

## Regulations under the Industrial Board Ordinance 1936.

I THOMAS CORNELIUS BRENNAN, a Member of the Executive Council, acting for and on behalf of the Attorney-General, in pursuance of the powers conferred by the *Industrial Board Ordinance 1936*, hereby make the following Regulations under the *Industrial Board Ordinance 1936*.

Dated this fifteenth day of April, 1936.

THOS. C. BRENNAN  
for Attorney-General.

### INDUSTRIAL BOARD ELECTION REGULATIONS.

1. These Regulations may be cited as the Industrial Board Election Short title.  
Regulations.

2.—(1.) In these Regulations, unless the contrary intention Definitions.  
appears—

“candidate” means a candidate nominated for election;

“election” means the election by Commonwealth employees and private employees of persons to be members of the Board, representing Commonwealth employees and private employees, respectively;

“nomination” means the nomination of a candidate;

“Returning Officer” means a Returning Officer appointed under these Regulations and includes a Deputy Returning Officer;

“the Ordinance” means the *Industrial Board Ordinance 1936*;  
“the Secretary” means the Secretary, Attorney-General’s  
Department;  
“voter” means a person whose name has been placed on a roll  
or who claims to be entitled under regulation 8 to vote at  
an election.

(2.) In these Regulations, any reference to a regulation shall be read as a reference to a regulation contained in these Regulations, and any reference to a Form shall be read as a reference to a Form contained in the Schedule to these Regulations.

Returning  
Officer and  
Deputy  
Returning  
Officers.

3.—(1.) The Chief Electoral Officer shall be the Returning Officer for the purpose of each election and shall be charged with the duty of giving effect to the provisions of these Regulations in so far as they relate to the election.

(2.) The Returning Officer may appoint a Deputy Returning Officer who may, subject to the control of the Returning Officer, exercise all the powers of the Returning Officer.

Elections.

4. Elections shall be held whenever the Attorney-General so directs by notice published in the *Gazette*.

Preparation  
of rolls.

5.—(1.) The Returning Officer shall prepare, or cause to be prepared, in respect of each election, a roll of persons who are entitled to vote at that election.

(2.) For the purposes of the first election held under these Regulations, the Returning Officer shall prepare the rolls of electors from lists furnished to him by the Secretary, each of which lists being certified by the Secretary to have been received from a representative of an organization and to have been declared by that representative to be a list of members of the organization who were financial on the eighteenth day of February, 1936.

Roll to be used  
at election.

6. Each roll shall be certified by the Returning Officer, by writing under his hand, to be correct, and shall thereupon be conclusive evidence of the right of the persons named therein to vote at the election, and of the statements included therein.

Persons  
entitled to vote.

7. Subject to the next succeeding regulation, a person shall not be entitled to vote at an election unless his name appears on the roll prepared in respect of that election.

Vote of person  
whose name  
is not on  
certified roll  
or has been  
struck out of  
certified roll.

8.—(1.) Notwithstanding anything contained in these Regulations, when any Commonwealth employee or private employee claims to vote at an election and his name has been omitted from or struck out of 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.

(2.) Where a voter claims to vote under the provisions of this regulation he shall mark and fold his ballot-paper in the manner prescribed in these Regulations and return it so folded to the Returning Officer.

(3.) The Returning Officer shall thereupon in the presence of the voter, and without unfolding the ballot-paper, enclose it in an envelope bearing the declaration of the voter and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

(4.) Where the claim of any person to vote under this regulation is refused, the Returning Officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof.

Candidates  
must be  
nominated.

9.—(1.) A person shall not be capable of being elected as a member of the Board unless that person has been duly nominated.

(2.) A nomination for the election of a member representative of the private employees 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 financial member.

(3.) A nomination for the election of a member representative of the Commonwealth employees 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 financial member.

Requisites for  
nomination.

10.—(1.) A nomination shall not be valid unless—

- (a) the person nominated consents to act, if elected; and
- (b) the nomination is received by the Returning Officer on or before the date fixed by the Attorney-General in pursuance of this regulation.

(2.) The Attorney-General shall fix a date on or before which nominations shall be lodged and shall notify in the *Gazette* such date, and the address of the Returning Officer, with whom the nominations are to be lodged.

11. The consent of the person nominated to act, if elected, shall be sufficient if he signs the form of consent at the foot of the nomination paper, but the Returning Officer may accept any other form of consent whether accompanying the nomination paper or not, that he deems satisfactory, and that acceptance shall be final. Form of consent to act.

12. As soon as practicable after the date fixed by the Attorney-General as the last date for receiving nominations, the Returning Officer shall publish in the *Gazette* the name, place of residence, and occupation of each person nominated. Declaration of nominations.

13. Any candidate may withdraw his consent to his nomination at any time on or before the date fixed for receiving nominations, by lodging with the Returning Officer a notice of withdrawal bearing his personal signature and witnessed by a Commissioner for Declarations or a Justice of the Peace. Withdrawal of consent to nominate.

14.—(1.) If one candidate only is nominated in respect of any election the Returning Officer shall declare that candidate duly elected and shall publish notice thereof in the *Gazette*. Proceedings on nomination day.

(2.) If more than one candidate is nominated in respect of any election a poll shall be taken to decide the election.

15. Subject to Regulation 8, voting at a poll shall be carried out by post. Voting to be by post.

16.—(1.) Each voter shall be entitled to one vote only in respect of any election. Number of votes.

(2.) A person who has during the period of three months preceding the eighteenth day of February, 1936, been employed solely by the Commonwealth may vote at the election of a member representative of the Commonwealth employees, and not otherwise.

(3.) A person who has during such period been employed solely by private employers may vote at the election of a member representative of the private employers, and not otherwise.

(4.) A person who has during such period been employed as a Commonwealth employee and a private employee may vote at the election of a member representative of the class of employees to which he belonged for the greater portion of his term of employment during that period, and not otherwise.

17.—(1.) The Attorney-General shall fix a date on which the poll shall close, and if, at any time after fixing that date, the Attorney-General is satisfied that circumstances exist which render it necessary or desirable to alter the date so fixed, the Attorney-General may fix a later date as the date on which the poll shall close, and that later date shall be substituted for the day originally fixed. Date of close of poll.

(2.) The Attorney-General shall notify in the *Gazette* the date, and the later date (if any), fixed in pursuance of the last preceding sub-regulation.

(3.) The poll shall close at four o'clock in the afternoon on the date fixed by the Attorney-General in accordance with this regulation.

18.—(1.) As soon as practicable after the date for the close of the poll has been fixed, the Returning Officer shall transmit by post to each voter, at the postal address of the voter set out in the certified roll of electors, ballot-papers for the election of members of the Board representative of Commonwealth employees and of private employees together with an envelope having printed thereon a form of declaration in accordance with Form C. Voting papers and form of declaration.

(2.) A ballot-paper shall be in accordance with Form D.

(3.) The names of candidates shall be set out on the ballot-papers in such order and with such descriptions or additions (if any) as the Returning Officer thinks fit.

19. Before posting the ballot-papers and envelopes bearing the voters' forms of declaration, the Returning Officer shall insert in each ballot-paper in the space provided for the purpose, the date fixed for the close of the poll, and shall initial each ballot-paper in the space provided for the purpose and, in the form of declaration on each envelope he shall insert— Particulars to be inserted in voting-papers and declarations.

(a) the Christian names in full (if known), or the initials, and the surname of the voter;

(b) the place of residence or place of business of the voter; and

(c) the date fixed for the close of the poll.

20. Each voter shall sign in his own handwriting the declaration on the envelope in the presence of a witness, who shall sign his name in his own handwriting in the place provided for the purpose and add the date on which the declaration is witnessed. Voter to make declaration.

**Manner of voting.** 21. Each voter shall record his vote in the election of a member of the Board representative of Commonwealth employees or of private employees, as the case may be, in accordance with the directions set out on the ballot-paper, and shall send the envelope containing the used ballot-paper and the unused ballot-paper by post or otherwise, to the Returning Officer to whom the envelope is addressed.

**Ballot-papers not received or lost or destroyed.** 22.—If a voter makes and transmits to the Returning Officer a statement in writing setting out his full name and address and that he has not received a ballot-paper or envelope, or that any ballot-paper or envelope received by him has been lost or destroyed, and that he has not already voted at the poll, the Returning Officer may post to the voter a ballot-paper and envelope, or a further ballot-paper and envelope, as the case may be.

**Ballot-papers to be kept in ballot-box under scrutiny.** 23.—(1.) The Returning Officer shall, in respect of each election—  
(a) keep a locked and sealed ballot-box having marked thereon the words “Industrial Board Ballot-box—Ballot-papers received from Voters” and such additional words as are, in his opinion, necessary to indicate the particular election for which the ballot-box is to be used; and  
(b) place and keep in the ballot-box until the scrutiny all envelopes containing ballot-papers relating to that election which are received by him before the time fixed for the close of the poll.

**Ballot-papers received after close of election.** 24. A ballot-paper received by the Returning Officer after four o'clock in the afternoon of the day fixed for the close of the poll shall not be admitted to the scrutiny.

**Scrutineers at the scrutiny.** 25. Each candidate may, by notice in writing signed by the candidate, and addressed to the Returning Officer, setting out the name and address of the scrutineer, appoint one scrutineer to represent him at the scrutiny.

**Scrutiny of votes and declarations.** 26. The Returning Officer shall, as soon as practicable after four o'clock in the afternoon of the day fixed for the close of the poll for any election—

- (a) open the ballot-box and produce unopened all envelopes containing ballot-papers contained therein;
- (b) separate the envelopes containing declarations in accordance with Form A (in this regulation referred to as “Regulation 8 votes”) from those containing declarations in accordance with Form C (in this regulation referred to as “ordinary votes”);
- (c) examine each envelope containing an ordinary vote, and if the declaration is, in the opinion of the Returning Officer, signed by a person whose name is on the roll and who has not previously voted at the poll, and is duly attested, accept the vote for further scrutiny, but if any declaration is not so signed or attested he shall disallow the ballot-paper without opening the envelope;
- (d) examine each envelope containing a Regulation 8 Vote, and, if the declaration is in order and the Returning Officer is satisfied, after making such inquiry as is necessary, that the voter is a person entitled to vote at the election, he shall correct the certified roll of voters by adding thereto the name of the voter and the other particulars relating to the voter specified in the declaration, and accept the vote for further scrutiny, but, if any such declaration is not in order or the Returning Officer is not so satisfied, he shall disallow the ballot-paper without opening the envelope;
- (e) place the envelopes containing disallowed ballot-papers in a parcel, seal the parcel, endorse it “Industrial Board Election—Election of representative of (here insert appropriate description of persons to be represented)—Votes rejected at Preliminary Scrutiny” and add his signature and the date;
- (f) number consecutively (from one onwards, on the address side of the envelope) each envelope accepted for further scrutiny, and place them on a table before him with the address side of each envelope uppermost;
- (g) withdraw from each envelope the ballot-papers contained therein and without unfolding the used ballot-paper or inspecting the vote or permitting any other person to do so, place thereon a number corresponding with that placed on the envelope from which it was withdrawn, and forthwith place it in a locked and sealed ballot-box provided

for the purpose of holding ballot-papers relating to that election, and place the unused ballot-papers in a bundle on the table before him;

- (h) place the envelopes in a parcel, seal the parcel and endorse it "Industrial Board Election—Election of representative of (here insert appropriate description of persons to be represented)— Envelopes from which Ballot-papers have been withdrawn ", and add his signature and the date; and
- (i) place the unused ballot-papers in a parcel, seal the parcel and endorse it "Industrial Board Election—Unused Ballot-papers returned by voters ", and add his signature and the date.

27.—(1.) The Returning Officer shall open each ballot-box referred to in paragraph (g) of the last preceding regulation, and a further scrutiny shall be conducted as follows:—

(a) The Returning Officer shall, in the presence of any persons approved by the Returning Officer and of such scrutineers appointed in pursuance of regulation as attend, count the first preference votes given for each candidate on all ballot-papers not rejected as informal.

(b) The vacancy shall be filled in the following manner:—

(i) The candidate who has received the greatest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected;

(ii) If no candidate has received an absolute majority of first preference votes, the Returning Officer shall proceed with the scrutiny and the counting of the votes as follows:—

(1) The candidate who has received the least number of first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in the order of the voter's preference.

(2) If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the least number of votes and counting each of his ballot-papers to the continuing candidate next in the order of the voter's preference, shall be repeated until one candidate has received an absolute majority of votes.

(3) The candidate who has received an absolute majority of votes shall be elected.

(2.) 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. If, on the final count for filling any vacancy, two candidates have an equal number of votes, the Returning Officer shall decide which shall be elected.

(3.) In this regulation—

"absolute majority" means a number greater than one-half of the whole number of ballot-papers other than informal ballot-papers;

"continuing candidate" means a candidate not already excluded from the count.

28.—(1.) The Returning Officer shall make out a statement showing the result of the election and the names of the candidates elected and shall publish notice of the result in the *Gazette*.

(2.) The notice published in the *Gazette* shall, subject to these Regulations, be conclusive evidence of the result of the election.

29.—(1.) At any time before the publication in the *Gazette* of the result of an election, the Returning Officer may, if he thinks fit, on the written request of any candidate setting forth the reasons for the request, or of his own motion, conduct a recount of the ballot-papers.

(2.) If the Returning Officer refuses, on the request of a candidate, to conduct a recount of any ballot-papers, the candidate may appeal in writing to the Minister to direct a recount of those ballot-papers, and the Minister may, as he thinks fit, either direct a recount of the ballot-papers or refuse to direct a recount.

Powers of Returning Officer conducting recount.

30. The Returning Officer or Deputy Returning Officer conducting a recount shall have the same powers as if the recount were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance and admission or disallowance and rejection of any ballot-paper.

Informal voting papers.

31. A ballot-paper shall be informal if—  
(a) it is not initialled by the Returning Officer or Deputy Returning Officer;  
(b) it has no vote marked on it;  
(c) it is so imperfectly marked that the intention of the voter is uncertain; or  
(d) it is not marked in accordance with the directions on the ballot-paper.

Voting papers to be placed in parcels.

32. The Returning Officer shall place in separate parcels—  
(a) all the ballot-papers received by the Returning Officer which have been rejected as informal;  
(b) all the unrejected ballot-papers received by the Returning Officer; and  
(c) the copy of the roll used for the election,  
and shall endorse on each parcel a description of the contents thereof, add his signature and the date, and retain the parcels until the authority of the Attorney-General has been obtained for the destruction of the contents thereof.

Intruders.

33. A person, not being authorized in pursuance of these Regulations to be present at the scrutiny, shall not—

- (a) wilfully intrude into the room in which the examination of the voting papers is being conducted; or
- (b) refuse or fail to leave the room when so requested by the Returning Officer.

Penalty: Fifty pounds.

Immaterial errors not to vitiate poll or election.

34. An election, or any statement or notice showing the voting at an election, shall not be avoided on account of any delay in relation to the taking of the votes of the voters, or in relation to the making of any statement or notice, or on account of the absence, error or omission by an officer.

Failure of election.

35.—(1.) Whenever an election fails a new election shall be held.  
(2.) An election shall be deemed to have wholly failed if no person is nominated or no candidate is returned as elected.

Misfeasance.

36. Every person acting as Returning Officer or Deputy Returning Officer at the election, who is guilty of any wilful misfeasance or wilful or negligent act of commission or omission contrary to any of the provisions of these Regulations, shall be guilty of an offence.

Penalty: Fifty pounds.

Untrue statements in declarations, &c.

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.

Duty of witness.

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.

Making marks on voting papers.

39. Except where expressly authorized by these Regulations, a person (other than the voter to whom a ballot-paper has been issued) shall not make any mark or writing on that ballot-paper.

Penalty: Twenty pounds.

Offences in connexion with polling.

40. A person shall not—

- (a) falsely impersonate any person to secure a ballot-paper to which the personator is not entitled;
- (b) personate any other person for the purpose of voting at an election;
- (c) fraudulently destroy or deface any ballot-paper;
- (d) vote more than once at an election.

Penalty: Fifty pounds.

Forms.

41. Strict compliance with the Forms in the Schedule to these Regulations shall not be necessary, and substantial compliance shall be sufficient.

THE SCHEDULE.

Regulation 8.

Form A.

TERRITORY FOR THE SEAT OF GOVERNMENT.
Industrial Board Ordinance 1936.

FORM OF DECLARATION TO BE USED BY A PERSON CLAIMING TO VOTE UNDER THE PROVISIONS OF REGULATION 8 OF THE INDUSTRIAL BOARD REGULATIONS MADE UNDER THE INDUSTRIAL BOARD ORDINANCE 1936 WHO DECLARES THAT HIS NAME HAS BEEN OMITTED FROM OR STRUCK OUT OF THE CERTIFIED LIST OF VOTERS.

I, (a) ... of (b) ... (a) Name in full.
(c) ... declare— (b) Address in full.
(1) That I was on the eighteenth day of February 1936 a financial member of the [Here insert organization of which declarant was on that date a member]; (c) Occupation.
(2) That, on or during the three months ended on the eighteenth day of February, 1936, I was employed in the Territory—
(d) (a) solely by the Commonwealth; or (d) Strike out, if inapplicable.
(d) (b) solely by private employers; or
(d) (c) partly by the Commonwealth and partly by private employers and the period of my employment by the Commonwealth was greater than the period of my employment by private employers; or
(d) (d) partly by the Commonwealth and partly by private employers and the period of my employment by private employers was greater than the period of my employment by the Commonwealth;
(3) That to the best of my knowledge and belief my name has been struck out of, or omitted from, the Certified List of Voters prepared for the election;
(4) That I claim to be entitled to vote at the election the poll for which closes on 19 , under the Industrial Board Ordinance 1936 and the Regulations thereunder in respect of the election of a member of the Board representative of the Commonwealth employees (or private employees, as the case may be);
(5) That I have not previously voted in connexion with the said election.
Personal signature of voter.....

Date / /193 .

Returning Officer (or Deputy Returning Officer).

NOTE.—Regulations 37 and 38 of the Industrial Board 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.”

Regulation 9.

Form B.

TERRITORY FOR THE SEAT OF GOVERNMENT.
Industrial Board Ordinance 1936.

NOMINATION OF A MEMBER OF THE INDUSTRIAL BOARD REPRESENTATIVE OF THE COMMONWEALTH EMPLOYEES (OR PRIVATE EMPLOYEES, AS THE CASE MAY BE).

To the Returning Officer.....

We, the Undersigned persons being the President (or Chairman) and the Secretary of the [here insert name of organization or local branch of which the person nominated is at the date of nomination a financial member] do hereby nominate (a).....

..... as a Member of the Industrial Board representative of Commonwealth employees (or private employees, as the case may be).

Dated this day of , 19

President—

Secretary—

I, ..... of ..... consent to the above nomination, and to act if elected.

Signature of Candidate.....

Witness.....

Address.....

Date / /193 .

NOTE.—(a) Here insert the Christian name or names in full, surname, place of residence, and occupation of person nominated.

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

TERRITORY FOR THE SEAT OF GOVERNMENT.
Industrial Board Ordinance 1936.
DECLARATION TO BE MADE BY VOTER.

(a) Name in full.
(b) Address in full.
(c) Occupation.

I, (a) ..... of (b) .....
(c) ..... declare—

(1) that I am entitled to vote at the election the poll for which closes on ....., 19... under the Industrial Board Ordinance 1936 and the Regulations in respect of the election of a member of the Board representative of the Commonwealth employees (or private employees, as the case may be);

(2) that, on the eighteenth day of February, 1936, I was a financial member of the (d) .....

(d) Organization of which declarant is a member.
(e) Strike out, if inapplicable.

(3) that, on or during the three months ended on the eighteenth day of February, 1936, I was employed in the Territory—

- (a) solely by the Commonwealth; or
(b) solely by private employers; or
(c) partly by the Commonwealth and partly by private employers and the period of my employment by the Commonwealth was greater than the period of my employment by private employers; or
(d) partly by the Commonwealth and partly by private employers and the period of my employment by private employers was greater than the period of my employment by the Commonwealth.

(4) that I have not previously voted in connexion with the said election.

Personal signature of voter.....
Signature of witness.....
Address of witness.....

Date / /193 .

NOTE.—Regulations 37 and 38 of the Industrial Board 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.”

TERRITORY FOR THE SEAT OF GOVERNMENT.
Industrial Board Ordinance 1936.

COMMONWEALTH EMPLOYEES' (OR PRIVATE EMPLOYEES', AS THE CASE MAY BE) REPRESENTATIVE.

BALLOT-PAPER.

Election of (here insert "one member of the Industrial Board representative of the Commonwealth employees" or "one member of the Industrial Board representative of the private employees", as the case may be) on the Industrial Board.

Directions to Voter.—The voter must mark his vote on this ballot-paper by placing the number 1 in the square opposite the name of the candidate for whom he votes as his first preference and must place the numbers 2, 3, 4 (and so on as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of his preference for them.

CANDIDATES.

Three empty square boxes for marking votes, each followed by a dotted line for the candidate's name.

FURTHER DIRECTIONS TO VOTER.

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

NOTE.—Unless the vote is marked on this ballot-paper and is received by the Returning Officer, together with the unused ballot-paper, at or before four o'clock in the afternoon of the day fixed for the close of the poll (namely the .....day of .....19....), it will not be admitted to the scrutiny.