

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 September, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1971.

An Act to make provisions for the taking of secret ballots by members of trade unions on certain matters; for this purpose to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1971". Short title.

61187 55—

2.

Industrial Arbitration (Amendment).

2. The Industrial Arbitration Act, 1940, is amended :— Amendment of Act No. 2, 1940.

(a) by inserting in section two next after the matter relating to Part X the following new matter :— Sec. 2. (Division into Parts.)

PART XA.—SECRET BALLOTS ON INDUSTRIAL MATTERS—ss. 106A–106D.

(b) by inserting next after Part X the following new Part :— New Part XA.

PART XA.

SECRET BALLOTS ON INDUSTRIAL MATTERS.

106A. (1) The commission or a conciliation commissioner may— Secret ballots on order of commission or conciliation commissioner.

(a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike; and

(b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

- 5 (a) direct the manner in which the secret ballot shall be taken;
- (b) give directions for the conduct of the ballot;
- 10 (c) direct the ballot to be conducted by the trade union concerned or by the Electoral Commissioner for New South Wales or by the trade union in co-operation with the Electoral Commissioner for New South Wales; and
- 15 (d) give such other directions as appear to it or him to be necessary to ensure that the ballot is effectively taken and conducted.

(3) The expense incurred in the conduct of any ballot under this section shall be borne by the State.

20 106B. (1) During the progress of any strike by the members of a trade union or any class or section of its members or whenever a strike is contemplated by the members of a trade union or any class or section of its members the trade union
concerned may request the registrar to conduct a
25 secret ballot of its members or of the class or section of its members involved or likely to be involved in the strike for the purposes of ascertaining
30 whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike.

Request by trade unions for secret ballots on strikes.

(2) A request under this section—

- 35 (a) may be made on behalf of the trade union by the committee of management of the trade union;

(b)

Industrial Arbitration (Amendment).

- (b) shall be in writing and specify the reasons for the making of the request;
- 5 (c) shall be accompanied by a concise statement of the facts relevant to the strike or contemplated strike; and
- (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and belief true.

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106c. (1) Where a request has been made to the registrar under section 106B of this Act—

Registrar's powers on request for secret ballot.

- 15 (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
- (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
- 20 (c) he may refer such request to the commission for directions.

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Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him necessary to ensure that the ballot is effectively taken and conducted including directions as to the manner in which the ballot is to be taken and as to the conduct of the ballot.

(2) The registrar may exercise his powers under subsection one of this section upon the basis of the matters stated in the request but he may nevertheless take into account any relevant information coming to his knowledge.

(3)

Industrial Arbitration (Amendment).

5 (3) The expense incurred in a ballot conducted under this section shall be borne by the trade union : Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

106D. A person shall not—

- (a) obstruct the taking of a ballot conducted under this Part;
- 10 (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting;
- (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting; or
- 15 (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

Offences in connection with secret ballots.

20 Any person contravening or failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[5c]

Amending Statute

(1) The court is directed to hold that...

(2) The court is directed to hold that...

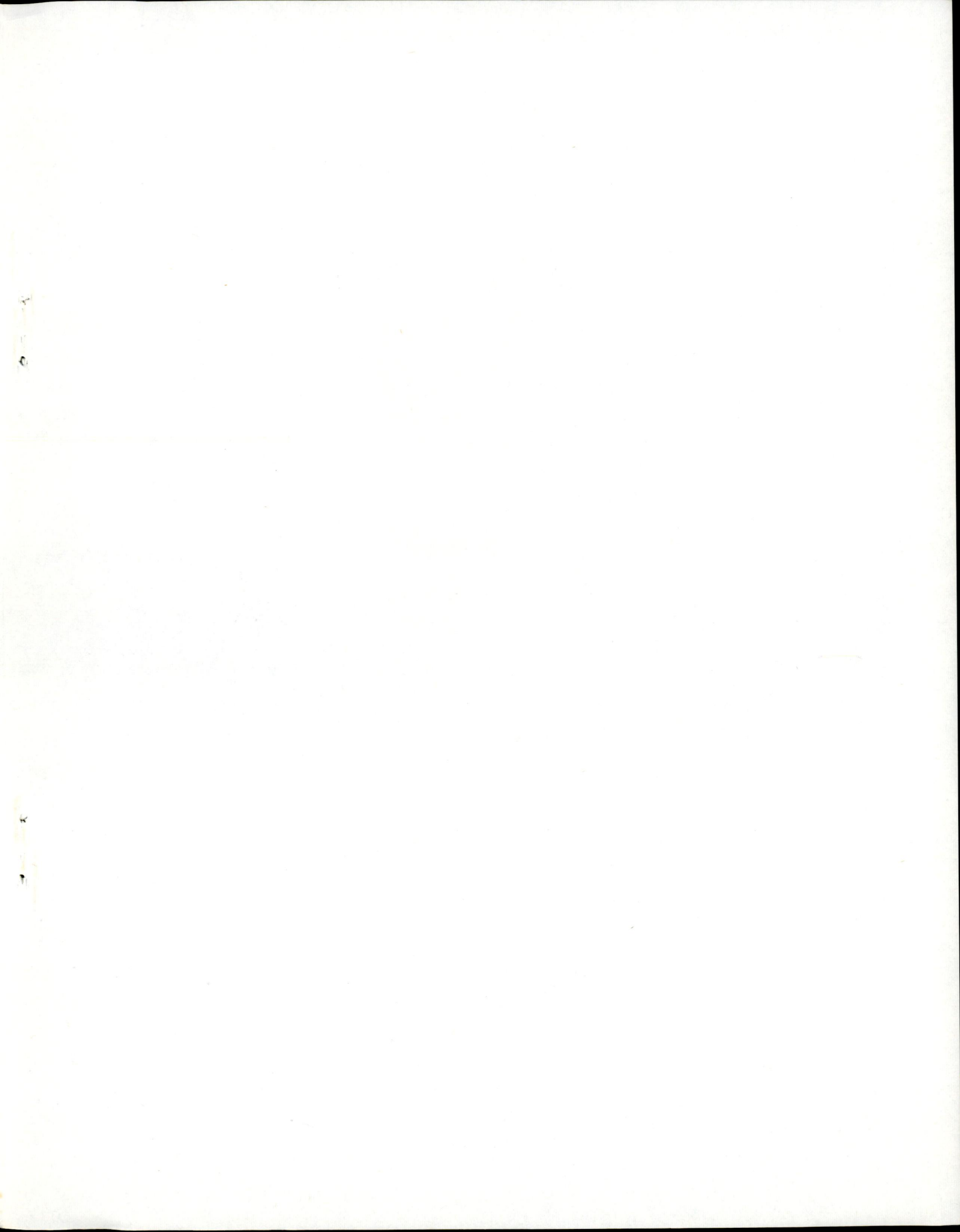
(3) The court is directed to hold that...

(4) The court is directed to hold that...

(5) The court is directed to hold that...

BY THE COURT

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the court at the City of New York, this 1st day of January, 1901.



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Industrial Arbitration (Amendment) Act, 1971".

Industrial Arbitration (Amendment).

2. The Industrial Arbitration Act, 1940, is amended :— Amendment of Act No. 2, 1940.

(a) by inserting in section two next after the matter Sec. 2.
relating to Part X the following new matter :— (Division into Parts.)

5 **PART XA.—SECRET BALLOTS ON INDUSTRIAL MATTERS—SS. 106A–106D.**

(b) by inserting next after Part X the following new New Part XA.
Part :—

PART XA.

SECRET BALLOTS ON INDUSTRIAL MATTERS.

10 **106A. (1) The commission or a conciliation commissioner may—**

Secret ballots on order of commission or conciliation commissioner.

15 (a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike ; and

25 (b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.
30

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

- 5 (a) direct the manner in which the secret ballot shall be taken;
- (b) give directions for the conduct of the ballot;
- (c) direct the ballot to be conducted by the trade union concerned or by the Electoral Commissioner for New South Wales or by the trade union in co-operation with the Electoral Commissioner for New South Wales; and
- 10
- 15 (d) give such other directions as appear to it or him to be necessary to ensure that the ballot is effectively taken and conducted.

(3) The expense incurred in the conduct of any ballot under this section shall be borne by the State.

20 106B. (1) During the progress of any strike by the members of a trade union or any class or section of its members or whenever a strike is contemplated by the members of a trade union or any class or section of its members the trade union concerned may request the registrar to conduct a secret ballot of its members or of the class or section of its members involved or likely to be involved in the strike for the purposes of ascertaining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike.

Request by trade unions for secret ballots on strikes.

- (2) A request under this section—
- 35 (a) may be made on behalf of the trade union by the committee of management of the trade union;

(b)

Industrial Arbitration (Amendment).

- (b) shall be in writing and specify the reasons for the making of the request;
- 5 (c) shall be accompanied by a concise statement of the facts relevant to the strike or contemplated strike; and
- (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and
10 belief true.

106c. (1) Where a request has been made to the registrar under section 106B of this Act—

Registrar's powers on request for secret ballot.

- 15 (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
- (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
- 20 (c) he may refer such request to the commission for directions.

25 Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him
30 necessary to ensure that the ballot is effectively taken and conducted including directions as to the manner in which the ballot is to be taken and as to the conduct of the ballot.

35 (2) The registrar may exercise his powers under subsection one of this section upon the basis of the matters stated in the request but he may nevertheless take into account any relevant information coming to his knowledge.

(3)

Industrial Arbitration (Amendment).

5 (3) The expense incurred in a ballot conducted under this section shall be borne by the trade union : Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

106D. A person shall not—

- 5 (a) obstruct the taking of a ballot conducted under this Part;
- 10 (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting;
- (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting; or
- 15 (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

Offences
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ballots.

20 Any person contravening or failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

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No. , 1971.

A BILL

To make provisions for the taking of secret ballots by members of trade unions on certain matters; for this purpose to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

[MR WILLIS—24 August, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows : —

5 **1.** This Act may be cited as the "Industrial Arbitration Short title. (Amendment) Act, 1971".

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Industrial Arbitration (Amendment).

2. The Industrial Arbitration Act, 1940, is amended :— Amendment of Act No. 2, 1940.

(a) by inserting in section two next after the matter relating to Part X the following new matter :— Sec. 2. (Division into Parts.)

5 PART XA.—SECRET BALLOTS ON INDUSTRIAL MATTERS—*ss.* 106A–106D.

(b) by inserting next after Part X the following new Part :— New Part XA.

PART XA.

SECRET BALLOTS ON INDUSTRIAL MATTERS.

10 106A. (1) The commission or a conciliation commissioner may— Secret ballots on order of commission or conciliation commissioner.

15 (a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike; and

25 (b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

- 5 (a) direct the manner in which the secret ballot shall be taken;
- (b) give directions for the conduct of the ballot;
- 10 (c) direct the ballot to be conducted by the trade union concerned or by the Electoral Commissioner for New South Wales or by the trade union in co-operation with the Electoral Commissioner for New South Wales; and
- 15 (d) give such other directions as appear to it or him to be necessary to ensure that the ballot is effectively taken and conducted.

(3) The expense incurred in the conduct of any ballot under this section shall be borne by the State.

20 106B. (1) During the progress of any strike by the members of a trade union or any class or section of its members or whenever a strike is contemplated by the members of a trade union or any class or section of its members the trade union concerned may request the registrar to conduct a secret ballot of its members or of the class or section of its members involved or likely to be involved in the strike for the purposes of ascertaining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike.

Request by trade unions for secret ballots on strikes.

- (2) A request under this section—
- 35 (a) may be made on behalf of the trade union by the committee of management of the trade union;

(b)

Industrial Arbitration (Amendment).

- 5 (b) shall be in writing and specify the reasons for the making of the request;
- (c) shall be accompanied by a concise statement of the facts relevant to the strike or contemplated strike; and
- 10 (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and belief true.

106c. (1) Where a request has been made to the registrar under section 106B of this Act—

Registrar's powers on request for secret ballot.

- 15 (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
- (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
- 20 (c) he may refer such request to the commission for directions.

25 Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him necessary to ensure that the ballot is effectively

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(3)

Industrial Arbitration (Amendment).

5 (3) The expense incurred in a ballot conducted under this section shall be borne by the trade union : Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

- 106D. A person shall not—
- (a) obstruct the taking of a ballot conducted under this Part;
 - 10 (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting;
 - (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting; or
 - 15 (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

Offences
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20 Any person contravening or failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

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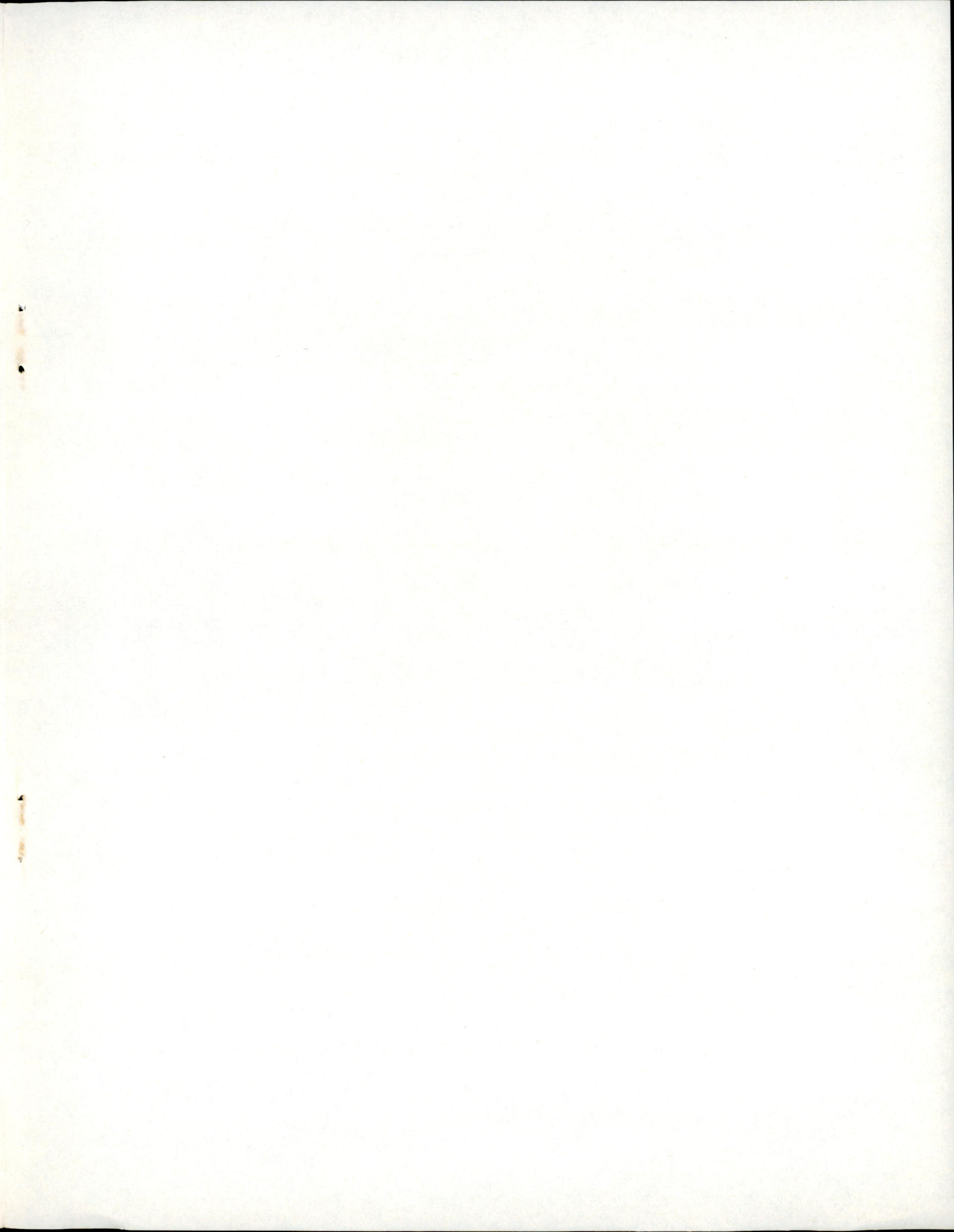
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(b) by inserting next after Part X the following new New Part XA.
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SECRET BALLOTS ON INDUSTRIAL MATTERS.

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(a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike; and

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(b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.

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(2)

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

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- (b) give directions for the conduct of the ballot ;
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- (b) shall be in writing and specify the reasons for the making of the request;
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- (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and belief true.

106c. (1) Where a request has been made to the registrar under section 106B of this Act—

Registrar's powers on request for secret ballot.

- 15 (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
- (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
- 20 (c) he may refer such request to the commission for directions.

Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him necessary to ensure that the ballot is effectively taken and conducted including directions as to the manner in which the ballot is to be taken and as to the conduct of the ballot.

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5 (3) The expense incurred in a ballot conducted under this section shall be borne by the trade union : Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

106D. A person shall not—

- 10 (a) obstruct the taking of a ballot conducted under this Part ;
- (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting ;
- (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting ; or
- 15 (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

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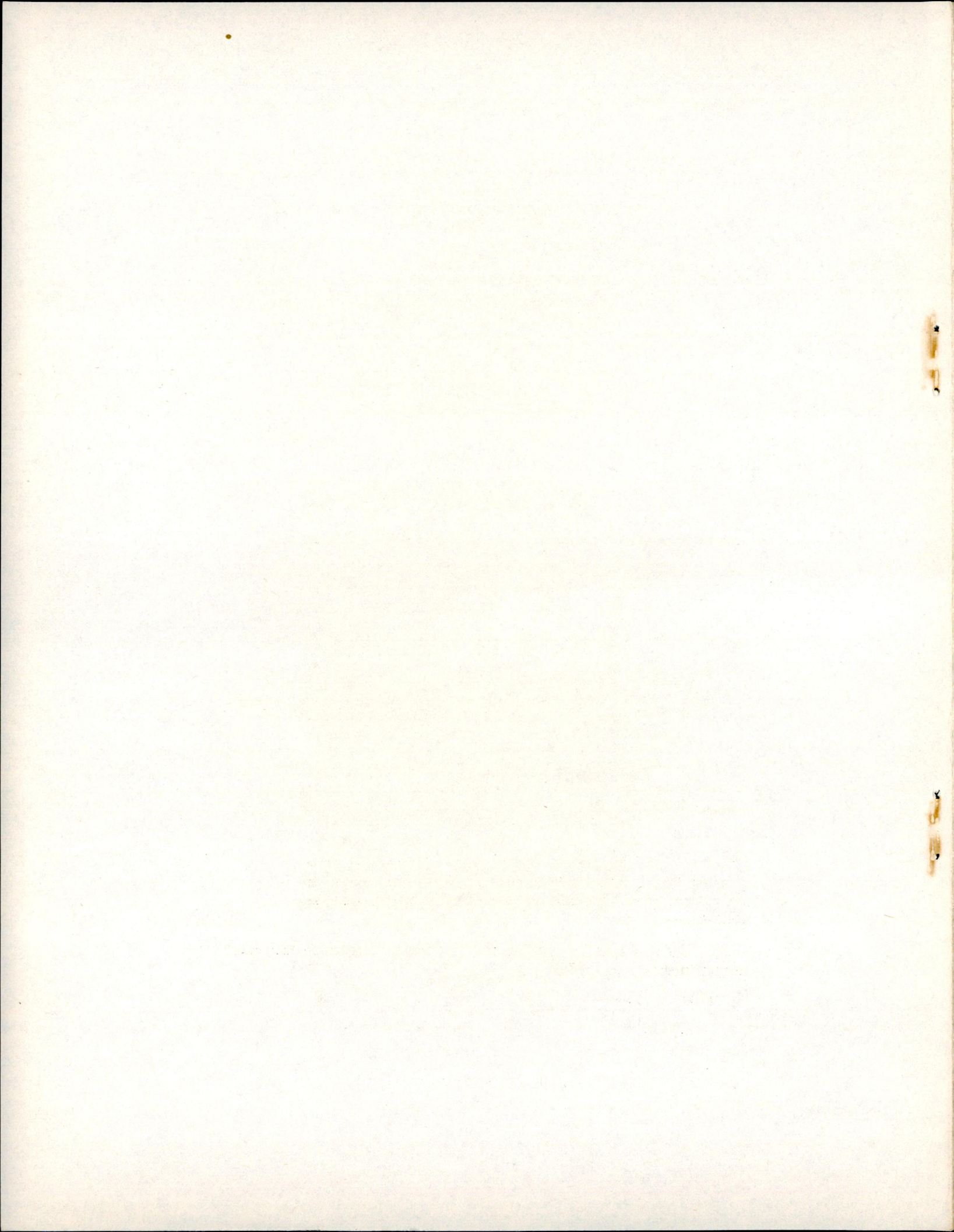
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INDUSTRIAL ARBITRATION (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

THE objects of the Bill are:—

- (a) to authorise the Industrial Commission and Conciliation Commissioners to order the taking of a secret ballot of members or of a class or section of members of a trade union for the purposes of ascertaining the views of those members upon the continuance or institution of a strike or upon any matter of an industrial or like nature;
- (b) to enable a trade union to request the Industrial Registrar to conduct a secret ballot of its members or a class or section of its members for the purposes of ascertaining the views of those members upon the continuance or institution of a strike;
- (c) to make provision with respect to the cost incurred in the conduct of any such secret ballot;
- (d) to prescribe offences for contravention of provisions designed to secure compliance with orders and directions given in connection with the conduct of secret ballots and the effectiveness of the conduct thereof; and
- (e) to make provisions of a machinery and supplementary character to the foregoing.

1907

REPORT OF THE BOARD OF DIRECTORS

FOR THE YEAR ENDING 1907

The Board of Directors has the honor to acknowledge the interest and cooperation of the stockholders in the management of the company during the year 1907. The year has been a successful one for the company, and the Board is pleased to report that the business has been conducted in accordance with the best interests of the stockholders.

The financial statement for the year ending 1907 shows a net income of \$1,000,000, which has been distributed to the stockholders in the form of a dividend of \$10 per share. The Board is confident that the company is well positioned to continue its growth and success in the future.

The Board of Directors is composed of the following members: [List of names]

No. , 1971.

A BILL

To make provisions for the taking of secret ballots by members of trade unions on certain matters; for this purpose to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

[MR WILLIS—24 August, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Industrial Arbitration Short title. (Amendment) Act, 1971".

Industrial Arbitration (Amendment).

2. The Industrial Arbitration Act, 1940, is amended :—

Amendment of Act No. 2, 1940.

(a) by inserting in section two next after the matter relating to Part X the following new matter :—

Sec. 2.
(Division into Parts.)

5 **PART XA.—SECRET BALLOTS ON INDUSTRIAL MATTERS—ss. 106A–106D.**

(b) by inserting next after Part X the following new Part :—

New Part XA.

PART XA.

SECRET BALLOTS ON INDUSTRIAL MATTERS.

10 106A. (1) The commission or a conciliation commissioner may—

15 (a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike; and

20

25 (b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.

30

(2)

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

- 5 (a) direct the manner in which the secret ballot shall be taken;
- (b) give directions for the conduct of the ballot;
- 10 (c) direct the ballot to be conducted by the trade union concerned or by the Electoral Commissioner for New South Wales or by the trade union in co-operation with the Electoral Commissioner for New South Wales; and
- 15 (d) give such other directions as appear to it or him to be necessary to ensure that the ballot is effectively taken and conducted.

(3) The expense incurred in the conduct of any ballot under this section shall be borne by the State.

20 106B. (1) During the progress of any strike by the members of a trade union or any class or section of its members or whenever a strike is contemplated by the members of a trade union or any class or section of its members the trade union concerned may request the registrar to conduct a secret ballot of its members or of the class or section of its members involved or likely to be involved in the strike for the purposes of ascertaining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike.

25

30

Request by trade unions for secret ballots on strikes.

(2) A request under this section—

- 35 (a) may be made on behalf of the trade union by the committee of management of the trade union;

(b)

Industrial Arbitration (Amendment).

- (b) shall be in writing and specify the reasons for the making of the request;
- 5 (c) shall be accompanied by a concise statement of the facts relevant to the strike or contemplated strike; and
- (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and
10 belief true.

106C. (1) Where a request has been made to the registrar under section 106B of this Act—

Registrar's powers on request for secret ballot.

- 15 (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
- (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
- 20 (c) he may refer such request to the commission for directions.

Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot
25 be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him necessary to ensure that the ballot is effectively
30 taken and conducted including directions as to the manner in which the ballot is to be taken and as to the conduct of the ballot.

(2) The registrar may exercise his powers under subsection one of this section upon
35 the basis of the matters stated in the request but he may nevertheless take into account any relevant information coming to his knowledge.

(3)

Industrial Arbitration (Amendment).

5 (3) The expense incurred in a ballot conducted under this section shall be borne by the trade union: Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

106D. A person shall not—

- 10 (a) obstruct the taking of a ballot conducted under this Part;
- (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting;
- (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting; or
- 15 (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

Offences
in
connection
with
secret
ballots.

20 Any person contravening or failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

Administrative Statement

The following information is being furnished to you for your information. It is requested that you advise the Bureau of the results of your review of this information.

1. The following information is being furnished to you for your information. It is requested that you advise the Bureau of the results of your review of this information.

2. The following information is being furnished to you for your information. It is requested that you advise the Bureau of the results of your review of this information.

3. The following information is being furnished to you for your information. It is requested that you advise the Bureau of the results of your review of this information.

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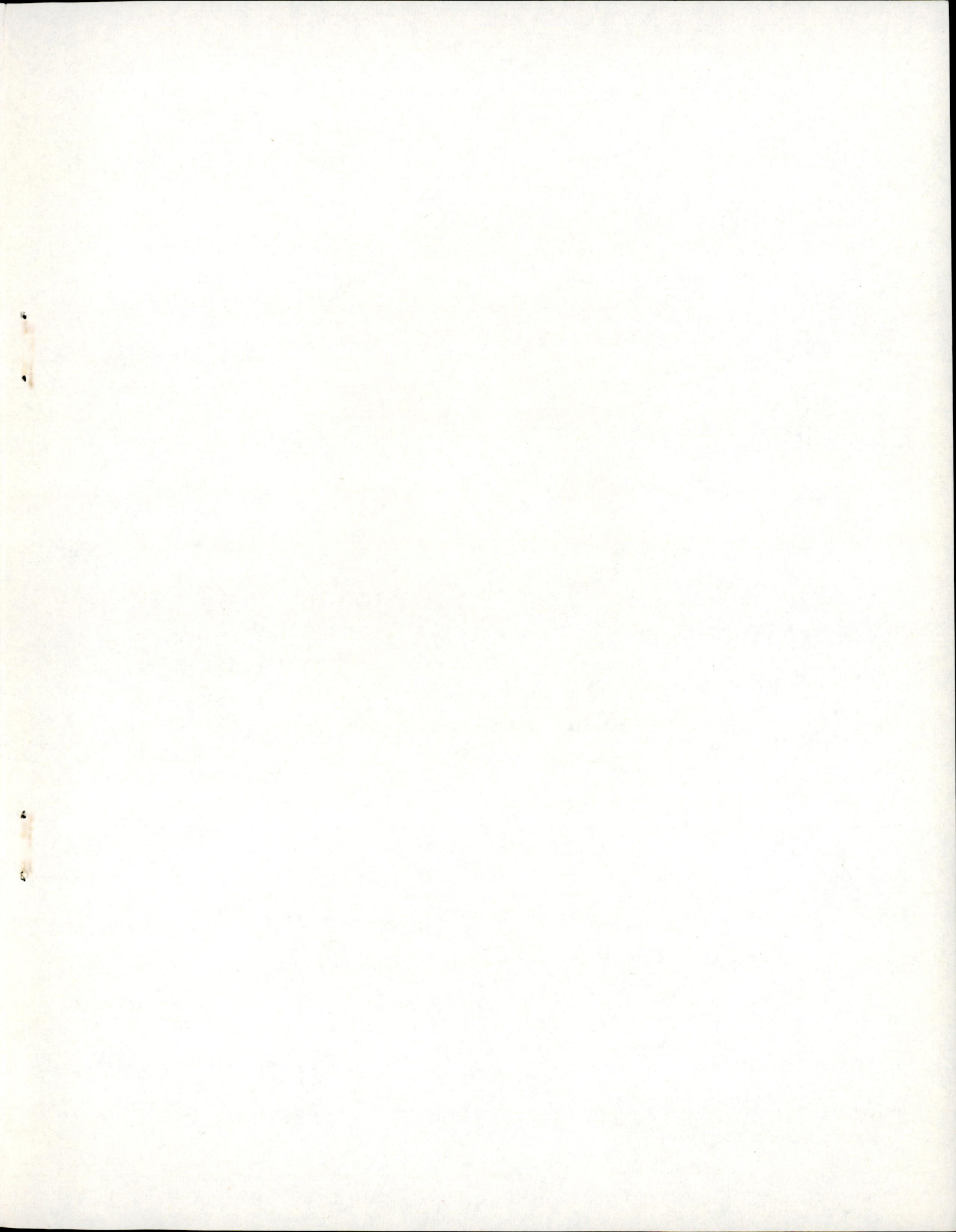
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10. The following information is being furnished to you for your information. It is requested that you advise the Bureau of the results of your review of this information.



INDUSTRIAL ARBITRATION (AMENDMENT) BILL, 1971

EXPLANATORY NOTE

THE objects of the Bill are:—

- (a) to authorise the Industrial Commission and Conciliation Commissioners to order the taking of a secret ballot of members or of a class or section of members of a trade union for the purposes of ascertaining the views of those members upon the continuance or institution of a strike or upon any matter of an industrial or like nature;
- (b) to enable a trade union to request the Industrial Registrar to conduct a secret ballot of its members or a class or section of its members for the purposes of ascertaining the views of those members upon the continuance or institution of a strike;
- (c) to make provision with respect to the cost incurred in the conduct of any such secret ballot;
- (d) to prescribe offences for contravention of provisions designed to secure compliance with orders and directions given in connection with the conduct of secret ballots and the effectiveness of the conduct thereof; and
- (e) to make provisions of a machinery and supplementary character to the foregoing.

1897

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No. , 1971.

A BILL

To make provisions for the taking of secret ballots by members of trade unions on certain matters; for this purpose to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith.

[MR WILLIS—24 August, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Industrial Arbitration Short title. (Amendment) Act, 1971".

Industrial Arbitration (Amendment).

2. The Industrial Arbitration Act, 1940, is amended :— Amendment of Act No. 2, 1940.

(a) by inserting in section two next after the matter Sec. 2.
relating to Part X the following new matter :— (Division into Parts.)

5 **PART XA.—SECRET BALLOTS ON INDUSTRIAL MATTERS—ss. 106A–106D.**

(b) by inserting next after Part X the following new New Part XA.
Part :—

PART XA.

SECRET BALLOTS ON INDUSTRIAL MATTERS.

10 106A. (1) The commission or a conciliation commissioner may—

Secret ballots on order of commission or conciliation commissioner.

15 (a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved
20 therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike; and

25 (b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class
30 or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

- 5 (a) direct the manner in which the secret ballot shall be taken;
- (b) give directions for the conduct of the ballot;
- 10 (c) direct the ballot to be conducted by the trade union concerned or by the Electoral Commissioner for New South Wales or by the trade union in co-operation with the Electoral Commissioner for New South Wales; and
- 15 (d) give such other directions as appear to it or him to be necessary to ensure that the ballot is effectively taken and conducted.

(3) The expense incurred in the conduct of any ballot under this section shall be borne by the State.

- 20 106B. (1) During the progress of any strike by the members of a trade union or any class or section of its members or whenever a strike is contemplated by the members of a trade union or any class or section of its members the trade union concerned may request the registrar to conduct a secret ballot of its members or of the class or section of its members involved or likely to be involved in the strike for the purposes of ascertaining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike.
- 25
- 30

Request by trade unions for secret ballots on strikes.

- (2) A request under this section—
- 35 (a) may be made on behalf of the trade union by the committee of management of the trade union;

(b)

Industrial Arbitration (Amendment).

- 5
- (b) shall be in writing and specify the reasons for the making of the request;
 - (c) shall be accompanied by a concise statement of the facts relevant to the strike or contemplated strike; and
 - (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and belief true.
- 10

106c. (1) Where a request has been made to the registrar under section 106B of this Act—

Registrar's powers on request for secret ballot.

- 15
- (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
 - (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
 - (c) he may refer such request to the commission for directions.
- 20

25

Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him necessary to ensure that the ballot is effectively taken and conducted including directions as to the manner in which the ballot is to be taken and as to the conduct of the ballot.

30

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(2) The registrar may exercise his powers under subsection one of this section upon the basis of the matters stated in the request but he may nevertheless take into account any relevant information coming to his knowledge.

(3)

Industrial Arbitration (Amendment).

5 (3) The expense incurred in a ballot conducted under this section shall be borne by the trade union: Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

106D. A person shall not—

- 10 (a) obstruct the taking of a ballot conducted under this Part;
- (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting;
- (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting; or
- 15 (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

Offences
in
connection
with
secret
ballots.

20 Any person contravening or failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

Industrial Development

The Government has announced a new scheme for the development of the industrial sector. It is expected that this will lead to a significant increase in the number of jobs available in the manufacturing industry.

The Government has also announced a new scheme for the development of the services sector. This will involve the creation of a new body to coordinate the activities of the various service industries.

The Government has also announced a new scheme for the development of the construction industry. This will involve the creation of a new body to coordinate the activities of the various construction companies.

The Government has also announced a new scheme for the development of the transport industry. This will involve the creation of a new body to coordinate the activities of the various transport companies.

The Government has also announced a new scheme for the development of the energy industry. This will involve the creation of a new body to coordinate the activities of the various energy companies.

The Government has also announced a new scheme for the development of the telecommunications industry. This will involve the creation of a new body to coordinate the activities of the various telecommunications companies.

The Government has also announced a new scheme for the development of the media industry. This will involve the creation of a new body to coordinate the activities of the various media companies.

The Government has also announced a new scheme for the development of the advertising industry. This will involve the creation of a new body to coordinate the activities of the various advertising companies.

The Government has also announced a new scheme for the development of the public relations industry. This will involve the creation of a new body to coordinate the activities of the various public relations companies.

The Government has also announced a new scheme for the development of the legal industry. This will involve the creation of a new body to coordinate the activities of the various legal companies.

The Government has also announced a new scheme for the development of the accountancy industry. This will involve the creation of a new body to coordinate the activities of the various accountancy companies.

The Government has also announced a new scheme for the development of the architecture industry. This will involve the creation of a new body to coordinate the activities of the various architecture companies.

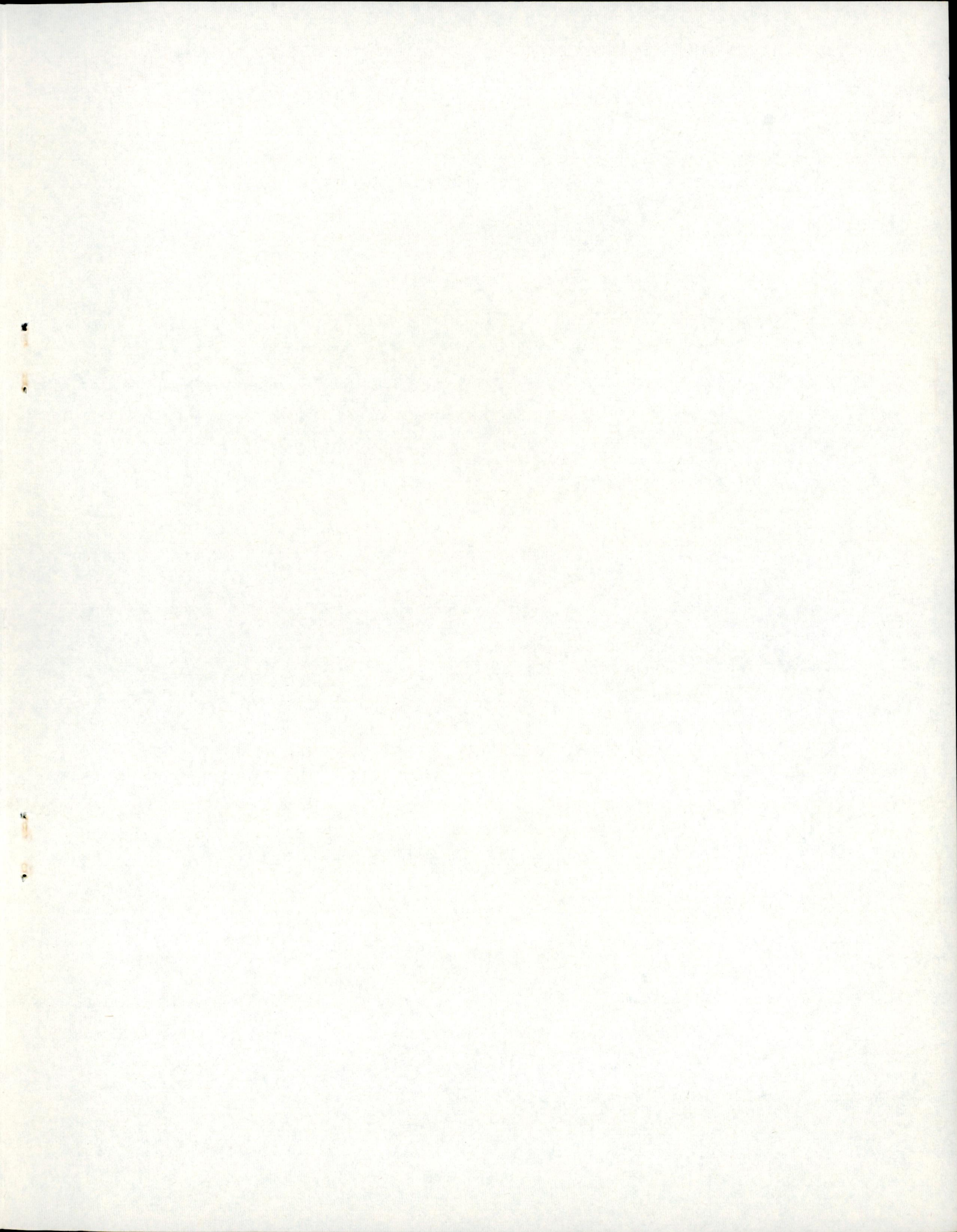
The Government has also announced a new scheme for the development of the engineering industry. This will involve the creation of a new body to coordinate the activities of the various engineering companies.

The Government has also announced a new scheme for the development of the design industry. This will involve the creation of a new body to coordinate the activities of the various design companies.

The Government has also announced a new scheme for the development of the marketing industry. This will involve the creation of a new body to coordinate the activities of the various marketing companies.

The Government has also announced a new scheme for the development of the sales industry. This will involve the creation of a new body to coordinate the activities of the various sales companies.

The Government has also announced a new scheme for the development of the distribution industry. This will involve the creation of a new body to coordinate the activities of the various distribution companies.



New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 39, 1971.

An Act to make provisions for the taking of secret ballots by members of trade unions on certain matters; for this purpose to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith. [Assented to, 2nd November, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Industrial Arbitration **Short title.** (Amendment) Act, 1971".

2,

Industrial Arbitration (Amendment).

Amendment
of Act No.
2, 1940.

2. The Industrial Arbitration Act, 1940, is amended :—

Sec. 2.
(Division
into
Parts.)

(a) by inserting in section two next after the matter relating to Part X the following new matter :—

PART XA.—SECRET BALLOTS ON INDUSTRIAL MATTERS—SS. 106A–106D.

New
Part XA.

(b) by inserting next after Part X the following new Part :—

PART XA.

SECRET BALLOTS ON INDUSTRIAL MATTERS.

106A. (1) The commission or a conciliation commissioner may—

Secret
ballots on
order of
commission
or concilia-
tion com-
missioner.

(a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike; and

(b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.

(2)

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

- (a) direct the manner in which the secret ballot shall be taken;
- (b) give directions for the conduct of the ballot;
- (c) direct the ballot to be conducted by the trade union concerned or by the Electoral Commissioner for New South Wales or by the trade union in co-operation with the Electoral Commissioner for New South Wales; and
- (d) give such other directions as appear to it or him to be necessary to ensure that the ballot is effectively taken and conducted.

(3) The expense incurred in the conduct of any ballot under this section shall be borne by the State.

106B. (1) During the progress of any strike by the members of a trade union or any class or section of its members or whenever a strike is contemplated by the members of a trade union or any class or section of its members the trade union concerned may request the registrar to conduct a secret ballot of its members or of the class or section of its members involved or likely to be involved in the strike for the purposes of ascertaining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike.

Request by trade unions for secret ballots on strikes.

(2) A request under this section—

- (a) may be made on behalf of the trade union by the committee of management of the trade union;

(b)

Industrial Arbitration (Amendment).

- (b) shall be in writing and specify the reasons for the making of the request;
- (c) shall be accompanied by a concise statement of the facts relevant to the strike or contemplated strike; and
- (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and belief true.

Registrar's powers on request for secret ballot.

106C. (1) Where a request has been made to the registrar under section 106B of this Act—

- (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
- (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
- (c) he may refer such request to the commission for directions.

Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him necessary to ensure that the ballot is effectively taken and conducted including directions as to the manner in which the ballot is to be taken and as to the conduct of the ballot.

(2) The registrar may exercise his powers under subsection one of this section upon the basis of the matters stated in the request but he may nevertheless take into account any relevant information coming to his knowledge.

(3)

Industrial Arbitration (Amendment).

(3) The expense incurred in a ballot conducted under this section shall be borne by the trade union: Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

106D. A person shall not—

- (a) obstruct the taking of a ballot conducted under this Part;
- (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting;
- (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting; or
- (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

Offences
in
connection
with
secret
ballots.

Any person contravening or failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES- 1971

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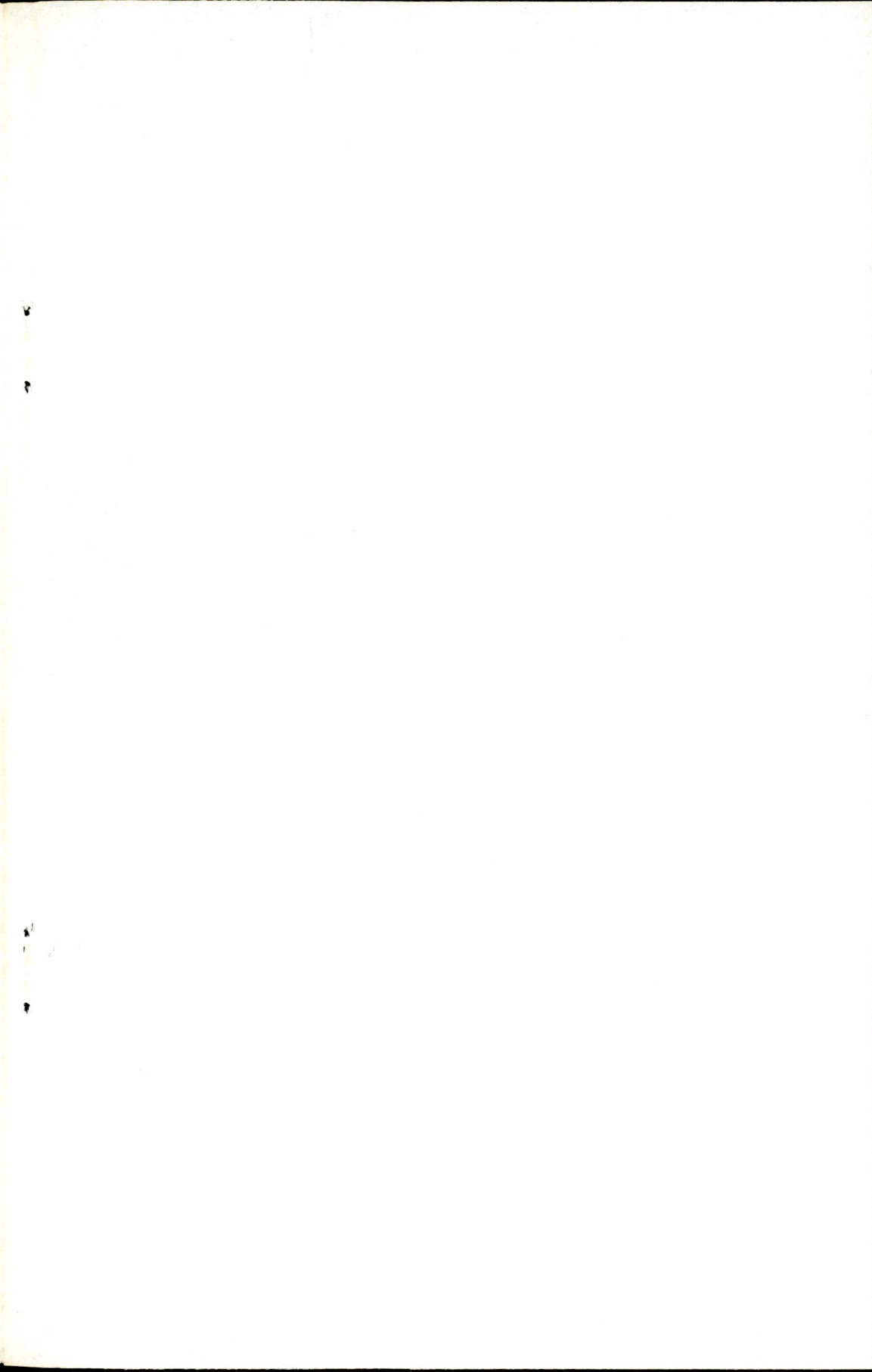
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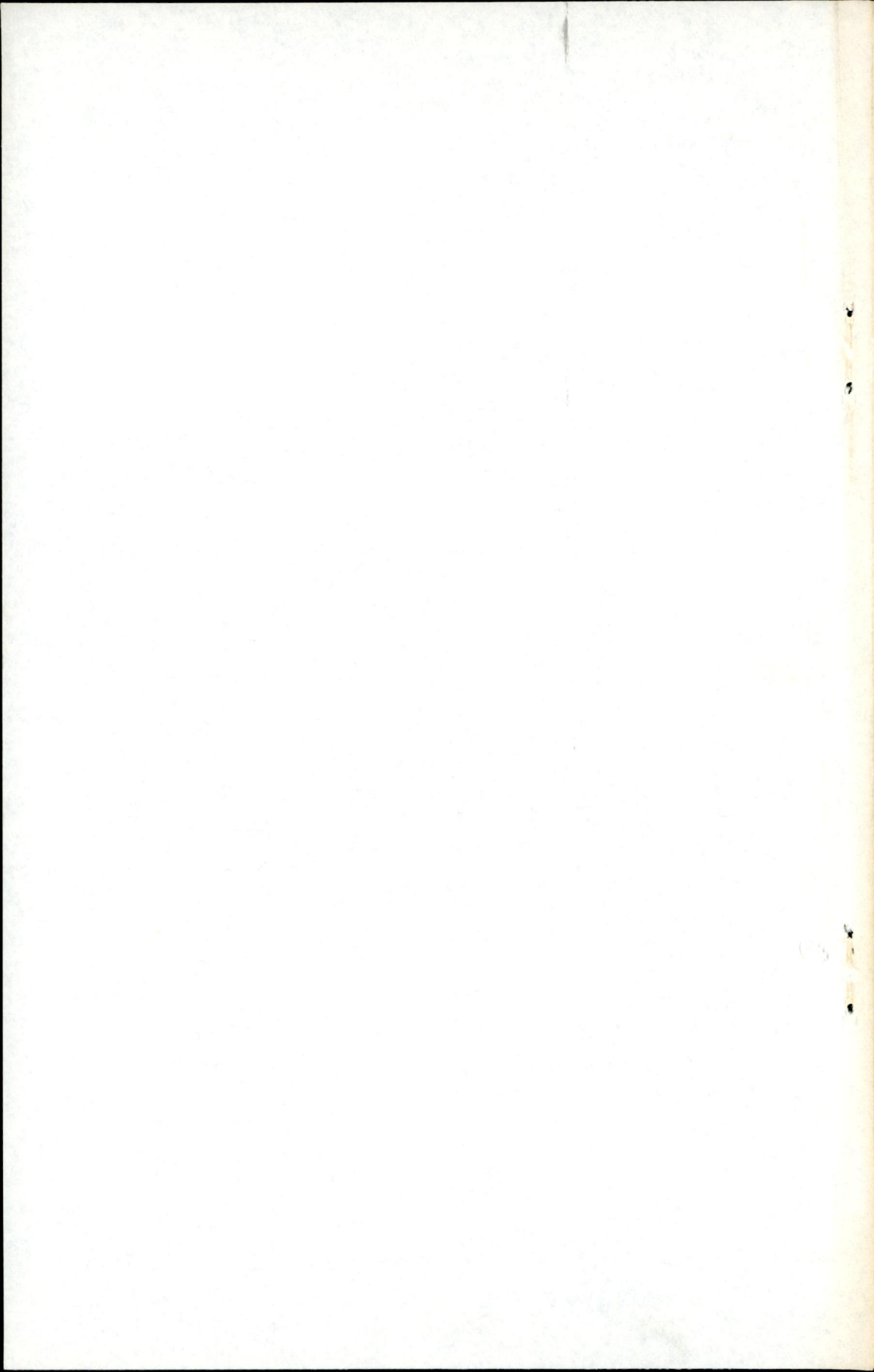
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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 October, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 39, 1971.

An Act to make provisions for the taking of secret ballots by members of trade unions on certain matters; for this purpose to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith. [Assented to, 2nd November, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Industrial Arbitration Short title. (Amendment) Act, 1971".

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Industrial Arbitration (Amendment).

Amendment
of Act No.
2, 1940.

2. The Industrial Arbitration Act, 1940, is amended :—

Sec. 2.
(Division
into
Parts.)

(a) by inserting in section two next after the matter relating to Part X the following new matter :—

PART XA.—SECRET BALLOTS ON INDUSTRIAL MATTERS—ss. 106A–106D.

New
Part XA.

(b) by inserting next after Part X the following new Part :—

PART XA.

SECRET BALLOTS ON INDUSTRIAL MATTERS.

Secret
ballots on
order of
commission
or concilia-
tion com-
missioner.

106A. (1) The commission or a conciliation commissioner may—

(a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike; and

(b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.

(2)

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

- (a) direct the manner in which the secret ballot shall be taken;
- (b) give directions for the conduct of the ballot;
- (c) direct the ballot to be conducted by the trade union concerned or by the Electoral Commissioner for New South Wales or by the trade union in co-operation with the Electoral Commissioner for New South Wales; and
- (d) give such other directions as appear to it or him to be necessary to ensure that the ballot is effectively taken and conducted.

(3) The expense incurred in the conduct of any ballot under this section shall be borne by the State.

106B. (1) During the progress of any strike by the members of a trade union or any class or section of its members or whenever a strike is contemplated by the members of a trade union or any class or section of its members the trade union concerned may request the registrar to conduct a secret ballot of its members or of the class or section of its members involved or likely to be involved in the strike for the purposes of ascertaining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike.

Request by trade unions for secret ballots on strikes.

(2) A request under this section—

- (a) may be made on behalf of the trade union by the committee of management of the trade union;

(b)

Industrial Arbitration (Amendment).

Registrar's
powers on
request
for secret
ballot.

- (b) shall be in writing and specify the reasons for the making of the request;
- (c) shall be accompanied by a concise statement of the facts relevant to the strike or contemplated strike; and
- (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and belief true.

106c. (1) Where a request has been made to the registrar under section 106B of this Act—

- (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
- (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
- (c) he may refer such request to the commission for directions.

Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him necessary to ensure that the ballot is effectively taken and conducted including directions as to the manner in which the ballot is to be taken and as to the conduct of the ballot.

(2) The registrar may exercise his powers under subsection one of this section upon the basis of the matters stated in the request but he may nevertheless take into account any relevant information coming to his knowledge.

(3)

Industrial Arbitration (Amendment).

(3) The expense incurred in a ballot conducted under this section shall be borne by the trade union: Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

106D. A person shall not—

- (a) obstruct the taking of a ballot conducted under this Part;
- (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting;
- (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting; or
- (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

Offences
in
connection
with
secret
ballots.

Any person contravening or failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

In the name and on behalf of Her Majesty I assent to this Act.

K. W. STREET,
*By Deputation from
His Excellency the Governor.*

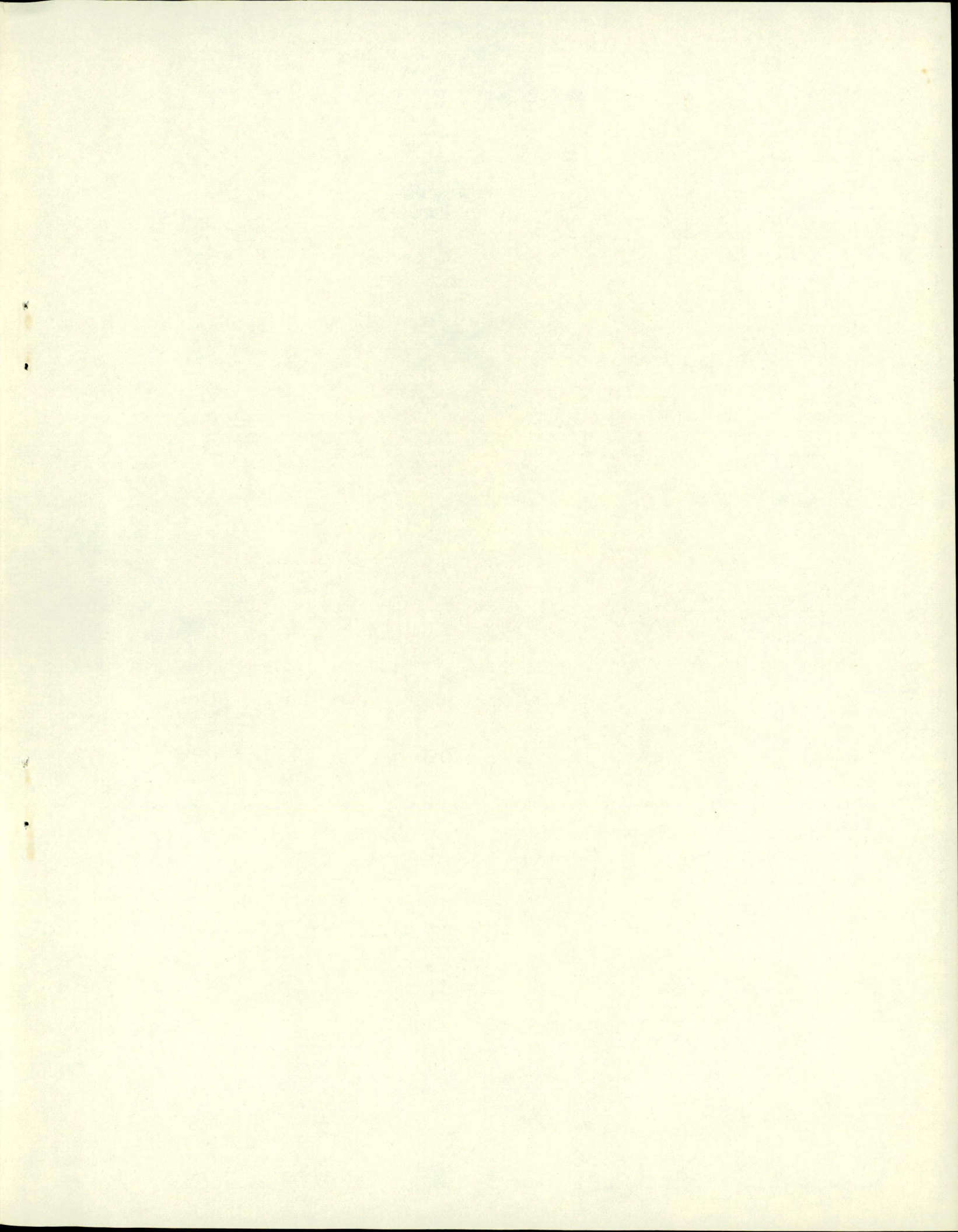
*Government House,
Sydney, 2nd November, 1971.*

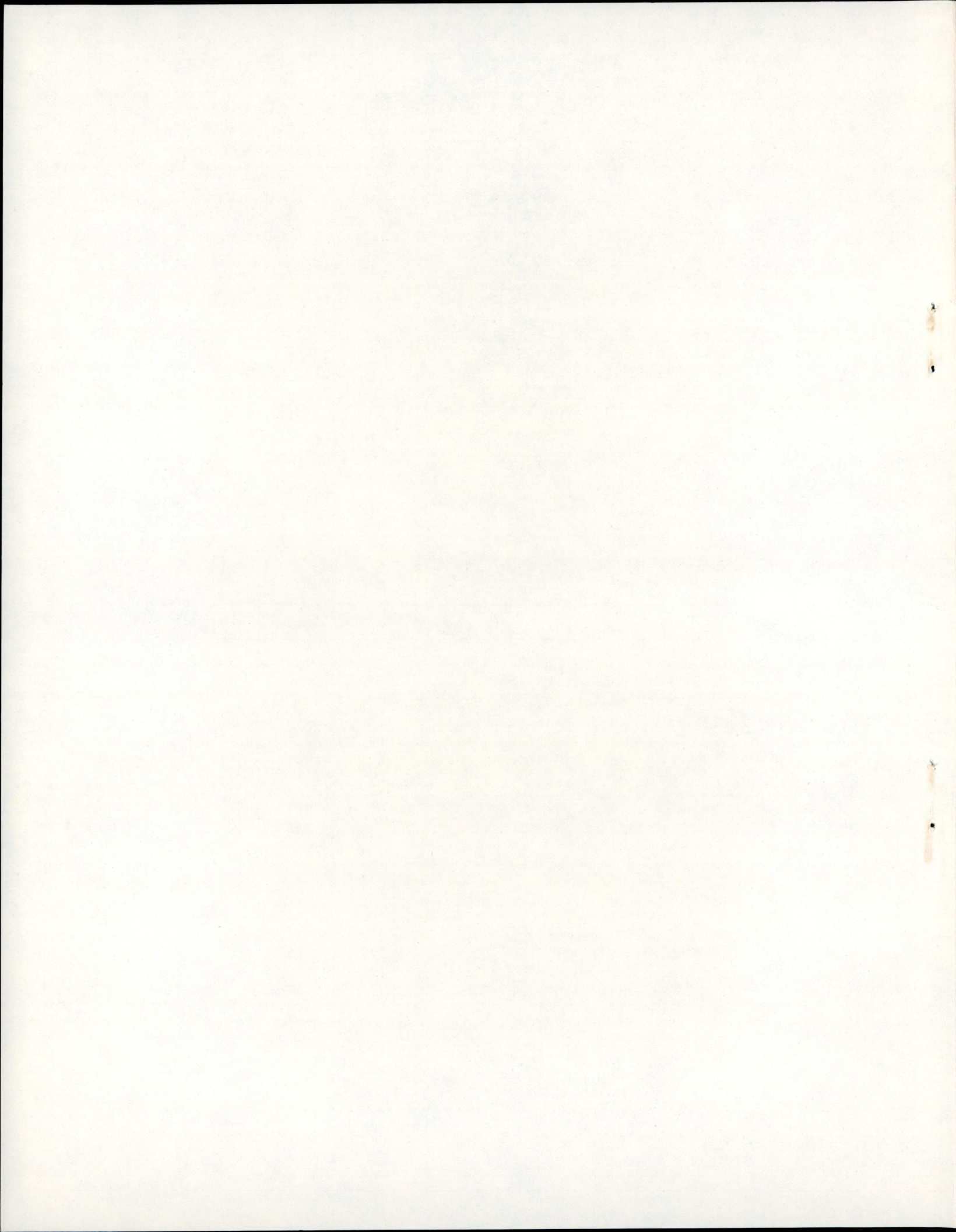
Indiana Election (Amendment)

13. The expense incurred in a ballot box... shall be borne by the State.

- 1006. A person shall not...
 - (a) Openly, the taking of a ballot... order this part;
 - (b) Counsel persons who are entitled to vote at any election... at any time prior to the election;
 - (c) Use any form of intimidation to prevent a person entitled to vote at any such election from voting;
 - (d) Fail to carry out any order or directions of the commission, campaign committee, or other person made or given pursuant to this part of this Act.
- Any person convicted of failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

In the name and on behalf of the State of Indiana, I, Governor...
 1971





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 October, 1971.*

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 39, 1971.

An Act to make provisions for the taking of secret ballots by members of trade unions on certain matters; for this purpose to amend the Industrial Arbitration Act, 1940; and for purposes connected therewith. [Assented to, 2nd November, 1971.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Industrial Arbitration Short title. (Amendment) Act, 1971".

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Industrial Arbitration (Amendment).

Amendment
of Act No.
2, 1940.

2. The Industrial Arbitration Act, 1940, is amended :—

Sec. 2.
(Division
into
Parts.)

(a) by inserting in section two next after the matter relating to Part X the following new matter :—

PART XA.—SECRET BALLOTS ON INDUSTRIAL MATTERS—ss. 106A–106D.

New
Part XA.

(b) by inserting next after Part X the following new Part :—

PART XA.

SECRET BALLOTS ON INDUSTRIAL MATTERS.

106A. (1) The commission or a conciliation commissioner may—

Secret
ballots on
order of
commission
or concilia-
tion com-
missioner.

(a) at any time or from time to time during the progress of any strike or whenever it or he has reason to believe that a strike is contemplated by the members of any trade union or by any class or section of such members order that a secret ballot or ballots of the members of the trade union or class or section involved or likely to be involved therein shall be taken for the purposes of determining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike; and

(b) in respect of any industrial or like matter whether or not proceedings in relation to that matter are before the commission or conciliation commissioner, as the case may be, order that a secret ballot or ballots of the members of the trade union or any class or section of such members affected or likely to be affected thereby shall be taken for the purposes of ascertaining their views or opinions thereon.

(2)

Industrial Arbitration (Amendment).

(2) Where the commission or a conciliation commissioner makes an order under subsection one of this section the commission or the conciliation commissioner shall have the power to—

- (a) direct the manner in which the secret ballot shall be taken;
- (b) give directions for the conduct of the ballot;
- (c) direct the ballot to be conducted by the trade union concerned or by the Electoral Commissioner for New South Wales or by the trade union in co-operation with the Electoral Commissioner for New South Wales; and
- (d) give such other directions as appear to it or him to be necessary to ensure that the ballot is effectively taken and conducted.

(3) The expense incurred in the conduct of any ballot under this section shall be borne by the State.

106B. (1) During the progress of any strike by the members of a trade union or any class or section of its members or whenever a strike is contemplated by the members of a trade union or any class or section of its members the trade union concerned may request the registrar to conduct a secret ballot of its members or of the class or section of its members involved or likely to be involved in the strike for the purposes of ascertaining whether a majority of such members or class or section is or is not in favour of the continuance or institution respectively of the strike.

Request by trade unions for secret ballots on strikes.

(2) A request under this section—

- (a) may be made on behalf of the trade union by the committee of management of the trade union;

(b)

Industrial Arbitration (Amendment).

Registrar's
powers on
request
for secret
ballot.

- (b) shall be in writing and specify the reasons for the making of the request;
- (c) shall be accompanied by a concise statement of the facts relevant to the strike or contemplated strike; and
- (d) shall be accompanied by a statutory declaration by the secretary of the trade union declaring that the matters set forth in the request are to the best of his knowledge and belief true.

106c. (1) Where a request has been made to the registrar under section 106B of this Act—

- (a) he shall, if he is satisfied that there are reasonable grounds for the holding of a secret ballot and the circumstances justify the same, grant the request;
- (b) he shall, if he is not so satisfied, refuse the request and inform the trade union accordingly; or
- (c) he may refer such request to the commission for directions.

Where the registrar grants the request under paragraph (a) of this subsection he shall inform the trade union accordingly, direct that the secret ballot be conducted by his nominee or by the trade union or by the Electoral Commissioner for New South Wales and give such directions as appear to him necessary to ensure that the ballot is effectively taken and conducted including directions as to the manner in which the ballot is to be taken and as to the conduct of the ballot.

(2) The registrar may exercise his powers under subsection one of this section upon the basis of the matters stated in the request but he may nevertheless take into account any relevant information coming to his knowledge.

(3)

Industrial Arbitration (Amendment).

(3) The expense incurred in a ballot conducted under this section shall be borne by the trade union: Provided that the Minister may, on application by the trade union, determine that the expense so incurred, or a specified part thereof, shall be borne by the State.

106D. A person shall not—

- (a) obstruct the taking of a ballot conducted under this Part;
- (b) counsel persons who are entitled to vote at any such ballot to refrain from so voting;
- (c) use any form of intimidation to prevent a person entitled to vote at any such ballot from voting; or
- (d) fail to carry out any orders or directions of the commission, conciliation commissioner or registrar made or given pursuant to this Part of this Act.

Offences
in
connection
with
secret
ballots.

Any person contravening or failing to comply with the provisions of this section shall be liable to a penalty not exceeding five hundred dollars or imprisonment for six months or both.

In the name and on behalf of Her Majesty I assent to this Act.

K. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 2nd November, 1971.*

Unethical Practices (Amendment)

(3) The expense of travel and other expenses incurred by a member of the House of Representatives in connection with his official duties shall be paid by the State.

(4) No member of the House of Representatives shall accept any honorarium or other payment for services rendered in his official capacity.

(5) No member of the House of Representatives shall be absent from any session of the House without having previously notified the Speaker of the House of the reasons therefor.

(6) No member of the House of Representatives shall be absent from any session of the House for more than three consecutive days without having previously notified the Speaker of the House of the reasons therefor.

(7) No member of the House of Representatives shall be absent from any session of the House for more than five consecutive days without having previously notified the Speaker of the House of the reasons therefor.

Enacted at the Regular Session of the Legislature, 1971, on the 15th day of June.

Approved: _____
Governor

Approved: _____
Speaker of the House

