



# FACTSHEET

## **CLUB BALLOTS**

### **New processes under the *Gaming Machine Regulation 2004***

On 16 May 2016, the *Gaming Machine (Ballots) Amendment Regulation 2016 (No 1)* will come into effect. This will amend Part 4 of the *Gaming Machine Regulation 2004* which concerns ballots.

#### ***What processes are affected?***

All ballots for a club that must be conducted under the *Gaming Machine Act 2004* where voting members of the club must vote for:

- having gaming machines under paragraph 16(h)(iv);
- relocating to new premises under subparagraph 34(f)(ii)(C);
- surrendering an authorisation certificate or authorisation under subparagraph 37F(2)(b)(i); and
- in-principle approval to have gaming machines at the address under subsection 38(c).

#### ***What are the changes?***

The amendment provides that ballots may also be conducted:

- by an independent ballot service provider; and
- electronically.

#### ***What does this mean?***

Ballots may be conducted by persons or organisations other than the club secretary if the person or organisation is involved in holding ballot processes as part of their business and is independent of the club. The Commission must be notified of any such appointment.

In addition to traditional paper-based methods, ballots may now be conducted by a number of means including the use of electronic processes or a combination of electronic and non-electronic processes.

For example, ballot documents may be sent by:

- mail, with the vote occurring by returning the voting paper by mail;
- email, with the vote occurring by returning the voting paper by mail;
- mail or email, with a password and link to a computer program where a vote is recorded electronically.

*Note: Voting documents may not be returned by email or as an attachment to an email as the voting process must not be able to identify the voting member's vote.*

### ***Are there any other changes?***

A reply paid envelope for the return of voting documents does not need to be provided. However, the club secretary must advise the voting member where votes may be returned if a reply paid envelope is not used.

A club secretary does not have to publish a *public notice* concerning the ballot on an ACT Government website or in an ACT daily newspaper. Instead, the club secretary must:

- publish information on the club website about the holding of a ballot and the result of the ballot; and
- display information about the holding of a ballot and the result of the ballot in each relevant club premises.

The information relating to the holding of a ballot only needs to include:

- a description of the question to be decided by the ballot;
- the date the ballot is to close; and
- where further information about the ballot may be obtained.

A club secretary only needs to advise the Commission in writing that an alternative person to check or count votes has been appointed as this is no longer a decision for the Commission. The club secretary remains responsible for ensuring these functions are carried out in accordance with the Regulation.

Streamlined record-keeping requirements do not require all documents used for the ballot process to be kept. The club secretary must now keep the following for at least 12 months:

- a list stating the name of each voting member who was given voting document; and
- if a ballot was not conducted electronically - the voting document completed by members and returned to the person conducting the ballot (i.e. the actual voting paper); or
- if a ballot was conducted electronically (that is the voting in the ballot is conducted and the votes are counted using an electronic process) - information about how the result of the ballot was worked out.

### ***How does the change benefit licensees?***

The amendment provides licensees with the flexibility to undertake ballot processes in a manner that best suits their business needs.

### ***Legislation requirements***

Licensees and the club secretary must consult Part 4 – Ballots of *the Gaming Machine Regulation 2004* to ensure compliance when holding a ballot under the *Gaming Machine Act 2004*.