

AUSTRALIAN CAPITAL TERRITORY

Regulations 1987 No. 7¹

Gaming Machine Regulations

I, GORDON GLEN DENTON SCHOLES, the Minister of State for Territories, hereby make the following Regulations under the *Gaming Machine Ordinance 1987*.

Dated 29 June 1987.

G. SCHOLES

Minister of State for Territories

Citation

1. These Regulations may be cited as the Gaming Machine Regulations.

Interpretation

2. In these Regulations:

“the Ordinance” means the *Gaming Machine Ordinance 1987*.

Class C gaming machines

3. For the purposes of paragraph (c) of the definition of “class C gaming machine” in section 4 of the Ordinance, the gaming machines commonly known as poker machines, slot machines and fruit machines are specified to be class C gaming machines.

Percentage pay-out for class B gaming machines

4. For the purposes of paragraph (b) of the definition of “percentage pay-out” in section 4 of the Ordinance, the number (representing the percentage pay-out in relation to a class B gaming machine) is the number (expressed as a percentage) calculated in accordance with the formula:

$$A + B$$

where:

- A** represents the proportion (expressed as a percentage) of the number of coins inserted into, or applied in connection with the use of, the machine during a period that will be discharged or registered by the machine in the course of its operation having regard, where appropriate, to the strategies that may reasonably be expected to be adopted by persons who display average skills in operating the machine; and
- B** represents the proportion (expressed as a percentage) of the value of all coins inserted into, or applied in connection with the use of, the machine during that period that will be paid by the licensee as winnings to persons operating the machine having regard, where appropriate, to the strategies that may reasonably be expected to be adopted by persons who display average skills in operating the machine.

Conduct of ballots

5. A ballot to be conducted for the purposes of section 19 or 26 of the Ordinance shall be conducted in accordance with the procedure set out in Schedule 1.

Ballots to be secret

6. A person shall not disclose, or aid in the disclosure of, the manner in which another person has voted in a ballot conducted for the purposes of the Ordinance.

Penalty: \$100.

Procedure for purchase of gaming machines

7. The procedure for the purchase of gaming machines by the Authority is as set out in Schedule 2.

SCHEDULE 1

Regulation 5

CONDUCT OF BALLOTS RELATING TO THE INSTALLATION AND USE OF GAMING MACHINES ON CLUB PREMISES OR THE CANCELLATION OR NON-RENEWAL OF A LICENCE HELD BY A CLUB

1. Where the Registrar receives from the Authority a request for the conduct of a ballot, the Registrar shall, by instrument in writing, fix:

- (a) the date on which voting-papers are to be issued; and
- (b) the period during which voting-papers may be delivered to the Registrar, being a period ending at noon on a day not earlier than 14 days from the date fixed for the purpose of paragraph (a).

2. (1) On the date fixed for the purpose of paragraph 1 (a), the Registrar shall send, by post, to each member of the club, at the address of the member last known to the Registrar:

- (a) a voting-paper in accordance with clause 3;
- (b) an envelope bearing the words "Voting-paper"; and
- (c) an envelope addressed to the Registrar and bearing the form of declaration required by subclause 3 (3).

(2) For the purpose of subclause (1), the address of a member of the club shown in a list of names and addresses of members of the club furnished to the Registrar for the purposes of section 19 or 26 of the Ordinance shall be taken to be the address of the member last known to the Registrar.

(3) Where the Registrar has received from the Authority a request for the conduct of a ballot, the Registrar shall cause to be published in a newspaper published and circulating in the Territory notice of:

- (a) the request;
- (b) the question to be submitted to members of the club; and
- (c) the period during which voting-papers may be submitted to the Registrar.

(4) The Registrar shall cause the notice referred to in subclause (3) to be published on 2 consecutive days, the later of which is on or before the date fixed for the purpose of paragraph 1 (a).

3. (1) A voting-paper for use in a ballot for the purposes of section 19 of the Ordinance shall be in accordance with the following form:

AUSTRALIAN CAPITAL TERRITORY

GAMING MACHINE REGULATIONS

Ballot relating to the installation and use of gaming machines on the premises of (*name of club*).

VOTING-PAPER

Directions to Voter

1. If you wish to vote in the ballot, you must answer “Yes” or “No” to the question set out below. Your vote will not be effective unless the voting-paper is marked in accordance with these directions.

2. If you wish to answer “Yes” to the question, write the word “Yes” in the square opposite the question.

3. If you wish to answer “No”, write the word “No” in the square.

Are you in favour of the installation and use of gaming machines on the premises of *(name of club)*?

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(2) A voting-paper for use in a ballot for the purposes of section 26 of the Ordinance shall be in accordance with the following form:

AUSTRALIAN CAPITAL TERRITORY

GAMING MACHINE REGULATIONS

Ballot relating to the cancellation *(or non-renewal)* of the licence of *(name of club)*.

VOTING-PAPER

Directions to Voter

1. If you wish to vote in the ballot, you must answer “Yes” or “No” to the question set out below. Your vote will not be effective unless the voting-paper is marked in accordance with these directions.

2. If you wish to answer “Yes” to the question, write the word “Yes” in the square opposite the question.

3. If you wish to answer “No”, write the word “No” in the square.

Are you in favour of the cancellation *(or non-renewal)* of the licence of *(name of club)* to install and use gaming machines?

☐

(3) The envelope referred to in paragraph 2 (1) (c) shall have printed upon it the following form of declaration:

AUSTRALIAN CAPITAL TERRITORY

GAMING MACHINE REGULATIONS

I, *(full name)* of *(residential address)*, declare that I am a member of *(name of club)*.

Dated 19 .

(Signature)

(4) Every voting-paper shall be initialled by the Registrar.

(5) A vote is not effective if it is cast by means of a voting-paper that does not bear the initials of the Registrar.

4. Where the Registrar is satisfied that a voting-paper has been lost or destroyed, the Registrar shall, on request in writing by the person to whom the voting-paper was sent, deliver to that person a new voting-paper.

5. A voter shall mark his or her vote on the voting-paper by writing either the word “Yes” or the word “No” on the paper in accordance with the directions on the paper.

6. Each voter shall:

- (a) place his or her voting-paper in the envelope marked “Voting-paper”;
- (b) seal that envelope and place it in the envelope addressed to the Registrar;
- (c) complete and sign the declaration on the envelope addressed to the Registrar; and
- (d) send or deliver the envelope to the Registrar.

7. An envelope sent or delivered to the Registrar for the purpose of clause 6:

- (a) shall be placed by the Registrar in a ballot-box that is locked and sealed; and
- (b) shall not be removed from that ballot-box except in accordance with clause 12.

8. A voting-paper is not effective if:

- (a) it is received by the Registrar after the expiration of the period referred to in paragraph 1 (b); or
- (b) the envelope in which the voting-paper was returned to the Registrar did not bear a duly completed declaration in accordance with the form in subclause 3 (3).

9. The Registrar shall decide whether a voting-paper is effective.

10. (1) The secretary of a club may, by notice in writing given to the Registrar, appoint scrutineers, not exceeding one scrutineer for each 1,000 members (other than honorary members) of the club, for the purposes of a ballot.

(2) The members of a club who have made an application under section 26 of the Ordinance may, by notice in writing given to the Registrar, appoint a scrutineer for the purposes of a ballot conducted in connection with the application.

11. (1) The Registrar shall inform the members of the Authority and the scrutineers (if any) appointed for the purposes of the ballot of the time and place at which the ballot-box will be opened.

(2) A person to whom notice has been given pursuant to subclause (1) is entitled to be present when the ballot-box is opened and the result of the election ascertained.

12. (1) Immediately after the expiration of the period referred to in paragraph 1 (b), the Registrar shall open the ballot-box containing the envelopes sent or delivered to the Registrar pursuant to clause 6.

(2) The Registrar shall:

- (a) open each envelope contained in the ballot-box;

- (b) place the envelopes containing voting-papers together; and
- (c) after all the envelopes containing voting-papers have been so placed together, open the envelopes and ascertain the result of the election.

13. (1) The Registrar may, if the Registrar thinks fit, either of the Registrar's own motion or on the request in writing of a scrutineer, recount the voting-papers received in connection with a ballot.

(2) A request is not effective for the purpose of subclause (1) unless it specifies the reasons for the request.

14. (1) As soon as is reasonably practicable after the result of a ballot has been ascertained, the Registrar shall prepare and sign a statement specifying:

- (a) the number of members of the club who voted "Yes" in the ballot;
- (b) the number of members who voted "No" in the ballot; and
- (c) the number of voting-papers rejected by the Registrar as ineffective.

(2) The Registrar shall deliver to the senior member a copy of every statement prepared for the purpose of subclause (1).

SCHEDULE 2

Regulation 7

PROCEDURE FOR PURCHASING GAMING MACHINES

1. (1) For the purpose of inviting tenders for the supply of gaming machines, the Registrar shall cause a notice of invitation to tender to be published in:

- (a) a newspaper published and circulating in the Territory; and
- (b) a newspaper published and circulating in the State of New South Wales;

and may cause the notice to be published in a newspaper published and circulating in such other place (whether in Australia or elsewhere) as the Authority thinks fit.

(2) The notice referred to in subclause (1) shall specify:

- (a) the class and type of gaming machines for the supply of which tenders are invited;
- (b) the date and the time on that date until which tenders will be received by the Authority;
- (c) the address at or to which tenders may be lodged or sent; and
- (d) the place at which and the times during which the documents referred to in clause 3 may be obtained;

and may contain such other information as the Authority thinks fit.

(3) The date referred to in paragraph (2) (b) shall be a date not earlier than 21 days after the date on which subclause (1) is complied with.

2. A notice referred to in subclause 1 (1) may relate to gaming machines to be purchased for more than 1 licensee.

3. (1) Where a notice of invitation to tender is, in accordance with subclause 1 (1), published in a newspaper, the Registrar shall, at the request of a person, furnish to the person a form of tender and notice of general conditions of tender.

(2) The form referred to in subclause (1) shall be in such form as is approved by the Authority.

(3) The notice referred to in subclause (1) shall contain details of:

- (a) the conditions with which a tenderer is required to comply; and
- (b) the terms of the contract that a successful tenderer will be required to enter into with the Authority;

and may contain such instructions and information relating to the preparation and submission of tenders as the Authority thinks fit.

4. (1) The Authority may accept a tender either wholly or in part.

(2) The Authority may accept a tender by notice in writing given to the tenderer.

(3) Where the Authority decides not to accept a tender, the Authority shall notify the tenderer in writing of its decision.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 30 June 1987.