

### POKER MACHINE CONTROL ORDINANCE 1975

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No. 24 of 1975

## AN ORDINANCE

Relating to Poker Machines.

I, THE GOVERNOR-GENERAL of Australia, acting with the advice of the Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1973*.

Dated this twenty-fifth day of August, 1975.

JOHN R. KERR  
Governor-General.

By His Excellency's Command,

GORDON M. BRYANT  
Minister of State for the Capital Territory.

### POKER MACHINE CONTROL ORDINANCE 1975

#### PART I—PRELIMINARY

1. This Ordinance may be cited as the *Poker Machine Control Ordinance 1975*.<sup>\*</sup> Short title.
2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice published in the *Gazette*. Commence-  
ment.
3. In this Ordinance, unless the contrary intention appears— Inter-  
pretation.
  - “Board” means the Poker Machine Licensing Board established by this Ordinance;
  - “Chairman” means the Chairman of the Board;
  - “club” means a body corporate that is the holder of a Club Licence under the *Liquor Ordinance 1929-1975*;
  - “Court” means the Supreme Court;
  - “inquiry” means an inquiry held by the Board in pursuance of section 14;
  - “Inspector” means an Inspector of Poker Machines;
  - “Legislative Assembly” means the Australian Capital Territory Legislative Assembly constituted by the *Legislative Assembly Ordinance 1936-1974*;
  - “licence” means a Poker Machine Licence issued under section 19 of this Ordinance;

<sup>\*</sup> Notified in the *Australian Government Gazette* on 26 August 1975.

“machine” means poker machine;

“member” means member of the Board;

“percentage pay-out”, in relation to a poker machine, means the number calculated in accordance with the formula—

$$a \div b$$

where—

a represents the proportion (expressed as a percentage) of the number of coins (being a number not less than the number calculated by raising the number of the cards on any reel in the machine to the power equal to the number of reels) inserted into the machine during a period that will be discharged by the machine in the course of its operation; and

b represents the proportion (expressed as a percentage) of the value of all coins inserted into the machine during that period that will be paid by the club as prizes to persons operating the machine;

“poker machine” includes any machine or device which is used for playing a game of chance by inserting in the machine or device a coin on the chance that this, either alone or in conjunction with the operation of some part of the machine, will result in the machine or device discharging similar coins;

“Registrar” means the Registrar of Poker Machines;

“secretary”, in relation to a club, includes a person concerned in the management of the club.

Installation and use of poker machines on club premises lawful.

4. Notwithstanding any other law (other than an Act) in force in the Territory—

- (a) a club does not commit an offence by reason only of the installation of a poker machine on the premises of the club in accordance with this Ordinance; and
- (b) a person does not commit an offence by reason only of the operation of a poker machine on the premises of a club.

## PART II—ADMINISTRATION

### Division 1—The Poker Machine Licensing Board

Establishment of the Board.

5. (1) There is hereby established a board by the name of the Poker Machine Licensing Board of the Capital Territory.

## (2) The Board—

- (a) is a body corporate;
- (b) shall have a common seal;
- (c) is capable of acquiring, holding and disposing of real and personal property; and
- (d) may sue and be sued in its corporate name.

(3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

(4) The Board shall have the powers, duties, functions and authorities, conferred imposed or prescribed by or under this Ordinance.

6. Notwithstanding its incorporation by this Ordinance the Board shall not be, and shall not be regarded as being, for any purpose, the servant or agent of Australia. Independence of the Board.

7. (1) The Board shall consist of the following members who shall be appointed by the Governor-General:— Appointment and term of office of members of the Board.

- (a) a person who shall be Chairman of the Board;
- (b) a member of the Legislative Assembly nominated, as the occasion requires, by the Legislative Assembly; and
- (c) a person who is an officer or employee within the meaning of the *Public Service Act* 1922-1975.

(2) Subject to this Part, the member referred to in paragraph (1)(a) holds office for such period, not exceeding five years, as is specified in the instrument of his appointment.

(3) Subject to this Part, the member referred to in paragraph (1)(b) holds office until the first meeting of the Legislative Assembly following the election of members of the Assembly first occurring after the appointment of the member takes effect.

(4) A person is not eligible to hold office as a member if he is the secretary of a club which has been granted a licence.

## (5) A member who—

- (a) is the secretary of a club which has applied for a licence;
- (b) directly or indirectly receives any remuneration, emoluments, fees or other benefits from a club which is the holder of a licence or an applicant for a licence in relation to any activities authorized by the Board under this Ordinance; or
- (c) has any financial interests in relation to any activities authorized by the Board under this Ordinance,

is not eligible to act as a member of the Board.

## (6) A person ceases to hold office as a member if—

- (a) in the case of a member referred to in paragraph (1)(b), he ceases to be a member of the Legislative Assembly; or
- (b) in the case of a member referred to in paragraph (1)(c), he ceases to be an officer or employee within the meaning of the *Public Service Act* 1922-1975.

## (7) A member is eligible for re-appointment.

**Resignation of a member.** 8. A member may resign his office by writing under his hand addressed to the Governor-General.

**Remuneration.** 9. A member, other than a member referred to in paragraph 7 (1)(c), shall be paid such fees and allowances as are prescribed.

**Leave of absence.** 10. (1) The Minister may grant leave of absence to the Chairman.  
(2) The Chairman may grant leave of absence to any other member.

**Removal of member from office.** 11. (1) The Governor-General may remove a member from office for misbehaviour or incapacity.

(2) The Governor-General shall terminate the appointment of a member if—

- (a) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors or compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) he becomes of unsound mind;
- (c) he is convicted in Australia of an offence punishable by imprisonment for one year or longer;
- (d) he is absent without leave granted pursuant to section 10 from three consecutive meetings of the Board; or
- (e) he becomes ineligible to hold office.

**Appointment of a member in special circumstances.**

12. Where a member—

- (a) ceases to hold office before the expiration of his term of office;
- (b) is not available to perform the functions of the office; or
- (c) is not, by reason of sub-section 7 (5), eligible to act as a member in any particular matter coming before the Board,

the Governor-General shall appoint a person to act as a member during the remainder of that term of office, or while the member is not available, or for the purposes of the matter in relation to which the member is not eligible to act, as the case may be.

**Meetings.**

13. (1) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings shall, subject to this Ordinance be as determined by the Board.

(2) The Chairman shall preside at all meetings of the Board.

**Powers of Board in dealing with matters before the Board.**

14. (1) For the purposes of considering or dealing with any matter, the Board may hold an inquiry and may—

- (a) by summons under the hand of the Chairman or of the Registrar require the attendance of any witness;
- (b) by notice in writing signed by the Chairman or by the Registrar, require the production of any books, papers or documents relevant to the matter before the Board;

- (c) inspect any books, papers and documents produced before it and make copies of or extracts from matters therein that are relevant to the matter before the Board; and
- (d) examine witnesses on oath or affirmation.

(2) For the purpose of sub-section (1), each member of the Board has authority to administer an oath.

(3) A person into whose conduct the Board is conducting any inquiry is entitled to be represented at the inquiry by counsel or solicitor and to call and examine witnesses, and the Board shall give such person or his counsel or solicitor an opportunity of making to the Board such representations as are relevant to the inquiry.

(4) A person who—

- (a) having been personally served with a summons referred to in paragraph (1)(a) to attend before the Board, fails without lawful excuse to attend in obedience to that summons; or
- (b) being called or examined as a witness in any inquiry before the Board—
  - (i) refuses to be sworn or make an affirmation;
  - (ii) fails to answer any question relevant to a matter in issue in the inquiry;
  - (iii) without lawful excuse fails to produce any books, papers or documents mentioned in a notice referred to in paragraph (1)(b) and personally served upon him; or
  - (iv) knowingly and wilfully makes a false statement to the Board,

shall be guilty of an offence.

Penalty: \$200 or imprisonment for 6 months, or both.

(5) It is a defence to a prosecution for an offence against this section of failing to produce a book, paper or document that the book, paper or document was not relevant to the matter the subject of the inquiry.

(6) A statement made by a person in answer to a question put to him in the course of an inquiry conducted by the Board is not admissible in evidence in any proceedings against the person in a court, other than proceedings for an offence arising out of the falsity of the answer.

**15. (1)** An action or proceeding, civil or criminal, does not lie against a member for or in respect of an act or thing done in good faith by the member in his capacity as a member.

Protection  
of members  
of the Board  
and  
witnesses.

(2) A barrister and solicitor appearing for a party at an inquiry conducted by the Board under this Ordinance has the same protection and immunity as a barrister and solicitor has in appearing for a party in proceedings in the Supreme Court.

(3) A witness who gives evidence at an inquiry conducted by the Board under this Ordinance has the same protection as a witness in proceedings in the Supreme Court.

*Division 2—The Registrar and Inspectors*

**Registrar.**        **16.** (1) The Secretary, Department of the Capital Territory, shall appoint a person who is an officer or employee within the meaning of the *Public Service Act* 1922-1975 to be Registrar of Poker Machines.

(2) The Registrar shall be the Secretary to the Board and shall perform such duties as are required by this Ordinance or as the Board directs.

**Inspectors.**       **17.** (1) The Secretary, Department of the Capital Territory, may appoint such persons as he thinks fit to be Inspectors of Poker Machines.

(2) An Inspector shall perform such duties as are required by this Ordinance or such duties as the Board or the Registrar directs.

**Inspectors' power of entry.**       **18.** (1) An Inspector may at any time at which the premises of a licensed club are open to members of the club enter and inspect the premises, any poker machines on the premises, the use of any poker machines and any documents, books and writing relating to the poker machines or the operation of the poker machines.

(2) An Inspector who enters premises in pursuance of this section is not authorized to remain on the premises if, on request by the person for the time being in charge of the premises, he does not produce a certificate in writing signed by the Registrar that he is an Inspector.

**PART III—LICENCES**

**Issue of licences.**       **19.** Subject to this Ordinance a club which applies to the Board for a Poker Machine Licence and pays the prescribed fee therefor shall be issued such licence upon satisfying the Board that—

- (a) the constitution and the rules of the club do not prohibit the playing of games of chance for money on the club premises; and
- (b) the size and the plan of the club premises are suitable for the installation and use of poker machines.

**Consent of the majority of club members for installation of poker machines required.**       **20.** (1) A licence shall not be issued to a club unless the Board is satisfied that, at a ballot conducted on behalf of the Board, the majority of the members of the club who voted in the ballot voted in favour of the installation and use of poker machines on the club premises.

(2) The ballot referred to in sub-section (1) shall be conducted by the Registrar in the prescribed manner, at the request of the Board.

(3) In this section, "members" does not include honorary members.



**21. An application by a club for the issue of a licence—**Application  
for licence.]

- (a) shall be in writing, signed by the secretary of the club;
- (b) shall be lodged with the Registrar;
- (c) shall be accompanied by—
  - (i) a copy of the constitution and rules of the club;
  - (ii) a list of names, in alphabetical order, and addresses of all members of the club at the date of the application certified by the secretary of the club to be correct; and
  - (iii) a plan of the premises of the club indicating the room or the area where the poker machines will be located;
- (d) shall specify the number and type of poker machines required by the club; and
- (e) include any other information the Board may require for the purposes of this Ordinance.

**22. (1)** Notwithstanding the number and type of poker machines specified in an application as required by a club, the Board may, having regard to the size and layout of the club premises, the number of the members of the club, and such other matters as are relevant, determine the number and the type of poker machines in respect of which a licence shall be granted.

The Board may determine the number and type of poker machines for the club.

(2) The Board shall not issue a licence for the installation of poker machines, except machines which are designed to be used or which may be used by inserting a coin of a denomination of 10 cents or below made and issued under section 14 of the *Currency Act* 1965-1973 and specified in the Schedule to that Act.

(3) The Board shall determine the percentage payout of each machine which is installed under a licence.

(4) A club shall ensure that the percentage payout of each poker machine on the premises of the club as determined by the Board is clearly displayed on that machine.

Penalty: \$100.

(5) The Board shall not issue a licence for the installation of machines which are designed to be operated, or which may be operated, by inserting at any one time 2 or more coins.

(6) The Board shall not issue a licence for the installation of a poker machine having a percentage payout less than 80 or more than 90.

**23. (1)** A licence authorizes a club to install and use on club premises the type and number of poker machines specified in the licence.

Authority conferred by licence.

(2) A licence shall specify the percentage payout determined by the Board in respect of each poker machine to which the licence relates.

(3) Subject to this Ordinance, a licence expires at the expiration of a period of 12 months from the date of the issue of the licence.

(4) A licence may, upon application being made to the Board and payment of the prescribed fee therefor not more than one month before the expiration of the licence, be renewed by the Board from time to time by issuing a new licence, and a licence so renewed shall, subject to this Ordinance, in case of each renewal be valid and effectual for a further period of twelve months commencing from the time it would have expired, had it not been renewed.

(5) A club that is the holder of a licence shall ensure that the licence or a copy of the licence is displayed in a prominent position in each room or area on the club premises where poker machines are located.

Penalty: \$50.

Duplicate  
licences.

24. If the Board is satisfied that a licence has been lost or destroyed, it may upon the payment of a fee of \$20 issue a duplicate licence, which shall be of the same force as the licence which has been lost or destroyed.

Register of  
licences.

25. The Registrar shall keep a register of licences and enter in the register the particulars of the issue, renewal, suspension or cancellation of licences and such other particulars as the Board directs.

Removal of  
poker  
machines  
from club  
premises.

26. Where a licence issued to a club has expired and the licence has not been renewed, or where the licence of a club has been cancelled under section 27 the club shall remove the poker machines from the club premises within 14 days from the date of the expiration of the licence or the cancellation of the licence, as the case may be, or within such further period as the Board approves in writing.

Penalty: \$500.

Suspension  
and  
cancellation  
of a licence.

27. (1) The Board may by order suspend the licence issued to a club for such period as the Board thinks fit or until the Board by a further order terminates the suspension, or cancel a licence issued to a club—

- (a) if the licence or a renewal of the licence was obtained by fraud, dishonesty or misrepresentation;
- (b) if any poker machines on the club premises have been acquired, installed or used contrary to this Ordinance; or
- (c) if the club has been convicted of an offence against this Ordinance.

(2) Before suspending or cancelling a licence under sub-section (1), the Board shall conduct an inquiry and give the club an opportunity of showing cause why the licence should not be suspended or cancelled, as the case may be.

Prohibition  
of use of  
poker  
machines  
where  
licence  
suspended,  
&c.

28. Where a licence issued to a club has been suspended under section 27 and, during the period of the suspension, a person operates poker machines on the premises of the club, the club is guilty of an offence and punishable, on conviction, by a fine not exceeding \$200.

**29.** Where a licence issued to a club has expired and has not been renewed, or where a licence has been suspended or cancelled under section 27 of this Ordinance, an Inspector shall, at the request of the Board, seal the poker machines on the club premises so as to preclude their use during the period of the suspension of the licence or until the poker machines are removed from the club premises, as the case may be.

Sealing of  
poker  
machines.

**30.** (1) When the Board makes a decision or an order—

Appeal.

- (a) refusing an application by a club for a licence or for the renewal of a licence;
- (b) suspending or cancelling a licence;
- (c) refusing to permit a club to purchase, install and use on the club premises the type and the number of poker machines requested by the club; or
- (d) refusing to issue, or cancelling, a Repairman's Certificate referred to in sub-section 38 (2),

the Board shall give the club or the person affected by the decision or order of the Board a statement in writing of the reasons for the decision or order, and the club or the person may, within 30 days after the date on which a statement of the reasons for the decision or order are so given, appeal to the Court.

(2) The Court shall have jurisdiction to hear and determine the appeal and may review the decision or order appealed against and the reasons therefor, and may, having regard to all matters which it considers relevant, confirm, vary or reverse the decision or order.

(3) At the hearing of an appeal under this Ordinance, the appellant and the Board shall each be entitled to be represented by a barrister and solicitor.

(4) Where the Court varies or reverses a decision or an order of the Board, the Board shall, as soon as practicable after receiving notice of the decision of the Court, give effect to that decision as if it were a decision or order of the Board.

**31.** (1) Members of a club may, at any time after poker machines have been installed under a licence on club premises for a period of 12 months, apply to the Board for the cancellation or non-renewal of the licence.

Cancellation  
of licence on  
application  
by club  
members.

(2) An application under sub-section (1) must be in writing and signed by not less than 25 per cent of the club members.

(3) At the request of the Board, the secretary of the club shall furnish to the Registrar a list of names and addresses in alphabetical order of all members of the club on the date of the application referred to in sub-section (1), certified by the secretary to be correct.

Penalty: \$200.

(4) The Registrar shall, at the request of the Board, conduct a ballot in the prescribed manner for the purposes of this section.

(5) If, in a ballot conducted pursuant to sub-section (4), the majority of the members of the club who vote in the ballot vote in favour of the cancellation or non-renewal of the licence, the Board shall make an order cancelling the licence, or shall not renew the licence, as the case may be.

(6) In this section, "member" does not include honorary member.

#### PART IV—ACQUISITION, INSTALLATION AND USE OF POKER MACHINES

The Board to act as agent of a club in purchasing poker machines.

**32.** (1) Subject to this Ordinance, a club shall not acquire poker machines except in accordance with this Ordinance.

(2) A club may authorize the Board in writing to purchase for the club the type and the number of poker machines specified in the authority and deposit with the Board such sum of money as the Board deems necessary to cover the purchase price of the poker machines and any other expenses incidental to the purchase of those machines.

(3) The procedure for the purchase of poker machines by the Board shall be as prescribed.

(4) Any surplus of the money deposited by a club with the Board pursuant to sub-section (2), which has not been used by the Board for the purpose for which it was deposited, shall be forthwith refunded by the Board to the club.

(5) Notwithstanding sub-section (1), a club may, with the approval of the Board, acquire from another club poker machines which were purchased by the Board for that other club or for a club.

Poker machines to be equipped with a control device.

**33.** Every poker machine purchased by the Board shall have a sealed device which may only be opened by an inspector, and which automatically records all actions of the machine, including the number of coins passing in and out of the machine, and any adjustments made to the machine.

Installation and use of poker machines.

**34.** (1) A club shall not install or permit the installation of poker machines on the club premises except in accordance with this ordinance.

Penalty: \$500.

(2) A club shall not install poker machines in its premises except in a part of the premises approved by the Board.

Penalty: \$100.

(3) In deciding whether to approve a part of the premises for the purpose of sub-section (2), the Board shall have regard to—

- (a) the material used in the surfacing of the floor, walls and ceiling of the part;
- (b) the treatment of the part for the purposes of reducing noise;
- (c) the means adopted for the heating, cooling, ventilating or lighting the part;
- (d) the furnishing of the part (if any); and

- (e) the provision of toilet and washing facilities for the persons using the poker machines.

(4) Poker machines shall be so placed on the premises of a club as not to constitute a nuisance to persons on the premises, either by the placement of the machines or by the noise generated by the use of the machines.

Penalty: \$100.

**35. (1) A person shall not—**

- (a) do any act or thing calculated or likely to interfere with the operation of a poker machine;
- (b) insert or cause to be inserted in a poker machine any object or thing other than a coin or coins of the denomination or denominations specified on the poker machine; or
- (c) deface or damage a poker machine.

Wilful interference with or damage to poker machines.

Penalty: \$500 or imprisonment for 3 years, or both.

(2) A person or body corporate shall not do any act or thing calculated to interfere with a poker machine in such a manner as to cause the machine to yield a reward less than the percentage payout determined by the Board.

Penalty: \$500 or imprisonment for 3 years, or both.

(3) A person or body corporate shall not knowingly do any act or thing calculated to render a poker machine, either temporarily or otherwise, incapable of forming a winning combination.

Penalty: \$500 or imprisonment for 3 years, or both.

(4) Notwithstanding the provisions of the preceding sub-sections, an offence is not committed by a person who is authorized by the Board to repair or adjust poker machines in relation to an act done by him in good faith.

(5) A club shall not permit a poker machine on its premises to be operated, except for the purpose of repair or adjustment, at a time when the percentage pay-out of the machine is other than the percentage pay-out determined by the Board in respect of that machine.

Penalty: \$500.

**36. (1) A club shall within 30 days from the date when it is issued with a licence, submit to the Board a copy of the rules adopted by the club to control the operation of machines on the premises of the club.**

Code to control the use of poker machines.

(2) The Board may approve rules submitted by a club or may refer the rules back to the club for amendment and specify a period for the re-submission of the amended rules to the Board.

**(3) If—**

- (a) a club fails to comply with sub-section (1);
- (b) the Board refuses to approve rules submitted by a club for the purposes of this section; or

- (c) the Board is satisfied that a club has not made reasonable efforts to enforce rules approved by the Board under this section,

the Board may suspend or cancel the licence issued to the club.

**PART V—CONTROL OF POKER MACHINES AND THE DISTRIBUTION OF PROCEEDS**

Register of  
poker  
machines.

**37. (1)** A club which is licensed under this Ordinance shall keep a register of the poker machines that are installed on the premises of the club.

(2) Particulars of each poker machine kept on the premises of a club shall be entered in the register under a distinct number which shall be painted on, or affixed to, the machine.

(3) The following particulars shall be entered in the register of poker machines:—

- (a) the number of the machine;
- (b) the type of the machine;
- (c) the percentage pay-out determined by the Board in respect of the machine;
- (d) any period during which, and the reason why, a machine is out of operation; and
- (e) such other particulars as the Board may require.

Penalty: \$100.

Authorized  
persons.

**38. (1)** A poker machine installed on club premises shall not be opened except by a person authorized for the purpose by the Board.

Penalty: \$500.

(2) Subject to this Ordinance the Board may—

- (a) issue to a member of a club on whose premises poker machines are installed a Collection Certificate authorizing the member to open poker machines on the club premises for the purposes of checking money in the machines or removing money from the machines; and
- (b) issue a Repairman's Certificate to a person authorizing him to repair and adjust poker machines.

(3) A Repairman's Certificate may be issued on application being made to the Board by a person and on payment to the Board of the prescribed fee.

(4) A Collection Certificate or a Repairman's Certificate is in force for a period of 12 months from the date on which it was issued, and it may be renewed from time to time for a further period of 12 months.

(5) The Board may refuse to issue to a person a Collection Certificate or a Repairman's Certificate or, where any such certificate has been issued to a person, the Board may by order cancel it if—

- (a) the person is convicted of an offence against this Ordinance;
- or

- (b) the Board is of the opinion that the person is not a fit and proper person to hold the certificate.

(6) Where a Collection Certificate or a Repairman's Certificate has expired and has not been renewed, or has been cancelled under subsection (5), the holder of the certificate shall surrender it to the Board not later than the day next after the day on which it expired or the holder was informed by the Board that it had been cancelled, as the case may be.

Penalty: \$200.

**39.** (1) A club which is licensed under this Ordinance shall keep a *Repair book* of poker machines, referred to in this section as "the Repair Book".

(2) Whenever a poker machine is repaired or adjusted, whether by opening the machine or not, the person who carried out the repair or adjustment shall enter in the Repair Book—

- (a) the particulars of the machine to which the repair or adjustment was made;
- (b) the date on which the repair or adjustment to the machine was made;
- (c) the nature of the repair or adjustment; and
- (d) such other particulars as the Board requires.

(3) An entry in the Repair Book shall be signed by the person who effected the repair to, or adjustment of, the poker machine.

**40.** (1) A club shall—

- (a) keep full and separate accounts of all money taken from each poker machine on the club premises and of the disposal of such money;
- (b) keep such accounts in such manner that they can be conveniently and properly audited; and
- (c) correctly balance the accounts at the end of each month.

*Accounts of a club in relation to poker machines.*

(2) A director, officer, clerk or servant, or any person acting as director, officer, clerk or servant of a club, shall not, with intent to defraud—

- (a) acquire any property of the club other than in payment of a just debt;
- (b) omit to make, or direct to be made, a true and sufficient entry in the accounts of the club;
- (c) destroy, alter, mutilate or falsify any book, paper, writing, valuable security or account of the club; or
- (d) make, or concur in making, any false entry in, or omit or alter, or concur in omitting or altering, any book, writing or account of the club.

Penalty: \$500 or imprisonment for 3 years, or both.

Distribution  
of income  
from poker  
machines.

**41.** (1) A club shall, at the end of each month, set aside in an account in its books an amount equal to 10 per cent of the gross revenue derived by the club from operating poker machines on the club premises during that month, and shall pay out of that account all money accumulated at the last day of the month to the Board by the fifteenth day of the next following month.

(2) For the purposes of this section, "gross revenue" means all revenue derived by a club from moneys inserted into poker machines by persons using the machine, after deducting—

- (a) the amount of money taken from the machines as prizes by persons using the machines; and
- (b) the amounts of money paid as prizes by the club to persons in connection with the use of the machines.

Trust  
account of  
the Board.

**42.** The Board shall pay all money received by it from any club in pursuance of section 41 into a separate trust account to be kept at a bank in the name of the Board and designated as a trust account not later than the end of the next business day after the day on which the money is so received.

Payments for  
community  
projects.

**43.** (1) The Board shall, from time to time, at the request of the Legislative Assembly, pay out of the trust account established in accordance with section 42 such sums of money (not exceeding the balance standing to the credit of the account) to such bodies, organisations or persons for such community projects as the Legislative Assembly determines.

(2) The Board shall not apply money standing to the credit of the trust account otherwise than in accordance with sub-section (1).

Audit of  
club  
accounts  
and reports  
by clubs.

**44.** (1) A club shall, as soon as practicable after the end of each financial year—

- (a) cause the accounts relating to the operation of poker machines on the premises of the club during that year to be audited by a person approved by the Board; and
- (b) prepare, or cause to be prepared, a balance sheet setting out the income and expenditure of the club in connexion with the operation of poker machines during that year.

(2) A club shall, within one month after the preparation of a balance sheet under sub-section (1), lodge with the Board a copy of the balance sheet certified as being correct by the person who prepared it, together with a report stating, as at the end of the period to which the balance sheet relates—

- (a) the number of members of the club;
- (b) the number and types of poker machines installed on the club premises;
- (c) the way in which the club expended the profits from the machines; and
- (d) such other particulars as the Board may require.



## PART VI—MISCELLANEOUS

**45. (1)** The revenue of the Board shall consist of—Revenue of  
the Board.

- (a) the income from fees for the issue or renewal of licences and the issue of duplicate licences;
- (b) the income from fees for the issue of Repairman's Certificates under this Ordinance; and
- (c) any other income (not including amounts paid to the Board in accordance with sub-section 32(2) ) derived by the Board under this Ordinance.

**(2)** The revenue of the Board shall be applied by the Board—

- (a) in paying the costs and expenses incurred by the Board in or in connexion with the carrying out of its functions under this Ordinance; and
- (b) in paying allowances, fees and remuneration to members of the Board and its staff.

**46. (1)** The Board may with the consent of the Minister, borrow moneys.Borrowing  
by the  
Board.

(2) The Board or a club shall not borrow money from any manufacturer or supplier of poker machines or from a corporation that is, in relation to a corporation that manufactures or supplies poker machines, a related corporation.

(3) In sub-section (2), "related corporation" has the same meaning as in the *Companies Ordinance* 1962-1974.

**47.** The Board shall keep proper accounts and records in accordance with the accounting principles generally applied in commercial practice, and shall in its accounts, make provision for obsolescence or depreciation of its assets and do all things necessary to ensure that all payments are properly authorized and correctly made and that adequate control is maintained over its assets and the incurring by it of liabilities.

Accounts to  
be kept by  
the Board.

**48. (1)** The accounts and records of financial transactions of the Board shall be audited by a person appointed by the Board, being a person who is a registered company auditor within the meaning of the *Companies Ordinance* 1962-1974.

Audit of  
the Board.

(2) The auditor appointed under the last preceding sub-section shall forthwith draw to the attention of the Board any irregularity disclosed by the audit that, in his opinion, is of sufficient importance to justify his so doing.

**49.** The Board shall furnish to the Minister such information relating to its operations as the Minister from time to time requires.

Board to  
keep the  
Minister  
informed.

**50.** The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report of its operations during that year, together with a financial statement in a form approved by the Minister.

Report to  
the Minister.

Signing of documents.

**51.** Any licence, certificate, order, report, document or communication issued, made, submitted or sent by the Board shall be signed by the Chairman or by the Registrar on behalf of the Chairman.

Regulations.

**52.** The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters that by this Ordinance are required or permitted to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance, and in particular for—

- (a) prescribing fees and allowances payable to members of the Board;
- (b) prescribing fees for the issue or renewal of licences or certificates;
- (c) prescribing the procedure for the purchase of poker machines by the Board for clubs;
- (d) prescribing the procedure to be applied in conducting a ballot under sub-section 20 (2) or sub-section 31 (4); and
- (e) imposing penalties not exceeding \$100 for breaches of the regulations.