

Regulations 1976 No. 4

Regulations under the *Poker Machine Control Ordinance 1975*.*

I, ERIC LAIDLAW ROBINSON, the Minister of State for the Capital Territory, hereby make the following Regulations under the *Poker Machine Control Ordinance 1975*.

Dated this fifth day of February, 1976.

ERIC L. ROBINSON
Minister of State for the Capital Territory.

POKER MACHINE REGULATIONS

1. These Regulations may be cited as the *Poker Machine Regulations*. Short title.
2. In these Regulations, unless the contrary intention appears— Definitions.
 - “ballot” means a ballot for the purpose of sub-section 20 (1) or 31 (4) of the Ordinance;
 - “Ordinance” means the *Poker Machine Control Ordinance 1975*.
3. The prescribed fee for a licence is the amount equal to the aggregate of Licence fees. the following amounts:—
 - (a) an amount calculated at the rate of \$20 for each machine to which the licence relates, being a machine operated by coins of the denomination of 1 cent;
 - (b) an amount calculated at the rate of \$40 for each machine to which the licence relates, being a machine operated by coins of the denomination of 2 cents;
 - (c) an amount calculated at the rate of \$100 for each machine to which the licence relates, being a machine operated by coins of the denomination of 5 cents; and
 - (d) in respect of machines to which the licence relates, being machines operated by coins of the denomination of 10 cents—
 - (i) if the number of those machines does not exceed 20—an amount calculated at the rate of \$200 for each machine; or
 - (ii) if the number of those machines exceeds 20—an amount of \$4,000 together with an amount calculated at the rate of \$300 for each machine in excess of 20.
4. The prescribed fee for the purpose of sub-section 38 (3) of the Ordinance is \$10. Fee for Repairman's Certificate.

* Notified in the *Australian Government Gazette* on 12 February 1976.

Conduct of ballots.

Ballots to be secret.

Fees and allowances to members of the Board.

5. A ballot shall be conducted in accordance with the Schedule.

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

Penalty: \$100.

7. (1) The Chairman shall be paid, in respect of each day on which he attends a meeting of the Board—

- (a) if the duration of the meeting on that day is not less than 3 hours— a fee of \$40; and
- (b) if the duration of the meeting on that day is less than 3 hours— a fee of \$25.

(2) A member of the Board, other than the Chairman, shall be paid, in respect of each day on which he attends a meeting of the Board—

- (a) if the duration of the meeting on that day is not less than 3 hours— a fee of \$35; and
- (b) if the duration of the meeting on that day is less than 3 hours— a fee of \$20.

(3) Subject to sub-regulation (5), the Chairman shall be paid, for each day on which he is engaged, with the approval of the Board, on business of the Board—

- (a) if the period during which he is so engaged on that day is not less than 3 hours—a fee of \$40; and
- (b) if the period during which he is so engaged on that day is less than 3 hours—a fee of \$25.

(4) Subject to sub-regulation (5), a member of the Board, other than the Chairman, shall be paid, for each day on which he is engaged, with the approval of the Board, on business of the Board—

- (a) if the period during which he is so engaged on that day is not less than 3 hours—a fee of \$35; and
- (b) if the period during which he is so engaged on that day is less than 3 hours—a fee of \$20.

(5) Where a member of the Board—

- (a) attends a meeting of the Board; and
- (b) is, on the same day, engaged for a period, with the approval of the Board, on other business of the Board,

a fee is not payable to that member in accordance with sub-regulation (3) or (4), but the fee payable to him in respect of that day in accordance with sub-regulation (1) or (2) is the fee that would have been payable to him in respect of that day if the meeting referred to in paragraph (a) had continued throughout the period referred to in paragraph (b).

(6) Where—

- (a) a member of the Board is necessarily absent overnight from his place of residence in order to attend a meeting of the Board; or
- (b) a member of the Board is necessarily absent overnight from his place of residence in order to perform any business of the Board on which he is engaged with the approval of the Board,

travelling allowance in respect of the period of absence is payable to him at the rate of \$37 per day.

(7) Travelling allowance payable under sub-regulation (6) is in addition to, and does not include, the cost of conveyance.

SCHEDULE

Regulation 5

CONDUCT OF BALLOTS

1. Where the Registrar receives from the Board a request that he conduct 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 to each member of the club, by post—

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

(2) For the purpose of sub-clause (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 21 or sub-section 31 (3) shall be taken to be the address of the member last known to the Registrar.

(3) Where the Registrar has received from the Board a request that he conduct a ballot, the Registrar shall cause to be published in a daily 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 sub-clause (3) to be published on two 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 purpose of sub-section 20 (1) of the Ordinance shall be in accordance with the following form:—

AUSTRALIAN CAPITAL TERRITORY

POKER MACHINE REGULATIONS

Ballot relating to the Installation and Use of Poker Machines on the premises of (*here insert the name of the 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 poker machines on the premises of (*name of club*)?

Poker Machine Regulations

(2) A voting-paper for use in a ballot for the purposes of sub-section 31 (4) shall be in accordance with the following form:—

AUSTRALIAN CAPITAL TERRITORY

POKER 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 poker machines?

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

AUSTRALIAN CAPITAL TERRITORY

POKER MACHINE REGULATIONS

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

Dated this day of , 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, he 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 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 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 sub-clause 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 sub-section 31 (1) of the Ordinance may, by notice in writing given to the Registrar, appoint a scrutineer for the purposes of a ballot conducted in connexion with that application.

11. (1) The Registrar shall inform the members of the Board 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 in pursuance of sub-clause (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 for the purpose of 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 he thinks fit, either of his own motion or on the request in writing of a scrutineer, recount the voting-papers received in connexion with a ballot.

(2) A request is not effective for the purpose of sub-clause (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 Chairman a copy of every statement prepared for the purpose of sub-clause (1).