



Australian Capital Territory

# Gaming Machine (Ballots) Amendment Regulation 2016 (No 1)

Subordinate Law SL2016-11

---

The Australian Capital Territory Executive makes the following regulation under the *Gaming Machine Act 2004*.

Dated 11 May 2016.

MICK GENTLEMAN  
Minister

ANDREW BARR  
Minister

---





Australian Capital Territory

# Gaming Machine (Ballots) Amendment Regulation 2016 (No 1)

Subordinate Law SL2016-11

made under the

[Gaming Machine Act 2004](#)

## Contents

---

		Page
1	Name of regulation	1
2	Commencement	1
3	Legislation amended	1
4	Section 13, new definitions	1
5	New section 14 (2)	2
6	Sections 17 and 18	2

---

J2016-109

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

Contents

---

		Page
7	Sections 20 to 22A	4
8	New section 22C	7
9	Section 23	8
10	Dictionary, new definitions	9

**1 Name of regulation**

This regulation is the *Gaming Machine (Ballots) Amendment Regulation 2016 (No 1)*.

**2 Commencement**

This regulation commences on 16 May 2016.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This regulation amends the *Gaming Machine Regulation 2004*.

**4 Section 13, new definitions**

*insert*

***conducted electronically***—a ballot is ***conducted electronically*** if voting in the ballot is conducted, and the votes are counted, using an electronic process.

***independent ballot service provider*** means a person or organisation that—

- (a) conducts, or assists in the conduct of, ballots and elections for clubs or other organisations; and
- (b) is independent of the club or organisation for which the ballot is conducted.

***person conducting a ballot***, for a ballot held by a club, means—

- (a) the club secretary; or

- (b) if the club secretary appoints an independent ballot service provider to conduct the ballot—the independent ballot service provider.

*Note* If an independent ballot service provider is appointed to conduct a ballot, the club secretary must ensure the ballot is conducted in accordance with this part (see s 22C (2)).

***voting document*** means—

- (a) if a ballot is not conducted electronically—a document to record a member’s vote in the ballot; and
- (b) if a ballot is conducted electronically—a link and password to a computer program where a vote in the ballot may be recorded.

## **5 New section 14 (2)**

*after the note, insert*

- (2) A ballot held by a club may be conducted electronically.

## **6 Sections 17 and 18**

*substitute*

### **17 Telling commission about ballot**

- (1) At the appropriate time, the club secretary must tell the commission, in writing—
  - (a) that the club is holding a ballot; and
  - (b) the reason for holding the ballot; and
  - (c) how the ballot will be conducted; and
  - (d) if the ballot will be conducted electronically—details of the electronic ballot; and

- (e) if the ballot will be conducted by an independent ballot service provider—
  - (i) the name of the provider; and
  - (ii) that the ballot will be conducted by that provider; and
- (f) the voting close date for the ballot.

**Examples—par (c)**

- 1 electronically
- 2 by mail

**Example—par (d)**

the electronic process to be used including the way the votes will be counted

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (2) The club secretary must, at the same time, give the commission a copy of the following:
  - (a) the information about the ballot proposed to be published and displayed under section 18 (1);
  - (b) the documents mentioned in section 20 (1).
- (3) In this section:

***appropriate time*** means—

- (a) at least 5 weeks before the voting close date for the ballot; and
- (b) at least 2 weeks before the day—
  - (i) information about the ballot is published on the club’s website under section 18 (1) (a); and
  - (ii) the material required to be given under section 20 (Voting members must be given ballot documents) is given.

## 18 Information about ballot

- (1) At least 3 weeks before the voting close date for a ballot for a club, the club secretary must—
  - (a) publish information about the ballot on the club’s website; and
  - (b) display the information in each premises to which the ballot relates.
- (2) In this section:

*information*, about a ballot, means—

- (a) a description of the question to be decided by the ballot; and
- (b) the voting close date for the ballot; and
- (c) where further information about the ballot may be obtained.

### Examples—par (c)

- 1 on the club’s website
- 2 from the front desk of the club

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

## 7 Sections 20 to 22A

*substitute*

## 20 Voting members must be given ballot documents

- (1) At least 3 weeks before the voting close date for a ballot, the person conducting the ballot must give each voting member the following:
  - (a) a voting document;

*Note* If a form is approved under the [Control Act](#), s 53D for this provision, the form must be used.

- 
- (b) if the ballot is not to be conducted electronically—
- (i) a reply paid envelope addressed to the person conducting the ballot for the return of the voting document; or
  - (ii) the address to which the voting document is to be returned;
- (c) a notice containing the following information:
- (i) in relation to the question to be decided by the voting members—
    - (A) a fair description of the question; and
    - (B) a balanced outline of arguments for and against the question; and
    - (C) a balanced appraisal of the consequences of any possible decision;
  - (ii) the voting close date;
  - (iii) when and where the results of the ballot may be obtained.

*Note 1* The person conducting the ballot may post, fax or email the material to club members (see [Legislation Act](#), s 247 (Service of documents on individuals) and pt 19.5 (Service of documents) generally).

*Note 2* Notice may be given electronically in certain circumstances (see [Electronic Transactions Act 2001](#), s 8).

- (2) For subsection (1) (c) (i), the notice may include a recommendation that members vote in a particular way on the question.
- (3) A document mentioned in subsection (1) (a), (b) (ii) or (c) may be sent to a member in electronic form.

**Example—electronic form**

attached to an email

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

## 21 Checking votes

The person conducting a ballot for a club must ensure that a voting member has not voted more than once.

### Examples

- 1 checking each voting document returned by mail
- 2 using a computer program designed to prevent a person from being able to vote more than once

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

## 22 Counting votes for ballot

- (1) The result of a ballot for a club must be worked out by the person conducting the ballot.
- (2) A vote must not be counted in the ballot if—
  - (a) the person conducting the ballot receives the vote after the voting close date; or
  - (b) the member voting has already voted in the ballot.
- (3) If the result of the ballot is worked out by an independent ballot service provider, the provider must give the club secretary written notice of the result of the ballot—
  - (a) within 7 days after the voting close date for the ballot; or
  - (b) if the provider and the secretary agree that the provider should give the secretary notice sooner than 7 days after the voting close date—by the agreed date.
- (4) As soon as practicable after working out the result of the ballot, or receiving written notice of the result, the club secretary must—
  - (a) display the result—
    - (i) at each premises to which the ballot relates; and

- (ii) on the club's website; and
- (b) give the commission written notice of the result.

## **22A Alternative person**

- (1) This section applies if the person conducting a ballot for a club is the club secretary.
- (2) The club secretary—
  - (a) may decide that a person other than the secretary (the *alternative person*) may exercise a function under section 21 or section 22 for the club; and
  - (b) if the secretary decides that an alternative person may exercise a function under section 21 or section 22—must tell the commission, in writing, that the alternative person will be exercising the function for the club.
- (3) If the alternative person exercises a function under section 21 or section 22 for a club, the club secretary must ensure the alternative person exercises the function in accordance with the relevant section.

## **8 New section 22C**

*insert*

## **22C Supervisory role of club secretary**

- (1) This section applies if the person conducting a ballot for a club is an independent ballot service provider.
- (2) The club secretary must ensure that the ballot is conducted in accordance with this part.
- (3) If the club secretary is not satisfied that the ballot is conducted in accordance with this part, the secretary must tell the commission.

- (4) If the commission is not satisfied that the ballot is conducted in accordance with this part, the commission may direct that the ballot be conducted in accordance with this part.

## **9 Section 23**

*substitute*

### **23 Keeping completed ballot documents**

- (1) This section applies if a ballot is held by a club.
- (2) The club secretary must keep the following for at least 12 months after the day the secretary gives the commission written notice of the result of the ballot:
- (a) if the ballot was not conducted electronically—the voting documents, completed by members and returned to the person conducting the ballot, whether or not the person counted the votes in the ballot;
  - (b) if the ballot was conducted electronically—information about how the result of the ballot was worked out;
  - (c) a list stating the name of each voting member who was given a voting document.

*Note 1* For par (a), voting documents are given to voting members under s 20 (1) (a).

*Note 2* Under the *Electronic Transactions Act 2001*, s 11 (Retention of information and documents), if a person is required to retain a document for a particular period, the requirement is taken to be met if the person retains an electronic form of the document.

- (3) If the ballot is conducted by an independent ballot service provider, the provider must give the documents mentioned in subsection (2) to the club secretary—
- (a) within 7 days after the voting close date for the ballot; or

- (b) if the provider and the secretary agree that the provider should give the secretary the documents sooner than 7 days after the voting close date—by the agreed date.

## 10 Dictionary, new definitions

*insert*

*conducted electronically*, for a ballot, for part 4 (Ballots)—see section 13.

*independent ballot service provider*, in relation to a club, for part 4 (Ballots)—see section 13.

*person conducting a ballot*, for a ballot held by a club, for part 4 (Ballots)—see section 13.

*voting document*, for part 4 (Ballots)—see section 13.

---

## Endnotes

### 1 Notification

Notified under the [Legislation Act](#) on 12 May 2016.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---