

AUSTRALIAN CAPITAL TERRITORY.

Regulations 1941. No. 2.

Regulations under the Industrial Board Ordinance 1936-1941.*

I, WILLIAM MORRIS HUGHES, Attorney-General of the Commonwealth, in pursuance of the powers conferred by the *Industrial Board Ordinance* 1936-1941, hereby make the following Regulations.

Dated this twelfth day of June, 1941.

W. M. HUGHES

Attorney-General.

AMENDMENT OF THE INDUSTRIAL BOARD ELECTION REGULATIONS.

1. Regulation 2 of the Industrial Board Election Regulations is amended— Definition of "election".

(a) by omitting the definition of "election" and inserting in its stead the following definition:—

" 'election' means the election of persons to be members of the Board, and deputies of those members, representing the employees specified in subsections (6.) and (7.) of section five of the Ordinance, respectively;"; and

(b) by omitting from the definition of "the Ordinance" the figures "1936" and inserting in their stead the figures and words "1936-1941, as amended from time to time".

2. Regulation 5 of the Industrial Board Election Regulations is amended by omitting sub-regulation (3.) and inserting in its stead the following sub-regulation:— Preparation of rolls.

"(3.) For the purposes of each election, after the first election, the representative of each organization shall furnish to the Returning Officer—

(a) a list of members of the organization who have been employed in the Territory during the period of three months immediately preceding the appointed day but whose names do not appear on the roll prepared in respect of the election last preceding the appointed day; and

(b) a list of members of the organization whose names appeared on the roll prepared in respect of the election last preceding the appointed day who have not been employed in the Territory during the three months immediately preceding the appointed day."

* Notified in the *Commonwealth Gazette* on 13th June, 1941.

Vote of
person whose
name is not
on roll.

3. Regulation 8 of the Industrial Board Election Regulations is amended—

(a) by omitting sub-regulation (1.) and inserting in its stead the following sub-regulation:—

“(1.) Notwithstanding anything contained in these Regulations, when any person who is an employee within the meaning of sub-section (6.) or sub-section (7.) of section five of the Ordinance claims to vote at an election and his name does not appear in the certified roll of voters, he may, subject to the Ordinance and these Regulations, be permitted to vote if he makes before the Returning Officer a declaration in accordance with Form A.”;

(b) by inserting in sub-regulations (2.) and (3.), after the word “ballot-paper” the words “(or ballot-papers)”

(c) by inserting in sub-regulation (2.), after the word “it”, the words “or them”; and

(d) by inserting in sub-regulation (3.), after the word “it” (first occurring), the words “or them”.

Nomination
of candidates.

4. Regulation 9 of the Industrial Board Election Regulations is amended by omitting sub-regulations (2.) and (3.) and inserting in their stead the following sub-regulations:—

“(2.) A person cannot be nominated both as a member and as a deputy of a member and, if any such nominations are received, both nominations shall, subject to regulation 13 of these Regulations, be rejected.

“(3.) Nominations for the election of a member representative of employees specified in sub-section (6.) of section five of the Ordinance and a deputy of that member, or nominations for the election of a member representative of employees specified in sub-section (7.) of that section and a deputy of that member, shall be in accordance with Form B and shall be signed by the President or Chairman and the Secretary of the organization or local branch thereof of which the candidate is at the date of nomination a member and whose members are entitled to the benefit of a determination or industrial agreement made under the Ordinance.”.

Number of
votes.

5. Regulation 16 of the Industrial Board Election Regulations is amended by omitting sub-regulations (2.), (3.) and (4.) and inserting in their stead the following sub-regulations:—

“(2.) A person who has, during the period of three months immediately preceding the appointed day, been employed in the Territory and who is a member or is eligible for membership of any of the organizations specified in the Second Schedule to the Ordinance may vote at the election of a member or a deputy of a member representative of the employees specified in sub-section (6.) of section five of the Ordinance, and not otherwise.

“(3.) A person who has, during the period of three months immediately preceding the appointed day, been employed in the Territory and who is a member or is eligible for membership of any organization, not being an organization specified in the Second Schedule to the

Ordinance, may vote at the election of a member or a deputy of a member representative of the employees specified in sub-section (7.) of section five of the Ordinance, and not otherwise.”

6. Regulation 18 of the Industrial Board Election Regulations is amended by omitting sub-regulation (1.) and inserting in its stead the following sub-regulation:—

Voting papers to be forwarded to voters.

“(1.) As soon as practicable after the close of nominations for an election, the Returning Officer shall, if more than one candidate has been nominated, transmit to each voter whose name appears on the certified roll prepared in respect of that election, at the address set out in that roll, a ballot-paper for the election of a member and/or a ballot-paper for the election of a deputy of a member (as the case may be) representative of the employees specified in sub-section (6.) or sub-section (7.) of section five of the Ordinance, as the case requires, together with an envelope having printed thereon a form of declaration in accordance with Form C.”

7. Regulation 21 of the Industrial Board Election Regulations is repealed and the following regulation inserted in its stead:—

Manner of voting.

“21. Each voter shall record his vote on the ballot-paper in accordance with the directions set out thereon and shall send the ballot-paper, enclosed in the envelope bearing his declaration, by post or otherwise, to the Returning Officer to whom the envelope is addressed.”

8. Regulation 22 of the Industrial Board Election Regulations is amended by inserting, after the word “ballot-paper” (wherever occurring), the words “(or ballot-papers)”

Ballot-papers not received or lost or destroyed.

9. Regulation 26 of the Industrial Board Election Regulations is amended—

Scrutiny of votes and declaration.

- (a) by inserting in paragraph (c), after the word “vote” (wherever occurring) the words “(or votes)”;
- (b) by inserting in that paragraph, after the word “ballot-paper”; the words “(or ballot-papers)”;
- (c) by inserting in paragraph (d), after the word “vote” (first and third occurring), the words “(or votes)”;
- (d) by inserting in that paragraph, after the word “ballot-paper”, the words “(or ballot-papers)”;
- (e) by omitting paragraph (g) and inserting in its stead the following paragraph:—

“(g) Withdraw from each envelope the ballot-paper (or ballot-papers) contained therein and without unfolding the ballot-paper (or ballot-papers) or inspecting any vote thereon or permitting any other person to do so, place on the ballot-paper (or ballot-papers) a number corresponding with that placed on the envelope from which the ballot-paper was (or ballot-papers were) withdrawn and forthwith place the ballot-paper (or ballot-papers) in a locked and sealed ballot-box for further scrutiny;”

Further
scrutiny.

10. Regulation 27 of the Industrial Board Election Regulations is amended—

(a) by omitting from sub-regulation (1.) all words from and including the words “In an election of a member” to the words “as follows:—”, inclusive, and inserting in their stead the following words:—

“The Returning Officer shall open each ballot-box in which ballot-papers have been placed pursuant to paragraph (g) of the last preceding regulation and, after separating all the ballot-papers contained therein according to the particular election of a member or a deputy of a member, of the Board to which each such ballot-paper relates, shall conduct a further scrutiny in respect of each such election as follows:—”;

(b) by omitting from sub-regulation (3.) the words “and the next succeeding regulation”.

Scrutiny where
election of
member and
deputy is held at
the same time.
The Schedule.

11. Regulation 27A of the Industrial Board Election Regulations is repealed.

12. The Schedule to the Industrial Board Election Regulations is repealed and the following Schedule inserted in its stead:—

“THE SCHEDULE.

Regulation 8.

FORM A.

AUSTRALIAN CAPITAL TERRITORY.

Industrial Board Ordinance 1936-1941.

INDUSTRIAL BOARD ELECTION REGULATIONS.

FORM OF DECLARATION TO BE USED BY A PERSON CLAIMING TO VOTE UNDER REGULATION 8 OF THE INDUSTRIAL BOARD ELECTION REGULATIONS WHOSE NAME DOES NOT APPEAR ON THE CERTIFIED ROLL OF VOTERS.

(a) Name in full.
(b) Address in full.
(c) Occupation.
(d) Organization of which declarant is a member or for which he is eligible for membership.

I (a)
declare—

of (b)

(c)

1. That, during the three months immediately preceding the [here insert the date of the appointed day], I was employed in the Territory and that, on the said date, I was a member of or was eligible for membership of (d)

2. That to the best of my knowledge and belief my name does not appear in the certified roll of voters prepared in respect of the election to which this declaration relates;

3. That I claim to be entitled, under the Industrial Board Ordinance and the Regulations thereunder, to vote in respect of the election of a member, and deputy of a member, of the Board representative of employees who are members of or eligible for membership of [here insert ‘any of the organizations specified in the Second Schedule to the Ordinance’ or ‘any organization not being an organization specified in the Second Schedule to the Ordinance’ as the case requires].

4. That I have not previously voted in connexion with the election to which this declaration relates.

Personal signature of Voter.
Date

Signature of Returning Officer or Deputy Returning Officer.

NOTE.—Regulation 37 of the Industrial Board Election Regulations reads as follows:—

‘37. A person shall not make any untrue statement in any declaration or in answer to any question under these Regulations or in any information supplied to the Returning Officer or Deputy Returning Officer for the purposes of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds.’

Regulation 9.

FORM B

AUSTRALIAN CAPITAL TERRITORY.
Industrial Board Ordinance 1936-1941.
INDUSTRIAL BOARD ELECTION REGULATIONS.
NOMINATION OF*

To the Returning Officer—

We, the undersigned persons being the President (or Chairman) and the Secretary of [*here insert organization or local branch of which the person nominated is a member*], the members of which are entitled to the benefit of a determination or industrial agreement under the Ordinance, do hereby nominate [*here insert the christian name or names in full, surname, place of residence and occupation of person nominated*] as *

Dated this day of , 19 .

Signature of President [or Chairman].

Signature of Secretary.

I, of consent to the above nomination and to act, if elected, as [*here insert 'a member of the Board' or 'a deputy of a member of the Board', as the case requires*].

Signature of Candidate.

Date

Witness

Address

* Here insert, as the case requires—

- 'a member of the Industrial Board representative of employees who are members of, or eligible for membership of, any of the organizations specified in the Second Schedule to the Ordinance'; or
- 'a deputy of a member of the Industrial Board representative of employees who are members of, or eligible for membership of, any of the organizations specified in the Second Schedule to the Ordinance'; or
- 'a member of the Industrial Board representative of employees who are members of, or eligible for membership of, any organization, not being an organization specified in the Second Schedule to the Ordinance'; or
- 'a deputy of a member of the Industrial Board representative of employees who are members of, or eligible for membership of, any organization, not being an organization specified in the Second Schedule to the Ordinance'.

NOTE.—The candidate's consent to the nomination may be in a separate paper and in any form, but if given on the Nomination Paper in the above form its sufficiency is not to be questioned.

A person cannot be nominated both as a member and as a deputy of a member and, if any such are received, both nominations shall, unless one is withdrawn before the date fixed for receiving nominations, be rejected.

Regulation 18.

FORM C.

AUSTRALIAN CAPITAL TERRITORY.
Industrial Board Ordinance 1936-1941.
INDUSTRIAL BOARD ELECTION REGULATIONS.
DECLARATION TO BE MADE BY VOTER.

I (a) of (b)
(c) declare—

1. That I am entitled to vote, under the Industrial Board Ordinance and the Regulations thereunder, in respect of the election, the poll for which closes on , of a member, and a deputy of a member, of the Board, representative of employees who are members of or eligible for membership of [*here insert 'any of the organizations specified in the Second Schedule to the Ordinance' or 'any organization, not being an organization specified in the Second Schedule to the Ordinance', as the case requires*].

2. That during the three months immediately preceding the [*here insert the date of the appointed day*] I was employed in the Territory and that on the said date I was a member of the (d)

- (a) Name in full.
- (b) Address in full.
- (c) Occupation.
- (d) Organization of which declarant is a member.

3. That I have not previously voted in connexion with the election to which this declaration relates.

Personal Signature of Voter.

Date 19 .

Signature of Witness

Address of Witness

NOTE.—Regulations 37 and 38 of the Industrial Board Election Regulations read as follows:—

'37. A person shall not make any untrue statement in any declaration, or in answer to any question under these Regulations, or in any information supplied to the Returning Officer or Deputy Returning Officer for the purpose of obtaining a ballot-paper or a further ballot-paper.

Penalty: Fifty pounds.

'38. A person shall not witness the signature of any person to any declaration under these Regulations unless—

- (a) he has satisfied himself as to the identity of that person;
- (b) he has seen the person sign the declaration in his own handwriting; and
- (c) he knows that the statements contained in the declaration are true, or has satisfied himself, by inquiry from the person, or otherwise, that the statements contained in the declaration are true.

Penalty: Fifty pounds.'

The organizations specified in the Second Schedule to the Ordinance are as follows:—

Amalgamated Society of Carpenters and Joiners.
 Australian Capital Territory Bricklayers' Union.
 Australian Builders Labourers' Federation.
 Australian Plumbers and Gasfitters Employees' Union.
 Operative Painters and Decorators' Union of Australia.
 Operative Plasterers' Federation of Australia.
 Australasian Society of Engineers.
 Electrical Trades' Union of Australia.
 Federated Engine Drivers and Firemen's Association of Australasia.

Regulation 18(2).

Form D.

AUSTRALIAN CAPITAL TERRITORY.

Industrial Board Ordinance 1936-1941.

INDUSTRIAL BOARD ELECTION REGULATIONS.

BALLOT PAPER.

Election of [*here insert* 'a member of the Industrial Board representative of employees who are members of, or eligible for membership of, any of the organizations specified in the Second Schedule to the Ordinance'; or 'a deputy of a member of the Industrial Board representative of employees who are members of, or eligible for membership of, any of the organizations specified in the Second Schedule to the Ordinance'; or 'a member of the Industrial Board representative of employees who are members of, or eligible for membership of, any organization not being an organization specified in the Second Schedule to the Ordinance'; or 'a deputy of a member of the Industrial Board representative of employees who are members of, or eligible for membership of, any organization, not being an organization specified in the Second Schedule to the Ordinance', *as the case requires*].

Directions to Voter.—Mark your vote on this ballot-paper by placing the numbers [*here insert* '1 and 2' where there are two candidates, '1, 2 and 3' where there are three candidates, '1, 2, 3 and 4' where there are four candidates and so on as the case requires] in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them.

CANDIDATES.

- ☐
- ☐
- ☐

Further Directions to Voter.

After marking your vote fold the ballot paper and place it in the envelope bearing your declaration (which must be duly signed and witnessed) fasten the envelope and forthwith send it, by post or otherwise, to the Returning Officer to whom it is addressed.

NOTE.—Unless the ballot paper is received by the Returning Officer at or before 4 p.m. on the [here insert the date fixed for the close of the poll] it will not be admitted to the scrutiny.”

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.