



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

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.
