

Regulations under the Industrial Board Ordinances 1936.

I, ROBERT GORDON MENZIES, the Attorney-General of the Commonwealth, in pursuance of the powers conferred by the *Industrial Board Ordinances 1936*, hereby make the following Regulations.

Dated this fourteenth day of October, 1936.

ROBERT G. MENZIES

Attorney-General.

AMENDMENT OF THE INDUSTRIAL BOARD ELECTION REGULATIONS.*

- Interpretation. 1. In these Regulations, any reference to a regulation shall be read as a reference to a regulation contained in the Industrial Board Election Regulations.
- Definitions. 2. Regulation 2 is amended—
- (a) by inserting in the definition of "election", after the word "members", the words "and of deputies of those members"; and
 - (b) by inserting, after the definition of "Returning Officer", the following definition:—
"the appointed day' means, in relation to any election, the day of the publication in pursuance of regulation 4 of these Regulations of the notice in the *Gazette* in respect of that election."
- Preparation of rolls. 3. Regulation 5 is amended by adding at the end thereof the following sub-regulations:—
- "(3.) For the purposes of any election, other than the first election, held under these Regulations, the representative of each organization shall forward to the Returning Officer—
- (a) a list of members of the organization who were financial on the appointed day, and who have been employed in the Territory during the period of three months immediately preceding that 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 appear on the roll prepared in respect of the election last preceding the appointed day but—
 - (i) who were not financial on the appointed day; or
 - (ii) who were not employed in the Territory during the three months immediately preceding the appointed day.
- "(4.) Each such list shall be verified by statutory declaration.
- "(5.) Upon receipt of the lists furnished in pursuance of sub-regulation (3.) of this regulation, the Returning Officer shall enter on the roll prepared in respect of the election last preceding the appointed day the names of any members of organizations entitled to vote at the election next succeeding the appointed day and remove therefrom the names of any members not so entitled to vote. The roll as so altered shall be the roll prepared in respect of the election next succeeding the appointed day."
- Candidates must be nominated. 4. Regulation 9 is amended—
- (a) by inserting, after the word "member" (first occurring), the words "or a deputy of a member"; and
 - (b) by inserting, after the word "employees" (wherever occurring), the words "or of a deputy of that member."
- Requisites for nomination. 5. Regulation 10 is amended by omitting from paragraph (a) of sub-regulation (1.) the words "if elected" and inserting in their stead the words "as a member or as a deputy of a member of the Board according to which office he is elected".

6. Regulation 16 is amended—

Voting.

- (a) by omitting from sub-regulation (2.) the words “eighteenth day of February, 1936,” and inserting in their stead the words “appointed day”; and
- (b) by inserting, after the word “member” (wherever occurring), the words “or a deputy of a member”.

7. Regulation 18 is amended by inserting in sub-regulation (1.), after the word “Board”, the words “and deputies of those members, as the case may be”.

Voting papers and form of declaration.

8. Regulation 21 is amended by inserting, after the word “member”, the words “or of a deputy of a member”.

Manner of voting.

9. Regulation 26 is amended by omitting from paragraphs (e) and (h) the words “representative of” and inserting in their stead the words “member (or of a deputy of a member) of the Board representing”.

Scrutiny of votes and declarations.

10. Regulation 27 is amended—

Further scrutiny.

- (a) by inserting in sub-regulation (1.), immediately before the words “The Returning Officer” (first occurring), the words “In an election of a member or a deputy of a member of the Board to fill a vacancy in either of those offices”; and
- (b) by inserting in sub-regulation (3.), after the word “regulation”, the words “and the next succeeding regulation”.

11. After Regulation 27, the following regulation is inserted:—

“27A. Where an election of a member and an election of a deputy of that member are to be held at the same time—

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

- (a) The persons nominated shall be deemed to have been nominated for both offices, provided they have consented to act, if elected, in either office and at least two nominations are received;
- (b) The scrutiny shall be conducted as if the elections were one election to fill two vacancies;
- (c) The scrutiny shall proceed in accordance with the last preceding paragraph until one candidate has an absolute majority of votes, and that candidate shall be elected as a member of the Board and, where the number of candidates does not exceed two, the other candidate shall be elected as the deputy of the member;
- (d) Subject to the last preceding paragraph, the selection of the deputy of the member shall then proceed as follows:—
 - (i) The Returning Officer shall re-arrange all the ballot-papers under the names of the respective candidates in accordance with the first preference indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated, shall, if unexhausted, be placed in the parcel of the candidate next in order of the voter's preference, and shall then count the ballot-papers in each parcel;
 - (ii) If a candidate then has a majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the scrutiny shall proceed as provided in sub-paragraphs (1.) and (2.) of paragraph (ii) of the last preceding regulation until one candidate has received an absolute majority of votes;

Provided that, in the application of paragraph (1) of paragraph (ii) of the last preceding regulation, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this paragraph; and

- (iii) That candidate who has received an absolute majority of votes shall be elected; and

- (e) If on any count two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded; and if, in the final count for filling any vacancy, two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected."

Amendment of
The Schedule.

12. The Schedule is amended—

- (a) by omitting from Form A the words "eighteenth day of February, 1936," (wherever occurring) and inserting in their stead the words "*(Here insert the date of the appointed day)*";
- (b) by inserting in that Form, after the words "election of a member", the words "(or deputy of a member)";
- (c) by inserting in the Heading to Form B, after the word "MEMBER", the words "(or DEPUTY OF A MEMBER)";
- (d) by inserting in that Form, after the word "Member", the words "(or Deputy of the Member)";
- (e) by omitting from that Form the words "if elected" and inserting in their stead the words "as a member or as a deputy of a member of the Board according to which office I am elected";
- (f) by inserting in Form C, after the word "member", the words "(or a deputy of the member)";
- (g) by omitting from that Form the words "eighteenth day of February, 1936," (wherever occurring) and inserting in their stead the words "*(Here insert the date of the appointed day)*";
- (h) by inserting in the Heading to Form D, after the word "REPRESENTATIVE", the words "*(and/or DEPUTY OF REPRESENTATIVE OF COMMONWEALTH EMPLOYEES OR OF PRIVATE EMPLOYEES, as the case may be)*"; and
- (i) by inserting in that Form, after the words "private employees", the words "*and/or 'one deputy of the member of the Industrial Board representative of the Commonwealth employees' and/or 'one deputy of the member of the Industrial Board representative of the private employees'*".