



**THE FIRE SERVICE (SERVICE ORGANISATION MEMBERSHIP)
REGULATIONS 1985**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of June 1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 92 of the Fire Service Act 1975, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Fire Service (Service Organisation Membership) Regulations 1985.

(2) These regulations shall come into force on the 1st day of July 1985.

2. Forms—(1) Form 1 in the Schedule to these regulations shall apply for the purposes of subclause (1) of the rule relating to restoration ballots and initial ballots (which is set out in section 83B of the Fire Service Act 1975) in the place of form 1 in Schedule 1B to the Industrial Relations Act 1973.

(2) Form 2 in the Schedule to these regulations shall apply for the purposes of subclause (1) of the rule relating to the form of application for special vote (which is set out in section 83B of the Fire Service Act 1975) in the place of form 2 in Schedule 1B to the Industrial Relations Act 1973.

(3) Form 3 in the Schedule to these regulations shall apply for the purposes of subsection (1) of section 83H of the Fire Service Act 1975 in the place of form 3 in Schedule 1B to the Industrial Relations Act 1973.

(4) Form 4 in the Schedule to these regulations shall apply for the purposes of subsection (2) of section 83I of the Fire Service Act 1975 in the place of form 4 in Schedule 1B to the Industrial Relations Act 1973.

(5) Form 5 in the Schedule to these regulations shall apply for the purposes of subsection (4) of section 83I of the Fire Service Act 1975 in the place of form 5 in Schedule 1B to the Industrial Relations Act 1973.

(6) Form 6 in the Schedule to these regulations shall apply for the purposes of subsection (2) of section 83L of the Fire Service Act 1975 in the place of form 6 in Schedule 1B to the Industrial Relations Act 1973.

SCHEDULE

Reg. 2

FORMS RELATED TO SERVICE ORGANISATION MEMBERSHIP CLAUSES

Form 1

Reg. 2 (1)

Fire Service Act 1975

APPLICATION TO SERVICE ORGANISATION FOR INCLUSION ON ROLL OF VOTERS FOR BALLOT ON RESTORATION OF SERVICE ORGANISATION MEMBERSHIP CLAUSE

I, [Full name, address, and occupation] apply for inclusion on a roll of voters for a ballot to be conducted on the restoration of the service organisation membership clause in each of the determinations by which members of the [Full name of service organisation] are bound from time to time.

I solemnly and sincerely declare that—

(1) I am employed as [Occupation] by the New Zealand Fire Service Commission.

*(2) I am of or over the age of 18 years.

OR

*(2) I am in receipt of not less than the minimum rate of wages payable to a person of or over the age of 18 years under the determination that covers the work for which I am so employed.

(3) I believe I am entitled to vote in the proposed ballot.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature

Declared at this day of 19 before me—

Justice of the Peace, Solicitor, Notary Public, Registrar or Deputy Registrar of the High Court or a District Court [Or other person authorised to take a statutory declaration under section 9 of the Oaths and Declarations Act 1957.]

NOTE: This form should be forwarded direct to the service organisation concerned.

SCHEDULE—continued
FORMS RELATED TO SERVICE ORGANISATION MEMBERSHIP CLAUSES—continued
Form 1—continued

FOR SERVICE ORGANISATION USE—to be detached and returned to applicant.

To [Applicant's name and address]

Your application for inclusion on a roll of voters for a ballot to be conducted on the restoration of a service organisation membership clause

*Has been accepted

*Has been declined for the following reasons: [State reasons]

Secretary or other Officer of the Service Organisation

Date

*Delete if inapplicable

Reg. 2 (2)

Form 2

Fire Service Act 1975

APPLICATION FOR SPECIAL VOTE IN BALLOT FOR INCLUSION OR RESTORATION OF SERVICE ORGANISATION MEMBERSHIP CLAUSE

I, [Full name, address, and occupation] apply for a special vote in the ballot to be conducted by the [Full name of service organisation] at a special meeting to be held at [Place] on [Date].

The ballot is for the purpose of determining whether a service organisation membership clause is to be included in each of the determinations by which members of the service organisation are bound from time to time.

I solemnly and sincerely declare as follows:

1. I am employed as [Occupation] by the New Zealand Fire Service Commission.

2. I believe I am eligible to cast a vote in the ballot.

3. My normal working hours are

4. My usual place of work is at [Address].

5. I am entitled to vote as a special voter because a ground or grounds set out in the paragraphs below apply to me. The ground or grounds that apply to me are those set out in paragraph(s)

(Insert letter or letters and, where it applies, complete paragraph (h))

Grounds

- (a) I am wholly or partially blind.
(b) I am unable to read or write.
(c) I have severe difficulty in reading or writing.
(d) My illness or infirmity will prevent me from attending to vote at the special meeting.
(e) I have a religious objection to voting on the day of the week on which the special meeting is to be held.

SCHEDULE—continued

FORMS RELATED TO SERVICE ORGANISATION MEMBERSHIP CLAUSES—continued

Form 2—continued

- (f) My pregnancy or recent childbirth will prevent me from attending to vote at the special meeting.
- (g) The special meeting is to be held during my normal working hours and my employer requires me to work during those hours.
- (h) I have satisfied the Returning Officer that attendance to vote at the special meeting would cause hardship or undue inconvenience to me because

.....

 (Give reasons)

Declared at this day of 19 before me—

Justice of the Peace, Solicitor, Notary Public, Registrar or Deputy Registrar of the High Court or a District Court [Or other person authorised to take a statutory declaration under section 9 of the Oaths and Declarations Act 1957.]

NOTES

- The application must be made at least 10 clear days before the day of the special meeting at which the ballot is to be held.
- Where there is to be more than one special meeting and the application relates to a special meeting to be held during your normal working hours, the application will not be valid if any other special meeting is to be held during your normal working hours at a place that is nearer, by the most practicable route, to your usual place of work.
- Where there is to be more than one special meeting and the application relates to a special meeting held outside your normal working hours, the application shall not be valid if any other special meeting is to be held outside your normal working hours at a place that is nearer, by the most practicable route, to your place of residence.

Form 3

Reg. 2 (3)

Fire Service Act 1975

NOTICE UNDER SECTION 83H OF FIRE SERVICE ACT 1975 OF SPECIAL MEETING OR SPECIAL MEETINGS TO CONDUCT BALLOT ON INSERTION OF SERVICE ORGANISATION MEMBERSHIP CLAUSE

To the Registrar of Industrial Unions, Wellington

I, [Full name] of [Address for service] (telephone number) being a duly authorised officer of the [Full name of service organisation] hereby notify you of the service organisation's intention of holding a ballot to determine whether a service organisation membership clause is to be included in each of the determinations by which members of the service organisation are bound from time to time.

I enclose—

- a list showing the date, time, and place of each special meeting; and
- a list of the determinations by which members of the service organisation are bound.

SCHEDULE—*continued*FORMS RELATED TO SERVICE ORGANISATION MEMBERSHIP
CLAUSES—*continued*Form 3—*continued*

Particulars of the Returning Officers appointed for the purposes of the ballot are as follows:

Full Name of Returning Officer	Contact Address	Telephone Number
.....
.....

In accordance with the rules of the service organisation, members of the service organisation will be (*or have been*) notified of the date, time, and place of each special meeting.

*In addition notice will be or has been given to non-members by the following methods: [*Give particulars*].

Dated at this day of 19 .

.....
Signed
.....
Designation

*Delete if not applicable

NOTE

This notice must be given or posted to the Registrar at least 30 days before the special meeting or the first of the special meetings.

Reg. 2 (4)

Form 4

[Section 831 (2)]

Number 1

Fire Service Act 1975

BALLOT PAPER

Ballot to determine whether a service organisation membership clause is to be included in each of the determinations by which members of the [*Full name of service organisation*] are bound from time to time.

If a service organisation membership clause is to be inserted or retained, not less than 50 percent of the valid votes will need to be in favour of the service organisation membership clause.

Directions for Voting

• PLACE A MARK IN THE BOX OF YOUR CHOICE

I vote <i>in favour</i> of the Service Organisation Membership Clause because I believe adult persons engaged or employed by the New Zealand Fire Service Commission <i>should</i> be obliged to join the service organisation	
I vote <i>against</i> the Service Organisation Membership Clause because I believe adult persons engaged or employed by the New Zealand Fire Service Commission <i>should not</i> be obliged to join the service organisation	

SCHEDULE—continued

FORMS RELATED TO SERVICE ORGANISATION MEMBERSHIP CLAUSES—continued

Form 4—continued

- After voting, fold this paper and place it in the ballot box.
- If you spoil this paper, return it to the Returning Officer and ask for a replacement.

*Information

The determinations by which members of the [Full name of service organisation] are bound at the time of the taking of this ballot are:

[Full names of the determinations by which members of the [Full name of service organisation] are bound]

*The inclusion of this information is optional. If this information is included, it must be printed at the bottom of the ballot paper or on a separate leaf of the ballot paper or on a separate sheet attached to every ballot paper.

Form 5

Reg. 2 (5)

Fire Service Act 1975

CERTIFICATE OF RESULT OF BALLOT

Pursuant to section 831 (4) of the Fire Service Act 1975, I certify that a ballot has been conducted to determine whether a service organisation membership clause is to be included in each of the determinations by which members of the [Full name of service organisation] are bound from time to time.

Details of valid votes cast

	<i>Number of votes</i>
In favour of the Service Organisation Membership Clause
Against the Service Organisation Membership Clause

I hereby declare that *NOT LESS/LESS than 50 percent of the valid votes recorded are in favour of the service organisation membership clause.

Dated at this day of 19

.....
Registrar of Industrial Unions.

*Strike out whichever is not applicable

Form 6

Reg. 2 (6)

Fire Service Act 1975

APPLICATION FOR INQUIRY INTO BALLOT FOR INCLUSION OR RESTORATION OF SERVICE ORGANISATION MEMBERSHIP CLAUSE

To the Registrar of Industrial Unions, Wellington.

1. Pursuant to section 83L of the Fire Service Act 1975, we, the undersigned, being persons eligible to vote in a ballot conducted by [Full

SCHEDULE—continued

FORMS RELATED TO SERVICE ORGANISATION MEMBERSHIP CLAUSES—continued

Form 6—continued

name of service organisation] to determine whether a service organisation membership clause is to be included in each of the determinations by which members of the service organisation are bound from time to time, hereby apply for an inquiry by the Arbitration Court into the ballot.

2. We claim—

*(a) That the rules included or deemed to be included by section 83B of the Fire Service Act 1975 in the rules of the service organisation have not been complied with by the service organisation.

*(b) That, notwithstanding the rules included or deemed to be so included, the special meeting or special meetings of the service organisation did not constitute an adequate opportunity for the persons eligible to vote in that ballot to attend the meeting or meetings and to vote.

*(c) That there has been an irregularity in or in connection with the conduct of the ballot.

3. The facts relied on in support of our claim are as follows: [Give full details]

4. Attached is a statutory declaration by one of the applicants declaring that the facts set out in this application are true to the best of the applicant's knowledge and belief.

Dated at this day of 19 .

Signatures.....

*Delete if not applicable

STATUTORY DECLARATION

I, [Name in full, place of abode, occupation], solemnly and sincerely declare that—

1. I am one of the applicants who has signed the attached application for an inquiry by the Arbitration Court into the ballot to determine whether a service organisation membership clause is to be included in each of the determinations by which members of the [Name of service organisation] are bound from time to time.

2. The facts stated in the attached application are true to the best of my knowledge and belief.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Signature.....

Declared at this day of 19 before me—

Justice of the Peace, Solicitor, Notary Public, Registrar or Deputy Registrar of the High Court or a District Court [Or other person authorised to take a statutory declaration under section 9 of the Oaths and Declarations Act 1957.]

SCHEDULE—continued

FORMS RELATED TO SERVICE ORGANISATION MEMBERSHIP CLAUSES—continued

Form 6—continued

FOR USE OF REGISTRAR

Registrar's decision—

(a) Application granted Signature

(b) Application refused Signature

(If the application is granted, the Registrar should complete the following reference of the matter to the Court.)

To the Registrar of the Arbitration Court.

Being satisfied—

(a) That there are reasonable grounds for an inquiry into the claim made in the application; and

(b) That the circumstances of the matter justify an inquiry by the Court,— I have granted the application and hereby refer the matter to the Arbitration Court.

I first gave the Returning Officer or other person who conducted the ballot a reasonable opportunity to show cause why the application should not be granted.

Dated at this day of 19 . Registrar of Industrial Unions.

NOTE

Those signing the application must number not less than 10 percent or 50 of the persons eligible to vote in the ballot (whichever is the smaller number).

P. G. MILLEN, Clerk of the Executive Council.



EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 1985, prescribe forms that are to be used, for the purposes of the Fire Service Act 1975, in the place of forms 1 to 6 in Schedule 1B to the Industrial Relations Act 1973.

All the forms prescribed by these regulations relate to the procedures by which a service organisation determines whether a service organisation membership clause is to be included in each of the determinations of the Fire Service Commission by which members of the service organisation are bound from time to time.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 June 1985.

These regulations are administered in the Department of Labour.