

Serial Number 1948/94



**THE INDUSTRIAL CONCILIATION AND ARBITRATION  
AMENDMENT REGULATIONS 1948**

B. C. FREYBERG, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington, this 16th day of  
June, 1948

Present :

THE RIGHT HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to the Industrial Conciliation and Arbitration Act, 1925, and its amendments, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS**

1. (1) These regulations may be cited as the Industrial Conciliation and Arbitration Amendment Regulations 1948.
- (2) Clause (3) of Regulation 1 of the Industrial Conciliation and Arbitration Amendment Regulations 1947\* is hereby revoked.
- (3) The Industrial Conciliation and Arbitration Regulations 1927-46†, as amended by the Industrial Conciliation and Arbitration Amendment Regulations 1947,\* are in these regulations referred to as the principal regulations.
- (4) These regulations shall be read together with and be deemed to form part of the principal regulations.
- (5) The principal regulations, as amended by these regulations, may be cited as the Industrial Conciliation and Arbitration Regulations 1927-48.

\* Statutory Regulations 1947, Serial number 1947/205, page 683.

† *Gazette*, 13th January, 1927, Vol. I, page 9.

*Gazette*, 14th March, 1929, Vol. I, page 632.

*Gazette*, 12th May, 1932, Vol. II, page 1249.

*Gazette*, 15th September, 1932, Vol. III, page 1905.

*Gazette*, 23rd July, 1936, Vol. II, page 1300.

Statutory Regulations 1937, Serial number 1937/286, page 1009.

Statutory Regulations 1940, Serial number 1940/41, page 92.

Statutory Regulations 1940, Serial number 1940/271, page 941.

Statutory Regulations 1945, Serial number 1945/72, page 176.

Statutory Regulations 1946, Serial number 1946/33, page 71.

## PART I.—APPEALS FROM DEPUTY JUDGES

2. Every appeal to the Court by a person directly affected by any decision of a Deputy Judge acting in pursuance of a delegation under section 4 of the Industrial Conciliation and Arbitration Amendment Act, 1947, shall be commenced within fourteen days of the pronouncement of the decision appealed against by filing with the Clerk of Awards in and for the industrial district in which the subject-matter of the appeal arose a notice of appeal in the form numbered 1 in the Schedule hereto.

3. The appellant shall lodge six copies of his notice of appeal with the said Clerk at the time of filing the said notice, and then or thereafter and in such number as the Clerk shall require shall lodge additional copies thereof.

4. The Clerk shall, upon the filing of the notice of appeal, send to each party to the original proceedings, and to any other person to whom he considers it necessary or proper to give notice of the appeal, a copy of the notice of appeal bearing at the foot thereof his notification of the appeal in the form numbered 2 in the Schedule hereto.

5. Upon the fixing of the time and place for the hearing of the appeal, the Clerk shall give due notice thereof to each party to the original proceedings and to every person not being such a party to whom he has sent a notification of the appeal as aforesaid, but in the latter case only if such person has requested that he be given notice of the time and place to be fixed.

## PART II.—SECRET BALLOT BY REGISTRAR

6. For the purposes of this Part of these regulations, the word "Registrar", unless the context otherwise requires, means the Registrar of Industrial Unions or the person designated by him to conduct the secret ballot.

7. For the purposes of a secret ballot of members of an industrial union to be conducted pursuant to subsection (3) of section 8 of the Industrial Conciliation and Arbitration Amendment Act, 1947, the Registrar shall compile a list of the names of those members of the union who he is satisfied are directly concerned in the strike or lockout, and the said list, with such alterations and additions as the Registrar thinks fit to make, shall be the roll of voters for the purposes of the said secret ballot.

8. The Registrar shall fix a day or days, and shall appoint such place or places as he thinks fit, for holding the secret ballot, and shall fix the hours during which votes may be recorded, and shall fix the time when the ballot shall close.

9. Before any secret ballot is held, the Registrar may give notice thereof to the persons who, in his opinion, are entitled to have their names placed on the roll—

- (a) By sending to each such person a notice in the form numbered 3 in the Schedule hereto; or
- (b) In such other manner, but to the same purport as appears from the said form numbered 3 as shall seem to him appropriate and convenient.

10. (1) The Registrar shall provide at each polling-place a ballot-box having a lock and key in which voters shall place their votes.

(2) Where it is, in his opinion, practicable and necessary, the Registrar may provide—

- (a) A ballot-box at his office or elsewhere for the taking of votes recorded under Regulation 13 hereof :
- (b) A copy of the roll prepared under Regulation 7 hereof at all or any of the voting-places.

11. The voting-paper to be used in a secret ballot under this Part of these regulations shall be in the form numbered 4 in the Schedule hereto.

12. The Registrar may, by lot if he thinks fit, appoint from amongst persons to be nominated for the purpose by an industrial union whose members are entitled to vote or by any members of such an industrial union not more than two scrutineers for each polling-place.

13. Notwithstanding anything to the contrary in this Part of these regulations, any person who satisfies the Registrar that he is entitled to vote at the ballot and that he will be unable for good reason to vote at the times or at the places appointed shall, at any time after the date of the notice (if any) given under Regulation 9 hereof, or so soon as practicable after it is announced by the Registrar that a secret ballot is to be taken, be entitled, on personal application to the Registrar, in lieu of recording his vote at a polling-place, then and there to receive a voting-paper which he shall forthwith mark and place in a ballot-box to be provided for the purpose, and the ballot-box shall not be opened until after the time fixed for the close of the ballot.

14. (1) Where any person, on making application for a voting-paper, is informed by the person in charge of the polling-place that it does not appear from the copy of the roll in his possession that the applicant is entitled to vote, such applicant may vote on making a declaration in the form numbered 5 in the Schedule hereto that he was and is qualified to have his name placed on the list of voters by virtue of his being one of the members of an industrial union who are directly concerned in the strike or lockout.

(2) In any case where a person votes by declaration, the person in charge of the polling-place shall endorse on the voting-paper, before he hands it to the voter, the words "Declaration vote".

(3) Every person who votes under the authority of this regulation shall enclose his voting-paper and his declaration in an envelope, which shall be sealed by him in the presence of the person in charge of the polling-place, and shall then put the envelope containing the declaration and the voting-paper in the ballot-box.

(4) After the close of the poll the Registrar shall verify the declaration, and in no case shall any vote be counted unless he is satisfied that the relative declaration has been properly made.

15. Where there is more than one polling-place appointed for the conduct of the secret ballot, the person in charge of each such polling-place shall forthwith after the close of the ballot transmit all the ballot-boxes unopened to the Registrar.

16. As soon as practicable after the close of the ballot the Registrar, in the presence of such of the scrutineers as choose to be present, shall open the several ballot-boxes and shall ascertain the result of the ballot, and shall forthwith publish the result thereof in such manner as he thinks fit.

SCHEDULE

[Form No. 1

NOTICE OF APPEAL TO THE COURT OF ARBITRATION FROM A DECISION OF A  
DEPUTY JUDGE

In the matter of [*State shortly the matter that was before the Deputy Judge*]  
and

In the matter of a decision thereupon of . . . . ., a Deputy Judge of  
the Court of Arbitration acting in pursuance of a delegation  
under section 4 of the Industrial Conciliation and Arbitration Amend-  
ment Act, 1947, pronounced on the . . . . . day of . . . . ., 19.., to  
the following effect: [*State briefly*].

To the Clerk of Awards at . . . . .

NOTICE is hereby given that I, . . . . ., of . . . . ., the undersigned, being a  
person directly affected by the above-mentioned decision of a Deputy Judge,  
intend to appeal to the Court of Arbitration against the said decision on the  
following grounds: [*Set forth grounds in detail*].

Dated at . . . . ., this . . . . . day of . . . . ., 19..

Signature of Appellant.

NOTE.—This notice of appeal, together with six copies thereof, is to be filed  
with the Clerk of Awards for the industrial district in which the subject-matter of  
the appeal arose within fourteen days of the pronouncement of the decision.

NOTIFICATION OF APPEAL

[Form No. 2

To . . . . .

A NOTICE of appeal, a copy of which appears above, was filed with me on the  
. . . . . day of . . . . ., 19..

Notification of the time and place fixed for the hearing of the appeal will be  
given to you [in due course (a)] [upon receipt by me of a written request from you  
that you be so notified (b)].

Clerk of Awards at . . . . .

NOTES.—(a) Delete if the person notified was *not* a party to the original  
proceedings.

(b) Delete if the person notified *was* a party to the original proceedings.

[Form No. 3

NOTICE OF INTENTION TO HOLD A SECRET BALLOT OF MEMBERS OF INDUSTRIAL  
UNION ON STRIKE OR LOCKOUT ISSUE

THIS notice concerns a dispute between [*State parties to dispute, and if any party is  
a section of the union, name that section*] relating to [*Set forth particulars of dispute*].

A (strike) (lockout) having taken place in connection with the above-mentioned  
dispute, and no secret ballot having been held in accordance with the provisions  
of (subsection (1)) (subsection (2)) of section 8 of the Industrial Conciliation and  
Arbitration Amendment Act, 1947,

Notice is hereby given by the undersigned, the Registrar of Industrial Unions,  
that a secret ballot of all members of the [*Name the industrial union*] who are  
directly concerned in the said (strike) (lockout) will be held on the following  
question relating to the said (strike) (lockout)—namely, . . . . .

The secret ballot will be conducted by . . . . ., whose office is situate  
at . . . . .

The ballot will be held on . . . . . day and . . . . . day, the . . . . . th and  
. . . . . th days of . . . . ., 19.., between the hours of . . . . . o'clock in the  
forenoon and . . . . . o'clock in the afternoon on each of those days.

The places at which votes may be recorded are: . . . . .

The ballot will close at . . . . . o'clock in the afternoon on . . . . . day,  
the . . . . . th day of . . . . ., 19..

Any person who satisfies the person conducting the ballot that he is entitled to vote and that he will be unable for good reason to vote at the times or at the places appointed above may at any time between the date of this notice and the close of the ballot, upon making personal application to the person conducting the ballot named above, then and there record his vote.

A list of the persons entitled to vote at the ballot may be inspected at the office of the person conducting the ballot [or as the case may be].

Dated at . . . . ., this . . . . . day of . . . . ., 19..

.....  
Registrar of Industrial Unions.

[Form No. 4

*Under the Industrial Conciliation and Arbitration Amendment Act, 1947,  
Section 8 (3)*

VOTING-PAPER AT A SECRET BALLOT CONDUCTED BY THE REGISTRAR OF INDUSTRIAL UNIONS ON A (STRIKE) (LOCKOUT) ISSUE

In the matter of a dispute between [Name parties to dispute] relating to [Set out particulars of dispute].

Proposal to [State the proposal concisely].

<b>For the proposal</b>	
<b>Against the proposal</b>	

DIRECTIONS

If the voter desires to vote for the proposal he must mark a cross in the space at the end of the line "For the proposal." If he desires to vote against the proposal he must mark a cross in the space at the end of the line "Against the proposal".

The voter must fold up his voting-paper so that its contents cannot be seen and then put it into the ballot-box.

This voting-paper must not be taken out of the polling-place.

[Form No. 5

*The Industrial Conciliation and Arbitration Amendment Act, 1947,  
Section 8 (3)*

DECLARATION BY PERSON APPLYING TO VOTE WHO DOES NOT APPEAR FROM THE LIST OF VOTERS TO BE ENTITLED TO VOTE

I, [Full name], [Occupation], of [Address], do hereby declare that I am a member of the [Name the Union] and that as a member thereof directly concerned in the (strike) (lockout) concerning which this ballot is being taken I was qualified to have my name placed on the list of voters and am still so qualified.

Dated this . . . . . day of . . . . ., 19..

.....  
Signature of Declarant.

**T. J. SHERRARD,**  
Clerk of the Executive Council.