

## EXPLANATORY STATEMENT

### STATUTORY RULES 1986 NO 93

#### Conciliation and Arbitration Regulations (Amendment)

(Issued by the Authority of the Minister for Employment and Industrial Relations)

The amendments to Part VA - Amalgamation of Organizations - of the Conciliation and Arbitration Regulations ("the Principal Regulations") are designed to enable organizations registered under the Conciliation and Arbitration Act 1904 which are in the process of amalgamating to elect which of two formats of ballot paper is most suitable for the purpose of the amalgamation ballot. (The current regulations do not provide for such a choice). The regulations also make some consequential changes to related aspects of the Principal regulations and provide for two new forms to be set out in Schedule 1 of the Principal Regulations.

Regulation 1 repeals existing Regulation 146S of the Principal Regulations and substitutes a new regulation making it possible for organizations concerned in a proposed amalgamation, the scheme of which does or does not contain a provision for an alternative amalgamation, to elect to have a new Form of ballot paper, as provided for in Regulation 4, used in a ballot of the members of the organization in respect of the proposed amalgamation. Where an election is made by an organization it shall be made in writing to the person conducting the ballot no later than 28 days before the commencing date of the ballot.

Regulation 2 amends Regulation 146U of the Principal Regulations by enabling a member of an organization entitled to vote at a ballot in respect of a proposed, or alternative amalgamation, where an election has been made by an organization in respect of the form of ballot papers, for the ballot in accordance with Regulation 1, to mark, against the question whether an amalgamation should proceed, the box marked "Yes" with a cross or a tick or the box marked "No" with a cross or a tick.

Regulation 3 repeals Regulation 146W (3)(c) of the Principal Regulations and inserts a new provision which may ensure that ballot papers which are not completed in accordance with the stated instructions but nevertheless indicate a clear intention on the part of the voter, are not rejected as informal. The Regulation provides that a ballot paper is informal only if, inter alia, it is so imperfectly marked that the intention of the voter is not clear.

Regulation 4 amends Schedule 1 to the Principal Regulations by inserting new Forms 39DA and 39EA in respect of the format of the ballot paper to apply where an organization makes an election in accordance with Regulation 1.