



VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 1072]

MONDAY, NOVEMBER 15.

[1948

ESSENTIAL SERVICES ACT 1948.

At Government House, Melbourne, the fifteenth day of
November, 1948.

PRESENT:

His Excellency the Governor of Victoria.

Mr. McDonald
Mr. Oldham

Mr. Hyland.

ESSENTIAL SERVICES (SECRET BALLOT) REGULATIONS.

UNDER the powers conferred upon him by the *Essential Services Act 1948* and under all other powers him thereunto enabling His Excellency the Governor of Victoria by and with the advice of the Executive Council thereof doth hereby make the following Regulations, that is to say:—

1. These Regulations may be cited as the Essential Services (Secret Ballot) Regulations and shall come into operation on the date upon which the Act comes into operation.

2. In these Regulations unless inconsistent with the context or subject matter—

“Act” means the *Essential Services Act 1948*.

“Chief Electoral Officer” means the Chief Electoral Officer for the State of Victoria appointed pursuant to The Constitution Act Amendment Acts.

3. (1) Where a strike or similar interruption is threatened in an essential service the person or body providing such service or an officer or trustee of a trade union of employees engaged in such service may by application in writing addressed to the Premier request that a secret ballot be held by the Chief Electoral Officer.

(2) Every such application shall set forth the matter in dispute.

4. The Premier may whenever it appears to him expedient and shall upon receiving any application as provided in the last preceding regulation direct that a secret ballot shall be taken by the Chief Electoral Officer.

5. (1) Upon being directed to hold a secret ballot by the Premier or the Governor in Council, the Chief Electoral Officer shall forthwith—

(a) give public notice by advertisement published in the *Government Gazette* and at least two newspapers circulating generally in Victoria of his intention to hold a secret ballot and shall in such advertisement notify the day and time when and the place at which such secret ballot shall be closed; and

(b) give notice to every body or person providing the essential service in which the strike or other similar interruption is threatened or has occurred as the case may be calling upon such body or person to prepare and forward to the Chief Electoral Officer a list containing the full name and the proper postal address of the place of residence (so far as such name and address are known to it or him) of every person who at the date specified for that purpose in the notice was employed by it or him.

(2) The notice referred to in paragraph (b) of the last preceding sub-regulation shall be given by writing under the hand of the Chief Electoral Officer posted to or delivered to the body or person concerned and shall set forth a date on or before which the list must be delivered to the Chief Electoral Officer.

(3) Every body or person to which or whom any such notice is given shall forward the list required of it or him to the Chief Electoral Officer on or before the time specified in the notice and with such list shall forward an addressed envelope for each person whose name is included in such list.

6. (1) The list or lists which in response to any notice given by the Chief Electoral Officer under the last preceding regulation are delivered to him on or before the date specified in his notice for the delivery of such list or lists shall constitute the roll for holding the secret ballot for which the list or lists in question have been forwarded to the Chief Electoral Officer.

(2) Every person whose name is included in such roll and no other person whatsoever shall be entitled to vote at the secret ballot for the purpose of which such roll has been prepared.

7. (1) As soon as practicable after the receipt of such roll and not less than seven days before the day fixed for the taking of the ballot, the Chief Electoral Officer shall forward by post to every person whose name and address appear thereon a ballot-paper in the form of Form "A" or (as the case requires) Form "B" in the Schedule hereto or in a form to the like effect.

(2) The Chief Electoral Officer shall enclose with every such ballot-paper an unsealed return envelope addressed to the Chief Electoral Officer.

8. At any ballot the voter shall mark his ballot-paper in the following manner:—

- (a) (i) if in favour of the threatened strike or similar interruption mark the figure "1" in the square opposite the word "Yes" and the figure "2" in the square opposite the word "No" in accordance with Form "A" of the Schedule;
- (ii) if not in favour of the threatened strike or similar interruption mark the figure "1" in the square opposite the word "No" and the figure "2" in the square opposite the word "Yes" in accordance with Form "A" of the Schedule;
- (b) (i) if in favour of the continuation of the existing strike or interruption mark the figure "1" in the square opposite the word "Yes" and the figure "2" in the square opposite the word "No" in accordance with Form "B" of the Schedule;
- (ii) if not in favour of the continuation of the existing strike or interruption mark the figure "1" in the square opposite the word "No" and the figure "2" in the square opposite the word "Yes" in accordance with Form "B" of the Schedule.

Provided that where the voter has indicated his vote by placing the figure "1" in one square and has left the other square blank, the voter shall be deemed to have complied with the requirements of this Regulation.

9. When any person to whom a ballot-paper has been sent has marked his ballot-paper, he shall enclose the same in the return envelope referred to in sub-regulation (2) of Regulation 7 hereof and shall post or deliver or cause the same to be delivered to the Chief Electoral Officer.

10. Upon any person whose name appears on the roll making and transmitting to the Chief Electoral Officer a declaration signed before a justice of the peace that such person has not received a ballot-paper or that the ballot-paper received by him has been lost or spoilt or destroyed, and that he has not already voted, the Chief Electoral Officer may issue to such person a duplicate ballot-paper.

11. (1) The Chief Electoral Officer shall provide a ballot-box or boxes with a cleft or opening therein capable of receiving the return envelopes and ballot-papers.

(2) Each ballot-box shall be locked immediately the ballot-papers are posted in accordance with sub-regulation 1 of Regulation 7 hereof and shall remain locked until the close of the ballot.

(3) The Chief Electoral Officer shall place in such box or boxes all envelopes containing ballot-papers received by him up to the time fixed for closing the ballot.

12. The Chief Electoral Officer may allow to be present at the scrutiny one or more scrutineers to represent the body or person providing the essential service in which the strike or similar interruption is threatened or has occurred (as the case may be) and one or more scrutineers to represent the employes of such body or person.

13. (1) The Chief Electoral Officer shall as soon as practicable after the close of the ballot open the ballot-box or boxes in the presence of such scrutineers as are present and shall thereupon—

(a) produce unopened all envelopes containing ballot-papers received up to the time of closing the ballot;

(b) open each envelope, withdraw the ballot-paper contained therein and without inspecting the vote deposit the ballot-paper in a ballot-box;

(c) when all envelopes have been opened and the ballot-papers withdrawn therefrom and deposited in the ballot-box open the ballot-box and count the votes.

(2) A ballot-paper shall not be rejected by reason only of the fact that it is enclosed in an envelope other than the return envelope referred to in sub-regulation (2) of Regulation 7 hereof.

14. At the conclusion of every ballot the Chief Electoral Officer shall report the result to the Premier and such report shall contain a statement of—

(a) the number of persons entitled to vote at the ballot;

(b) the number of affirmative votes;

(c) the number of negative votes;

(d) the number of ballot-papers rejected as informal.

15. If before the conclusion of any ballot, any proclamation which may have been issued under the provisions of section 3 of the Act in relation to the essential service for which the ballot was being taken is revoked or where so directed by the Premier the Chief Electoral Officer shall not proceed further with the taking of such ballot.

16. (1) The Chief Electoral Officer shall, forthwith after reporting to the Premier the result of any secret ballot as provided in Regulation 14 hereof, cause all the ballot-papers and rolls used in connexion with such ballot to be sealed up in a packet endorsed with a description of the contents thereof and shall safely and secretly keep such sealed packet for two months after the taking of such ballot.

(2) The Chief Electoral Officer shall after the expiration of such period of two months cause the same to be destroyed.

17. (1) For the purpose of any secret ballot held by him, the Chief Electoral Officer may appoint by writing under his hand one or more poll clerks to assist him in his duties concerning such ballot.

(2) Any person so appointed may be an officer of the Public Service of Victoria under the *Public Service Act* 1946.

(3) Every poll clerk shall be entitled to such remuneration as the Premier may from time to time determine.

18. The Chief Electoral Officer, every poll clerk and every scrutineer shall before he enters upon any duties assigned to him at any secret ballot make and sign before some justice a declaration to the effect following:—

I (A.B.) do solemnly declare that I will faithfully and impartially according to the best of my skill and judgment exercise and perform all the powers authorities and duties

reposed in or required of me as Chief Electoral Officer (or poll clerk or scrutineer as the case may be), and I do solemnly promise and declare that I will not attempt to ascertain how any person shall vote or have voted and that if in the discharge of my duties I learn or have the means of learning how any person shall vote or have voted, I will not by word or act or by any other means whatsoever directly or indirectly divulge or discover or aid in divulging or discovering the same, save in answer to some question which I am legally bound to answer or in compliance with the express provisions of the law.

SCHEDULE.

Form A.

ESSENTIAL SERVICES (SECRET BALLOT) REGULATIONS.

BALLOT-PAPER.

Are you in favour of the strike or similar interruption now threatened in the essential service in which you are employed?

YES.

NO.

Directions.

1. If you are in favour of a strike or similar interruption, mark the figure "1" in the square opposite the word "Yes" and the figure "2" in the square opposite the word "No."

2. If you are not in favour of a strike or similar interruption, mark the figure "1" in the square opposite the word "No" and the figure "2" in the square opposite the word "Yes."

3. After marking the ballot-paper, fold it, and then place it in the accompanying envelope addressed to the Chief Electoral Officer and post or deliver it or cause it to be delivered to him in time to reach him not later than 4 p.m. on the _____, being the time fixed for the close of the ballot.

NOTE.—Do not mark a cross (X) in any square and do not strike out either of the words "Yes" or "No" on this ballot-paper.

SCHEDULE.

Form B.

ESSENTIAL SERVICES (SECRET BALLOT) REGULATIONS.

BALLOT-PAPER.

Are you in favour of the continuation of the strike or similar interruption now occurring in the essential service in which you are employed?

YES.

NO.

Directions.

1. If you are in favour of the continuance of the strike or similar interruption, mark the figure "1" in the square opposite the word "Yes" and the figure "2" in the square opposite the word "No."

2. If you are not in favour of the continuance of the strike or similar interruption, mark the figure "1" in the square opposite the word "No" and the figure "2" in the square opposite the word "Yes."

3. After marking the ballot-paper, fold it, and then place it in the accompanying envelope addressed to the Chief Electoral Officer and post or deliver it or cause it to be delivered to him in time to reach him not later than 4 p.m. on the _____, being the time fixed for the close of the ballot.

NOTE.—Do not mark a cross (X) in any square and do not strike out either of the words "Yes" or "No" on this ballot-paper.

And the Honorable John Gladstone Black McDonald, for and on behalf of His Majesty's Premier of the State of Victoria, shall give the necessary directions herein accordingly.

J. C. MACGIBBON,
Acting Clerk of the Executive Council.