

**INDUSTRIAL RELATIONS ACT 1979****INDUSTRIAL RELATIONS (PRE-STRIKE BALLOT EXPENSES) REGULATIONS 1997**

Made by the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Industrial Relations (Pre-strike Ballot Expenses) Regulations 1997*.

**Commencement**

2. These regulations come into operation on the day on which Part 3 of the *Labour Relations Legislation Amendment Act 1997* comes into operation.

**Interpretation**

3. In these regulations—

“**authorized expenses**” means the following expenses incurred by or on behalf of a person conducting a pre-strike ballot, or persons assisting that person, in relation to the conduct of the pre-strike ballot—

- (a) clerical expenses;
- (b) postal, telephony and electronic expenses;
- (c) expenses of advertising and printing ballot papers and associated commentary;
- (d) travel and accommodation expenses; and
- (e) payment of persons employed or engaged to supervise the pre-strike ballot, but does not include—
  - (f) expenses incurred before the pre-strike ballot was ordered to be held;
  - (g) expenses incurred in respect of any appeal, or application for an injunction, under Part VIB of the Act; or
  - (h) any costs incurred by or in respect of scrutineers.

**Expenses may be met by the Registrar**

4. (1) If a pre-strike ballot is conducted by a nominee of the Commission or the organization of employees whose members will be entitled to vote in the pre-strike ballot, that nominee or organization may—

- (a) not later than 1 month after the date of the declaration of the results of the pre-strike ballot, cause the accounting records of authorized expenses incurred in conducting the pre-strike ballot to be audited by a person who is for the time being registered as an auditor or taken to be registered as an auditor under Part 9.2 of the Corporations Law; and
- (b) not later than one month after the completion of the audit referred to in paragraph (a), apply in writing to the Registrar for payment or reimbursement of the authorized expenses incurred in conducting the ballot.

(2) An application under subregulation (1) (b) for payment or reimbursement of authorized expenses is to be accompanied by the audited accounting records referred to in subregulation (1) (a).

(3) The Registrar is to—

- (a) examine any application made under subregulation (1) (b); and
- (b) subject to regulation 5, pay or reimburse to the applicant all authorized expenses included in the audited accounting records that, in the opinion of the Registrar, have been reasonably and properly incurred in the conduct of the pre-strike ballot.

(4) A decision of the Registrar as to whether expenses have been reasonably and properly incurred is final.

(5) An audit carried out on behalf of an organization under subregulation (1) (a) does not operate in substitution for compliance with the requirements imposed on that organization under sections 63 and 65 of the Act.

**Certain expenses will not be met by Registrar**

5. Despite regulation 4, the Registrar is not to pay or reimburse authorized expenses in respect of a pre-strike ballot if the pre-strike ballot was conducted by the organization of employees whose members were entitled to vote in the pre-strike ballot and—

- (a) participation in the strike endorsed by the pre-strike ballot is taking or took place outside the participation period in respect of that strike determined under section 97C (1) (e) of the Act; or
- (b) the strike endorsed by the pre-strike ballot is or was a “strike matter” within the meaning of section 32 (12) (d) of the Act.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.