



**THE WATERFRONT INDUSTRY (UNION MEMBERSHIP)  
REGULATIONS 1985**

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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 61 of the Waterfront Industry Act 1976, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Waterfront Industry (Union 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 40B of the Waterfront Industry Act 1976) 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 40B of the Waterfront Industry Act 1976) 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 40H of the Waterfront Industry Act 1976 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 40I of the Waterfront Industry Act 1976 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 40I of the Waterfront Industry Act 1976 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 40L of the Waterfront Industry Act 1976 in the place of form 6 in Schedule 1B to the Industrial Relations Act 1973.



Reg. 2

SCHEDULE

FORMS RELATED TO UNION MEMBERSHIP CLAUSES

Reg. 2 (1)

Form 1

Waterfront Industry Act 1976

APPLICATION TO UNION FOR INCLUSION ON ROLL OF VOTERS FOR BALLOT ON RESTORATION OF UNION 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 union membership clause in each of the principal orders and in each of the agreements by which members of the [Full name of union] are bound from time to time.

I solemnly and sincerely declare that—

(1) I am employed as [Occupation] by [Name and address of employer], who is engaged in the activity of .....

\*(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 principal order or agreement that covers the work for which I am so employed.

(3) The wage or salary bar in the principal order or agreement that covers the work for which I am so employed does not exclude me from the scope of the principal order or agreement.

(4) 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 union concerned.

SCHEDULE—continued

FORMS RELATED TO UNION MEMBERSHIP CLAUSES—continued

Form 1—continued

FOR UNION 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 union membership clause

\*Has been accepted

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

.....  
Secretary or other Officer of  
the Union

.....  
Date

\*Delete if inapplicable

Form 2

Reg. 2 (2)

Waterfront Industry Act 1976

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

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

The ballot is for the purpose of determining whether a union membership clause is to be included in each of the principal orders and in each of the agreements by which members of the union are bound from time to time.

I solemnly and sincerely declare as follows:

1. I am employed as [Occupation] by [Name and address of employer], who is engaged in the activity of .....

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.

(f) My pregnancy or recent childbirth will prevent me from attending to vote at the special meeting.

SCHEDULE—continued

FORMS RELATED TO UNION MEMBERSHIP CLAUSES—continued

Form 2—continued

- (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.



Reg. 2 (3)

Form 3

Waterfront Industry Act 1976

NOTICE UNDER SECTION 40H OF WATERFRONT INDUSTRY ACT 1976 OF SPECIAL MEETING OR SPECIAL MEETINGS TO CONDUCT BALLOT ON INSERTION OF UNION 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 union] hereby notify you of the union's intention of holding a ballot to determine whether a union membership clause is to be included in each of the principal orders and in each of the agreements by which members of the union 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 principal orders and agreements by which members of the union are bound.

SCHEDULE—continued

FORMS RELATED TO UNION 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 union, members of the union 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.

Form 4

Reg. 2 (4)

[Section 40i (2)

Number ]

Waterfront Industry Act 1976

BALLOT PAPER

Ballot to determine whether a union membership clause is to be included in each of the principal orders and in each of the agreements by which members of the [Full name of union] are bound from time to time.

If a union 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 union membership clause.

Directions for Voting

- PLACE A MARK IN THE BOX OF YOUR CHOICE

I vote <i>in favour</i> of the Union Membership Clause because I believe workers <i>should</i> be obliged to join the union	
I vote <i>against</i> the Union Membership Clause because I believe workers <i>should not</i> be obliged to join the union	



SCHEDULE—continued

FORMS RELATED TO UNION MEMBERSHIP CLAUSES—continued

Form 6—continued

included in each of the principal orders and in each of the agreements by which members of the union 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 40B of the Waterfront Industry Act 1976 in the rules of the union have not been complied with by the union.
- \*(b) That, notwithstanding the rules included or deemed to be so included, the special meeting or special meetings of the union did not constitute an adequate opportunity for the persons eligible to vote in the 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 union membership clause is to be included in each of the principal orders and in each of the agreements by which members of the *[Name of union]* 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.]*

