amendments of the Lotteries Regulation 1997 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
notfcd	= 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.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 August 1997	1 August 1997
1A	2000 SL No. 13	4 February 2000	18 February 2000
1B	2000 SL No. 137	1 July 2000	14 July 2000
1C	2000 SL No. 286	1 December 2000	15 December 2000
1D	2001 SL No. 270	21 December 2001	4 January 2002
2	2001 SL No. 270	21 December 2001	1 February 2002
2A	2002 SL No. 128	7 June 2002	13 June 2002
2B	2002 SL No. 138	14 June 2002	21 June 2002

Reprint No.	Amendments included	Effective	Notes
2C	2002 SL No. 244	1 October 2002	
2D	2003 SL No. 219	1 October 2003	R2D withdrawn, see R3
3	—	1 October 2003	
3A	2004 SL No. 53	21 May 2004	
3B	2004 SL No. 194	1 October 2004	
3C	2004 SL No. 253	1 December 2004	
3D	2005 SL No. 1	4 February 2005	
3E	2005 SL No. 115	1 July 2005	R3E withdrawn, see R4
4	—	1 July 2005	
4A	2006 SL No. 139	1 July 2006	

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

Lotteries Regulation 1997 SL No. 231

made by the Governor in Council on 31 July 1997

notfd gaz 1 August 1997 pp 1552–4

commenced 1 August 1997 (see s 2 and 1997 SL No. 230)

exp 1 September 2007 (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 Legislation Amendment Regulation (No. 1) 2000 SL No. 13 pts 1, 5**
notfd gaz 4 February 2000 pp 371–4
commenced on date of notification
- Gaming Legislation Amendment Regulation (No. 2) 2000 SL No. 136 pts 1, 7**
notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)
- Treasury Legislation Amendment Regulation (No. 1) 2000 SL No. 137 pts 1, 7**
notfd gaz 30 June 2000 pp 736–48
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2000 (see s 2)
- Gambling Legislation Amendment Regulation (No. 1) 2000 SL No. 286 pts 1, 5**
notfd gaz 17 November 2000 pp 1093–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 2000 (see s 2)
- Gambling Legislation Amendment Regulation (No. 1) 2001 SL No. 270 s 1, pt 7**
notfd gaz 21 December 2001 pp 1482–8
commenced on date of notification
- Gambling Legislation Amendment Regulation (No. 1) 2002 SL No. 128 pts 1, 7**
notfd gaz 7 June 2002 pp 575–8
commenced on date of notification
- Gambling Legislation Amendment Regulation (No. 2) 2002 SL No. 138 pts 1, 8**
notfd gaz 14 June 2002 pp 697–700
commenced on date of notification
- Gambling Legislation Amendment Regulation (No. 3) 2002 SL No. 244 ss 1, 2(2), pt 7**
notfd gaz 27 September 2002 pp 340–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2002 (see s 2(2))
- Gambling Legislation Amendment Regulation (No. 1) 2003 SL No. 219 ss 1, 2(2), pt 7**
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 and Other Legislation Amendment Regulation (No. 1) 2004 SL No. 53 pts 1, 3**
notfd gaz 21 May 2004 pp 191–4
commenced on date of notification
- Gambling Legislation Amendment Regulation (No. 1) 2004 SL No. 194 ss 1, 2(2), pt 7**
notfd gaz 24 September 2004 pp 322–4
ss 1–2 commenced on date of notification
remaining provisions commenced 1 October 2004 (see s 2(2))
- Gambling Legislation Amendment Regulation (No. 2) 2004 SL No. 253 pts 1, 7**
notfd gaz 26 November 2004 pp 1040–2
ss 1–2 commenced on date of notification
remaining provisions commenced 1 December 2004 (see s 2)

Gambling Legislation Amendment Regulation (No. 1) 2005 SL No. 1 s 1, pt 7

notfd gaz 4 February 2005 pp 358–9
commenced on date of notification

Gambling Legislation Amendment Regulation (No. 3) 2005 SL No. 115 pts 1, 7

notfd gaz 17 June 2005 pp 569–71
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2005 (see s 2)

Gambling Legislation Amendment Regulation (No. 1) 2006 SL No. 139 pts 1, 7

notfd gaz 23 June 2006 pp 898–902
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2006 (see s 2)

7 List of annotations

Definitions

- s 3** def “**advanced evaluation**” ins 2002 SL No. 128 s 22
def “**basic evaluation**” ins 2002 SL No. 128 s 22
def “**global GST amount**” ins 2000 SL No. 137 s 16
def “**golden casket winning number generator**” om 2000 SL No. 13 s 11(1)
def “**intermediate evaluation**” ins 2002 SL No. 128 s 22
def “**lottery random number generator**” ins 2000 SL No. 13 s 11(2)

Lottery tax—Act, s 94

- s 6** amd 2000 SL No. 137 s 17

Returns for calculation of lottery tax—Act, s 96

- s 7** amd 2000 SL No. 137 s 18

Percentage of lottery tax for community investment fund—Act, s 99A(3)

- s 9A** ins 2000 SL No. 286 s 22

Designated lottery for claims for prizes—Act, s 129(4)

- prov hdg** amd 2006 SL No. 139 s 20
s 10A ins 2000 SL No. 13 s 12
amd 2006 SL No. 139 s 20

Evaluation of regulated lottery equipment—Act, s 133

- s 14A** ins 2002 SL No. 128 s 23

SCHEDULE 1—ENTITIES

- sub 2000 SL No. 136 s 63
amd 2002 SL No. 138 s 42; 2003 SL No. 219 s 24; 2004 SL No. 53 s 6; 2004
SL No. 253 s 18; 2005 SL No. 1 s 17; 2006 SL No. 139 s 21

SCHEDULE 2—REGULATED LOTTERY EQUIPMENT

- amd 2000 SL No. 13 s 13

SCHEDULE 3—FEES

- amd 2000 SL No. 136 s 64; 2000 SL No. 137 s 19
sub 2001 SL No. 270 s 15
amd 2002 SL No. 128 s 24; 2002 SL No. 244 s 16

sub 2003 SL No. 219 s 25; 2004 SL No. 194 s 15; 2005 SL No. 115 s 21; 2006
SL No. 139 s 22