

1963/93



**THE INDUSTRIAL CONCILIATION AND ARBITRATION
REGULATIONS 1956, AMENDMENT NO. 2**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 10th day of June 1963

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Industrial Conciliation and Arbitration Act 1954, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Industrial Conciliation and Arbitration Regulations 1956, Amendment No. 2, and shall be read together with and deemed part of the Industrial Conciliation and Arbitration Regulations 1956* (hereinafter referred to as the principal regulations).

2. The Schedule to the principal regulations is hereby amended by revoking forms 11, 12, 15, 20, 21, 60, and 61, and substituting the new forms 11, 12, 15, 20, 21, 60, and 61 set out in the Schedule hereto.

SCHEDULE

NEW FORMS SUBSTITUTED IN SCHEDULE TO PRINCIPAL REGULATIONS

“Form 11

Sec. 79

Reg. 15

Under the Industrial Conciliation and Arbitration Act 1954

ANNUAL RETURN OF OFFICERS, TRUSTEES, AUDITORS, AND MEMBERS
OF THE INDUSTRIAL UNION OF AS ON 31 DECEMBER
19.....

Full Name	Address	Occupation
President:
Vice-President:		
”		
Secretary:		
Treasurer:		
Trustee:		
”		
”		
Auditor:		
”		
Number of members (including such of the above as are members):		
Situation of registered office of union:		

CERTIFICATE

I, the undersigned, certify that the above is a full and correct return of the names, addresses, and occupations of the officers, trustees, and auditors of the union, and of the number of members of the union whose subscriptions were not twelve months in arrear on the 31st day of December 19.....

Signature:

President (Secretary) of the Union.

“Form 12

Secs. 79 and 87

Reg. 15

Under the Industrial Conciliation and Arbitration Act 1954

ANNUAL RETURN OF OFFICERS, TRUSTEES, AUDITORS, AND MEMBERS
OF THE INDUSTRIAL ASSOCIATION OF AS ON 31
DECEMBER 19.....

Full Name	Address	Occupation
President:
Vice-President:		
”		
Secretary:		
Treasurer:		
Trustee:		
”		
”		
Auditor:		
”		
Number of unions constituting association:		
Situation of registered office of association:		

SCHEDULE—*continued*

CERTIFICATE

I, the undersigned, certify that the above is a full and correct return of the names, addresses, and occupations of the officers, trustees, and auditors of the association, and of the number of unions affiliated with the association whose subscriptions were not twelve months in arrear on the 31st day of December 19.....

Signature:
President (Secretary) of the Association.

—
“Form 15

Secs. 90 and 91 (1)

Reg. 18

Under the Industrial Conciliation and Arbitration Act 1954

APPLICATION FOR INQUIRY INTO ELECTION

To the Registrar of Industrial Unions,
Wellington.

1. Pursuant to section 90 of the Industrial Conciliation and Arbitration Act 1954, we, the undersigned financial members of the Industrial Union of, claim that there has been an irregularity in or in connection with the election of the [*Insert name of office or position*] of the union [*or insert name of branch concerned*] and hereby make application for an inquiry by the Court of Arbitration into the matter.

2. The irregularity which is claimed to have occurred is as follows:
[*Give details*].

3. The facts relied on by us in support of the application are as follows:
[*Give details*].

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

Dated at this day of 19.....

..... (Signatures of at least ten financial members.)

STATUTORY DECLARATION

I, [*Name in full*], of [*Address and occupation*], solemnly and sincerely declare that—

(1) I am one of the applicants who has signed the attached application for an inquiry by the Court of Arbitration into the election of the [*Name of office or position*] of the [*Name of union or branch of union*].

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

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

Declared at this day of 19.....

Signature:
....., Justice of the Peace (Solicitor, or other person authorised to take a statutory declaration).

SCHEDULE—*continued*

FOR USE OF REGISTRAR

Registrar's decision { (a) Application granted: [*Signature*].
(b) Application refused: [*Signature*].

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

To the Clerk of Awards,

Being satisfied that there are reasonable grounds for an inquiry into the question whether there has been an irregularity in or in connection with the election referred to in the above application which may have affected or may affect the result of the election and that the circumstances of the matter justify an inquiry by the Court, and having granted the application for an inquiry, I hereby refer the matter to the Court accordingly.

The Returning Officer or other person who conducted the election has been given a reasonable opportunity to show cause why the application should not be granted.

Dated at this day of 19.....

....., Registrar of Industrial Unions.

“Form 20

Secs. 116, 117, and 135

Reg. 27

Under the Industrial Conciliation and Arbitration Act 1954

CITATION OF RESPONDENT AND NOTICE TO APPOINT ASSESSORS

In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of the [*Insert short descriptive title*] dispute between and

To the respondent(s).

I HEREBY give notice that I have appointed the day of 19 .. at o'clock in the noon as the time, and as the place, for the hearing of the above-mentioned dispute; and you are hereby notified of your right to attend at the hearing thereof if you wish to do so, and to recommend, at least three clear days before the said date, qualified persons for appointment as assessors at the said hearing.

You may file with the Clerk of Awards at, not later than five (ten) clear days before the hearing of the dispute, a statement in detail admitting such of the claims of the applicant(s) as you desire to admit, or making a counter-proposal with respect to the claims of the applicant(s) or some or one of them.

If you file such a statement you are required to file as many copies thereof as there are applicant parties, and twenty additional copies.

A copy of the application for the hearing of the said dispute is enclosed herewith.

I hereby give you further notice that all further notices in connection with this dispute will be served by advertisement in such daily newspapers circulating in the district as the Clerk of Awards may deem sufficient.

Dated at this day of 19.....

....., Conciliation Commissioner.

SCHEDULE—*continued*

“Form 21

Secs. 116, 117, and 135

Reg. 27

Under the Industrial Conciliation and Arbitration Act 1954

CITATION OF RESPONDENT AND NOTICE TO APPOINT ASSESSORS

In the matter of the Industrial Conciliation and Arbitration Act 1954; and in the matter of the [Insert short descriptive title] dispute between and

To the respondent(s).

I HEREBY give notice that your name is included in the list of respondents in the above-mentioned dispute. This list may be seen by you, if required, at the office of the Clerk of Awards in any of the industrial districts to which the dispute relates.

I hereby give further notice that I have appointed the day of 19..... at o'clock in the noon as the time, and as the place, for the hearing of the above-mentioned dispute; and you are hereby notified of your right to attend at the hearing thereof if you wish to do so, and to recommend, at least three clear days before the said date, qualified persons for appointment as assessors at the said hearing.

You may file with the Clerk of Awards at, not later than five (ten) clear days before the hearing of the dispute, a statement in detail admitting such of the claims of the applicant(s) as you desire to admit, or making a counter-proposal with respect to the claims of the applicant(s) or some or one of them.

If you file such a statement you are required to file as many copies thereof as there are applicant parties, and twenty additional copies.

A copy of the application for the hearing of the dispute (omitting the list of respondents) is enclosed herewith.

I hereby give you further notice that all further notices in connection with this dispute will be served by advertisement in such daily newspapers circulating in the district as the Clerk of Awards may deem sufficient.

Dated at this day of 19.....

....., Conciliation Commissioner.

“Form 60

Sec. 175

Reg. 55

Under the Industrial Conciliation and Arbitration Act 1954

APPLICATION FOR CERTIFICATE OF EXEMPTION FROM UNION MEMBERSHIP

To the Registrar of Industrial Unions,
Wellington.

1. I hereby apply on conscientious grounds for a certificate of exemption from membership of the under-mentioned union covering the calling in which I am employed.

SCHEDULE—continued

2. The following particulars are supplied in support of my application:

Surname (in block letters):

Christian names:

Full residential address:

Present occupation:

Name of employer:

Full name of union:

Grounds of application:

Dated at this day of 19.....

Signature of Applicant:

NOTE—You may, if you so desire, submit with this application a written statement setting out in detail the reasons for the application, and any other relevant information, and at the same time forward any documentary evidence or statement of facts you desire to present.

To the Conscientious Objection Committee.

This application is referred for hearing pursuant to section 175 of the Industrial Conciliation and Arbitration Act 1954.

Kindly notify me in due course whether you are satisfied that the applicant's conscientious objections are genuine.

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

....., Registrar of Industrial Unions.

The Registrar of Industrial Unions,
Wellington.

(Strike out whichever is not applicable.) { Objections genuine.
 } Objections not genuine.

Dated at this day of 19.....

....., Chairman, Conscientious Objection Committee.

“Form 61

Sec. 175

Reg. 56

Under the Industrial Conciliation and Arbitration Act 1954

CERTIFICATE OF EXEMPTION FROM UNION MEMBERSHIP

THIS is to certify that [Name], of [Address], [Occupation], having satisfied the Conscientious Objection Committee that his (her) conscientious objections to being a member of a union are genuine, and having paid to the credit of the Social Security Fund an amount equal to the subscription fixed by the Industrial Union of Workers, is hereby exempted from membership of that union for the period from 19..... to 19....., both dates inclusive.

Dated at this day of 19.....

....., Registrar of Industrial Unions.

SCHEDULE—*continued*

NOTE—This certificate permits the employment or the continuation of the employment of the person named therein for the period specified therein as if that person were a member of the union to which the certificate relates.

Application for a certificate of exemption for any subsequent period should be made before the expiration of the period specified in this certificate.”

T. J. SHERRARD,
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 substitute new forms for several of the existing forms prescribed by the Industrial Conciliation and Arbitration Regulations 1956.

In the new forms 11 and 12 (annual returns of officers) a certificate is substituted for the statutory declaration formerly required, because of the amendment made by section 5 of the Industrial Conciliation and Arbitration Amendment Act 1962.

The new form 15 now includes the statutory declaration which is required by section 90 (2) (d) of the Industrial Conciliation and Arbitration Act 1954 to accompany an application for an inquiry into an election.

In the new forms 20 and 21 words which formerly purported to restrict the consideration of counter proposals on a reference to a Council of Conciliation have been omitted by reason of the power of amendment set out in section 122 of the 1954 Act.

In the new forms 60 and 61 (which relate to exemptions from union membership) the word “conscientious” has been substituted for the word “religious” because of the amendments made by section 3 of the Industrial Conciliation and Arbitration Amendment Act 1961.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 June 1963.

These regulations are administered in the Department of Labour.