

**TRADE UNION (AMALGAMATIONS) AMENDMENT
BILL, 1981**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Industrial Arbitration (Amendment) Bill, 1981.

The object of this Bill is to amend the Trade Union Act 1881 so as to provide that before a trade union may amalgamate with any other trade union a secret ballot of the members of each of those trade unions must be held.

TRADE UNION (AMALGAMATION) AMENDMENT
BILL, 1981

EXPLANATORY NOTE

(This Explanatory Note relates to the Bill as introduced into Parliament)

This Bill is cognate with the Industrial Relations (Amendment) Bill, 1981. The object of this Bill is to amend the Trade Union Act, 1946 so as to provide that before a trade union may amalgamate with any other trade union a secret ballot of the members of each of those trade unions must be held.

Act No. 1981
**TRADE UNION (AMALGAMATIONS) AMENDMENT
BILL, 1981**

Bill is 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 Trade Union (Amalgamations) Amendment Act, 1981.

Commencement.

2. (1) This section and section 7 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1) this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation in the Gazette.

No. 1981.

A BILL FOR

An Act to amend the Trade Union Act 1881 in relation to the amalgamation of trade unions, and for other purposes.

[MR HILLS—13 May, 1981.]

Trade Union (Amalgamations) Amendment.

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 Short title.

1. This Act may be cited as the "Trade Union (Amalgamations) Amendment Act, 1981".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent 10 to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

15 3. The Trade Union Act 1881 is referred to in this Act as the Principal Act.

Amendment of Act 45 Vic. No. 12.

4. The Principal Act is amended in the manner set forth in Schedule 1.

Saving.

20 5. A certificate of registry issued under section 14 of the Principal Act before the day appointed and notified pursuant to section 2 (2) shall have the same force and effect as a certificate of registry issued under section 14 of the Principal Act, as amended by this Act.

Trade Union (Amalgamations) Amendment.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Sections 4, 5, 14, 15, 16, 31, First Schedule—

5 Omit the periods wherever occurring in the matter in parentheses.

(2) (a) Section 14—

After “trade union” where firstly occurring, insert “(including a trade union resulting from the amalgamation of two or more trade unions)”.

10 (b) Section 14 (2)—

Omit “the regulations respecting registry in force under this Act”, insert instead “all requirements imposed by or under this Act with respect to registry”.

(c) Section 14 (5)—

15 Omit “the regulations of”, insert instead “all requirements imposed by or under”.

(d) Section 14 (8)—

After section 14 (7), insert:—

20 (8) Paragraph (7) has no effect with respect to the registry under this Act of a trade union resulting from the amalgamation of two or more trade unions where—

(a) each of the trade unions which have become amalgamated was, immediately before becoming so amalgamated, registered under this Act; and

25 (b) the class of persons eligible for membership of the trade union so resulting does not, in the opinion of the Registrar, include any person who would not, were the trade unions which have become so amalgamated still to exist, be eligible
30 for membership of any of those trade unions.

Trade Union (Amalgamations) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) Section 22B—

After section 22A, insert:—

5 **Procedure for amalgamating trade unions.**

22B. (1) Where the authority empowered by the rules of a trade union to alter those rules votes or resolves, in accordance with section 22A, that the trade union become amalgamated together as one union with any other union or unions, the following provisions shall have effect:—

(a) the trade union shall not become so amalgamated unless a secret ballot of the members of that union is conducted under this section and a majority of those voting in the ballot cast their votes in favour of that union becoming so amalgamated;

(b) the Electoral Commissioner of New South Wales, or a person employed in the office of the Electoral Commissioner, shall be the returning officer for the ballot so conducted;

(c) the expense incurred in the conduct of that ballot shall be borne by the State.

(2) The Governor may make regulations, not inconsistent with this Act, for or with respect to—

(a) the conduct of ballots under this section; and

(b) the powers and duties of returning officers.

(3) A regulation made under subsection (2) may impose a penalty not exceeding \$200 for an offence against the regulation.

Trade Union (Amalgamations) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(4) Sections 23A, 23B—

After section 23, insert:—

5 Registration of amalgamations.

23A. (1) The Registrar shall not register an amalgamation of two or more trade unions unless he is satisfied that all requirements imposed by or under this Act with respect to amalgamation have been complied with.

10 (2) Upon registration of an amalgamation of two or more trade unions, each of the trade unions which have become amalgamated shall, for the purposes of this Act, be deemed to have ceased to exist.

Interim certificates of registry.

15 23B. (1) Upon registration of an amalgamation of two or more trade unions where each of the trade unions which have become amalgamated was, immediately before becoming so amalgamated, registered under this Act, the Registrar may issue an interim certificate of registry under this section in respect of the trade union
20 resulting from the amalgamation.

(2) An interim certificate of registry issued under this section is in force until the expiration of six months from the time it is issued or until the trade union in respect of which it is issued is registered in accordance with the provisions of section 14, whichever first
25 occurs.

(3) Notwithstanding that all requirements imposed by or under this Act with respect to registry have not been complied with, a trade union in respect of which an interim certificate of registry is in force under this section shall, except for the purposes of section 14,
30 be deemed to be registered under this Act.

Trade Union (Amalgamations) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(5) Section 26—

5 Omit “1912, as amended by subsequent Acts,” insert instead
“1940,”.

(6) Section 27A—

After section 27, insert:—

Regulations.

10 27A. Section 41 of the Interpretation Act, 1897, applies in respect
of a regulation made under this Act as if this Act had been passed
after the commencement of the Interpretation (Amendment) Act,
1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

[40c]

**TRADE UNION (AMALGAMATIONS) AMENDMENT ACT,
1981, No. 54**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 54, 1981.

An Act to amend the Trade Union Act 1881 in relation to the amalgamation of trade unions, and for other purposes. [Assented to, 22nd May, 1981.]

Trade Union (Amalgamations) Amendment.

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:—

Short title.

1. This Act may be cited as the "Trade Union (Amalgamations) Amendment Act, 1981".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Trade Union Act 1881 is referred to in this Act as the Principal Act.

Amendment of Act 45 Vic. No. 12.

4. The Principal Act is amended in the manner set forth in Schedule 1.

Saving.

5. A certificate of registry issued under section 14 of the Principal Act before the day appointed and notified pursuant to section 2 (2) shall have the same force and effect as a certificate of registry issued under section 14 of the Principal Act, as amended by this Act.

Trade Union (Amalgamations) Amendment.

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Sections 4, 5, 14, 15, 16, 31, First Schedule—

Omit the periods wherever occurring in the matter in parentheses.

(2) (a) Section 14—

After “trade union” where firstly occurring, insert “(including a trade union resulting from the amalgamation of two or more trade unions)”.

(b) Section 14 (2)—

Omit “the regulations respecting registry in force under this Act”, insert instead “all requirements imposed by or under this Act with respect to registry”.

(c) Section 14 (5)—

Omit “the regulations of”, insert instead “all requirements imposed by or under”.

(d) Section 14 (8)—

After section 14 (7), insert:—

(8) Paragraph (7) has no effect with respect to the registry under this Act of a trade union resulting from the amalgamation of two or more trade unions where—

(a) each of the trade unions which have become amalgamated was, immediately before becoming so amalgamated, registered under this Act; and

(b) the class of persons eligible for membership of the trade union so resulting does not, in the opinion of the Registrar, include any person who would not, were the trade unions which have become so amalgamated still to exist, be eligible for membership of any of those trade unions.

Trade Union (Amalgamations) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) Section 22B—

After section 22A, insert:—

Procedure for amalgamating trade unions.

22B. (1) Where the authority empowered by the rules of a trade union to alter those rules votes or resolves, in accordance with section 22A, that the trade union become amalgamated together as one union with any other union or unions, the following provisions shall have effect:—

- (a) the trade union shall not become so amalgamated unless a secret ballot of the members of that union is conducted under this section and a majority of those voting in the ballot cast their votes in favour of that union becoming so amalgamated;
- (b) the Electoral Commissioner of New South Wales, or a person employed in the office of the Electoral Commissioner, shall be the returning officer for the ballot so conducted;
- (c) the expense incurred in the conduct of that ballot shall be borne by the State.

(2) The Governor may make regulations, not inconsistent with this Act, for or with respect to—

- (a) the conduct of ballots under this section; and
- (b) the powers and duties of returning officers.

(3) A regulation made under subsection (2) may impose a penalty not exceeding \$200 for an offence against the regulation.

Trade Union (Amalgamations) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Sections 23A, 23B—

After section 23, insert:—

Registration of amalgamations.

23A. (1) The Registrar shall not register an amalgamation of two or more trade unions unless he is satisfied that all requirements imposed by or under this Act with respect to amalgamation have been complied with.

(2) Upon registration of an amalgamation of two or more trade unions, each of the trade unions which have become amalgamated shall, for the purposes of this Act, be deemed to have ceased to exist.

Interim certificates of registry.

23B. (1) Upon registration of an amalgamation of two or more trade unions where each of the trade unions which have become amalgamated was, immediately before becoming so amalgamated, registered under this Act, the Registrar may issue an interim certificate of registry under this section in respect of the trade union resulting from the amalgamation.

(2) An interim certificate of registry issued under this section is in force until the expiration of six months from the time it is issued or until the trade union in respect of which it is issued is registered in accordance with the provisions of section 14, whichever first occurs.

(3) Notwithstanding that all requirements imposed by or under this Act with respect to registry have not been complied with, a trade union in respect of which an interim certificate of registry is in force under this section shall, except for the purposes of section 14, be deemed to be registered under this Act.

Trade Union (Amalgamations) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(5) Section 26—

Omit “1912, as amended by subsequent Acts,”, insert instead “1940.”

(6) Section 27A—

After section 27, insert:—

Regulations.

27A. Section 41 of the Interpretation Act, 1897, applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 22nd May, 1981.*



