

TRADE UNION (AMALGAMATIONS) SPECIAL PROVISIONS BILL, 1980

EXPLANATORY NOTE

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

The object of this Bill is to provide that, where 2 or more trade unions have been amalgamated under the Trade Union Act 1881 ("the Principal Act") before the commencement of the proposed Act, the resulting amalgamated trade union is deemed itself to have been registered as a trade union in accordance with the Principal Act.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2 provides that the proposed Act is to be construed as part of the Principal Act, and accordingly expressions used in the Bill have the same meaning as in the Principal Act.

Clause 3. Interpretation.

Clause 4 provides that the proposed Act applies to amalgamations of trade unions effected before, but not after, the commencement of the proposed Act.

Clause 5 states that, where the registration of the amalgamation of 2 or more trade unions is effected under the Principal Act, the amalgamated trade union is deemed to be registered under section 14 of that Act.

Clause 6 validates any acts or omissions that would be valid if the registration referred to in clause 5 had in fact been effected.

Clause 7 enables the Industrial Registrar to issue certificates of registry for any such amalgamated trade unions and to perform other duties as a result of the registration that is deemed to have been effected.

Clause 8 makes such a certificate conclusive evidence of amalgamation and registration.

Clause 9 excludes the proposed Act from operating in respect of the purported amalgamation of the Australian Workers' Union and the Shop Assistants' and Warehouse Employees' Federation of Australia, New South Wales Branch, as referred to in *Egan v. Shop Distributive and Allied Employees' Association and Others* (1979) 53 A.L.J.R. 557.

STATE OF NEW YORK
IN SENATE

January 10, 1907

REPORT OF THE
COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION PASSED BY THE SENATE
ON JANUARY 10, 1907

ALBANY:
J. B. LIPPINCOTT COMPANY, PRINTERS,
1907

ALBANY:
J. B. LIPPINCOTT COMPANY, PRINTERS,
1907

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J. B. LIPPINCOTT COMPANY, PRINTERS,
1907

ALBANY:
J. B. LIPPINCOTT COMPANY, PRINTERS,
1907

PROOF

**TRADE UNION (AMALGAMATIONS) SPECIAL
PROVISIONS BILL, 1980**

No. , 1980.

A BILL FOR

An Act to make special provisions with respect to the amalgamation or purported amalgamation of certain trade unions and with respect to the registration of the trade unions resulting from any such amalgamations.

[MR HILLS—26 November, 1980.]

Trade Union (Amalgamations) Special Provisions.

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 "Trade Union (Amalgama- Short title.
tions) Special Provisions Act, 1980".
- 2.** This Act shall be construed with, and as part of, the Trade Construction.
Union Act 1881.
- 10 **3.** In this Act, except in so far as the context or subject-matter Interpretation.
otherwise indicates or requires—
- "amalgamated trade union" means the body resulting, or
 purporting to result, from the amalgamation of 2 or
 more trade unions;
- 15 "amalgamation" means amalgamation or purported amalga-
 mation under the Principal Act;
- "name" includes style;
- "Principal Act" means the Trade Union Act 1881.
- 20 **4.** This Act applies to and in respect of the amalgamation Application
of 2 or more trade unions effected or purporting to be effected of Act.
before, but not after, the commencement of this Act.
- 5.** Where registration in accordance with section 23 of the Effect of
Principal Act has been effected before the commencement of this amalgama-
Act with respect to the amalgamation of 2 or more trade unions, tions.
the amalgamated trade union shall—
- 25 (a) be deemed, by virtue of that registration, to have been,
 at the same time, registered as a trade union in
 accordance with section 14 of the Principal Act; and

Trade Union (Amalgamations) Special Provisions.

(b) be deemed to have been so registered as a trade union under the name specified in the records kept by the Registrar as the name of the amalgamated trade union at the time the amalgamation was registered.

5 **6.** (1) Without limiting the effect of section 5, anything done or omitted to be done by or in relation to or in connection with, and in particular anything done or omitted to be done by an officer of or a body associated with, an amalgamated trade union, and anything done or omitted to be done in consequence thereof,
10 before the commencement of this Act shall have the same force and effect and be as valid, and be deemed always to have had the same force and effect and to have been as valid, as if the matters deemed by section 5 to have been done had in fact been done as referred to in that section.

Validation
of acts,
etc.

15 (2) Any non-compliance with the Principal Act as in force at any time before the commencement of this Act with respect to an amalgamated trade union (and in particular the fact that a certificate of registry of an amalgamated trade union was not issued in accordance with section 14 of the Principal
20 Act or the fact that the rules of an amalgamated trade union were not or are not registered in accordance with that section) does not affect the operation of any provision of this Act.

7. (1) The Registrar is hereby authorised to issue a certificate of registry of an amalgamated trade union.

Issue of
certificates,
etc.

25 (2) A certificate issued under subsection (1) shall be deemed to have been issued under section 14 of the Principal Act in respect of the amalgamated trade union to which it relates, and to have been so issued on the date on which that amalgamated trade union is deemed, by section 5, to have been registered under
30 section 14 of the Principal Act.

Trade Union (Amalgamations) Special Provisions.

(3) The Registrar may make such entries in such registers and issue or cause the issue of such documents as he considers necessary or expedient for the purposes of this Act and in connection with the registration of an amalgamated trade union deemed, 5 by section 5, to have been effected under section 14 of the Principal Act.

(4) Any non-compliance referred to in section 6 (2) may be remedied at any time, and any necessary powers are hereby conferred for that purpose.

10 **8.** (1) A certificate of registry issued under section 7 with Evidence.
respect to an amalgamated trade union resulting from the
amalgamation of 2 or more trade unions is conclusive evidence—

15 (a) that those 2 or more trade unions were duly
amalgamated in accordance with the Principal Act and
that all requirements imposed by or under the Principal
Act with respect to the amalgamation were duly
complied with;

20 (b) that the amalgamated trade union was, on and from the
time the amalgamation took effect, registered as a trade
union in accordance with section 14 of the Principal
Act and that all requirements imposed by or under the
Principal Act with respect to the registry of the
amalgamated trade union were duly complied with; and

25 (c) that the name of the amalgamated trade union on and
from the time the amalgamation took effect was that
specified in the certificate in that behalf.

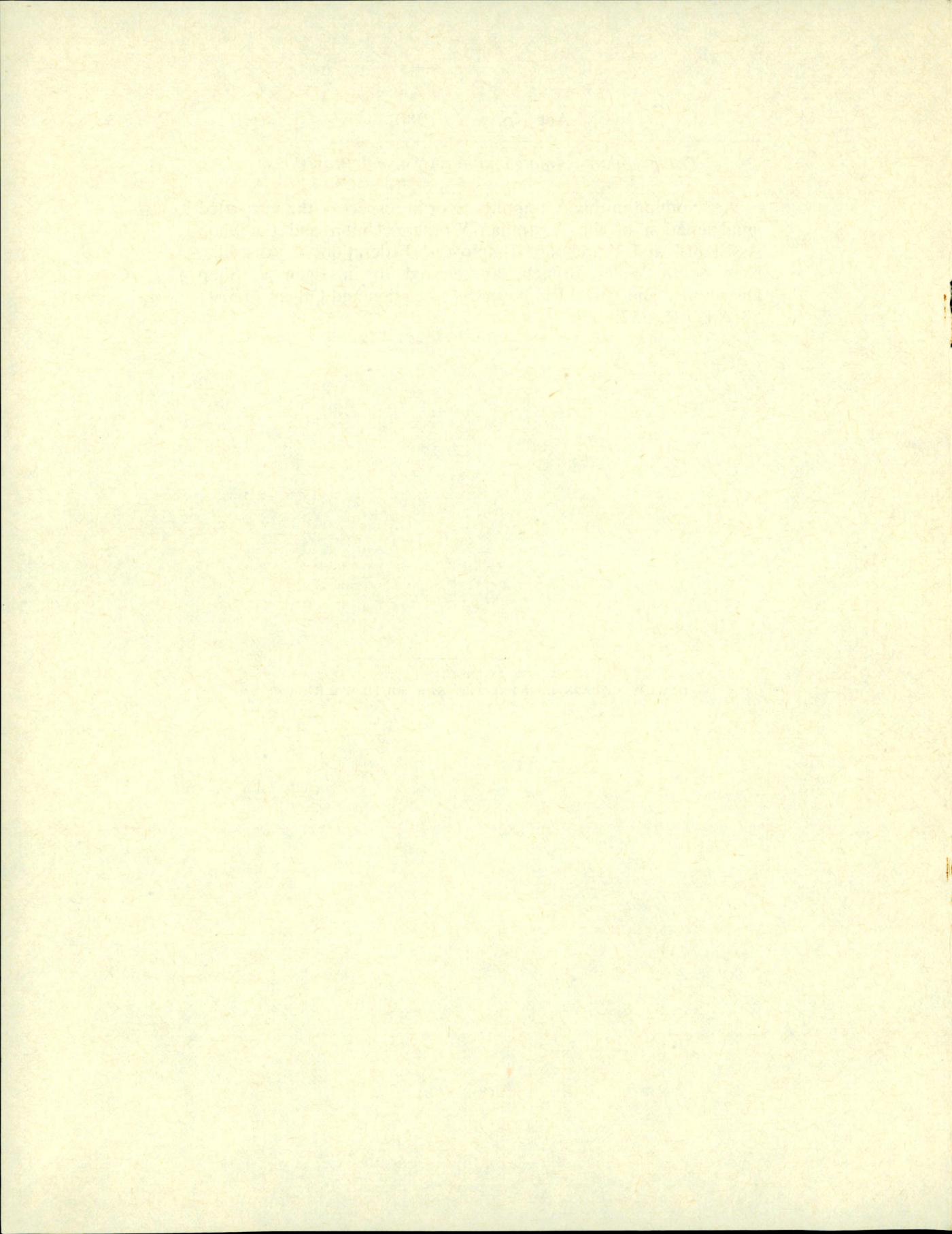
(2) This section has effect subject to proof of withdrawal
or cancellation of a certificate of registry under the Principal Act
and to proof of change of name effected in accordance with that
30 Act.

Trade Union (Amalgamations) Special Provisions.

9. Nothing in this Act applies to or in respect of the purported Savings.
amalgamation of the Australian Workers' Union and the Shop
Assistants' and Warehouse Employees' Federation of Australia,
New South Wales Branch, as referred to in Egan v. Shop
5 Distributive and Allied Employees' Association and Others (1979)
53 A.L.J.R. 557.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980



TRADE UNION (AMALGAMATIONS) SPECIAL PROVISIONS BILL

Schedule of the amendment referred to in Message of 27 November, 1980.

L. A. JECKELN,
Clerk of the Parliaments.

Page 5, clause 9, line 4. *Omit* "Branch".



**TRADE UNION (AMALGAMATIONS) SPECIAL
PROVISIONS ACT, 1980, No. 164**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 164, 1980.

An Act to make special provisions with respect to the amalgamation or purported amalgamation of certain trade unions and with respect to the registration of the trade unions resulting from any such amalgamations. [Assented to, 15th December, 1980.]

Trade Union (Amalgamations) Special Provisions.

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) Special Provisions Act, 1980".

Construc- **2.** This Act shall be construed with, and as part of, the Trade
tion. Union Act 1881.

Interpreta- **3.** In this Act, except in so far as the context or subject-matter
tion. otherwise indicates or requires—

"amalgamated trade union" means the body resulting, or purporting to result, from the amalgamation of 2 or more trade unions;

"amalgamation" means amalgamation or purported amalgamation under the Principal Act;

"name" includes style;

"Principal Act" means the Trade Union Act 1881.

Application **4.** This Act applies to and in respect of the amalgamation
of Act. of 2 or more trade unions effected or purporting to be effected before, but not after, the commencement of this Act.

Effect of **5.** Where registration in accordance with section 23 of the
amalgama- Principal Act has been effected before the commencement of this
tions. Act with respect to the amalgamation of 2 or more trade unions, the amalgamated trade union shall—

(a) be deemed, by virtue of that registration, to have been, at the same time, registered as a trade union in accordance with section 14 of the Principal Act; and

Trade Union (Amalgamations) Special Provisions.

- (b) be deemed to have been so registered as a trade union under the name specified in the records kept by the Registrar as the name of the amalgamated trade union at the time the amalgamation was registered.

6. (1) Without limiting the effect of section 5, anything done or omitted to be done by or in relation to or in connection with, and in particular anything done or omitted to be done by an officer of or a body associated with, an amalgamated trade union, and anything done or omitted to be done in consequence thereof, before the commencement of this Act shall have the same force and effect and be as valid, and be deemed always to have had the same force and effect and to have been as valid, as if the matters deemed by section 5 to have been done had in fact been done as referred to in that section. Validation
of acts,
etc.

(2) Any non-compliance with the Principal Act as in force at any time before the commencement of this Act with respect to an amalgamated trade union (and in particular the fact that a certificate of registry of an amalgamated trade union was not issued in accordance with section 14 of the Principal Act or the fact that the rules of an amalgamated trade union were not or are not registered in accordance with that section) does not affect the operation of any provision of this Act.

7. (1) The Registrar is hereby authorised to issue a certificate of registry of an amalgamated trade union. Issue of
certificates,
etc.

(2) A certificate issued under subsection (1) shall be deemed to have been issued under section 14 of the Principal Act in respect of the amalgamated trade union to which it relates, and to have been so issued on the date on which that amalgamated trade union is deemed, by section 5, to have been registered under section 14 of the Principal Act.

Trade Union (Amalgamations) Special Provisions.

(3) The Registrar may make such entries in such registers and issue or cause the issue of such documents as he considers necessary or expedient for the purposes of this Act and in connection with the registration of an amalgamated trade union deemed, by section 5, to have been effected under section 14 of the Principal Act.

(4) Any non-compliance referred to in section 6 (2) may be remedied at any time, and any necessary powers are hereby conferred for that purpose.

Evidence.

8. (1) A certificate of registry issued under section 7 with respect to an amalgamated trade union resulting from the amalgamation of 2 or more trade unions is conclusive evidence—

- (a) that those 2 or more trade unions were duly amalgamated in accordance with the Principal Act and that all requirements imposed by or under the Principal Act with respect to the amalgamation were duly complied with;
- (b) that the amalgamated trade union was, on and from the time the amalgamation took effect, registered as a trade union in accordance with section 14 of the Principal Act and that all requirements imposed by or under the Principal Act with respect to the registry of the amalgamated trade union were duly complied with; and
- (c) that the name of the amalgamated trade union on and from the time the amalgamation took effect was that specified in the certificate in that behalf.

(2) This section has effect subject to proof of withdrawal or cancellation of a certificate of registry under the Principal Act and to proof of change of name effected in accordance with that Act.

Trade Union (Amalgamations) Special Provisions.

9. Nothing in this Act applies to or in respect of the purported Savings.
amalgamation of the Australian Workers' Union and the Shop
Assistants' and Warehouse Employees' Federation of Australia,
New South Wales, as referred to in *Egan v. Shop Distributive and
Allied Employees' Association and Others* (1979) 53 A.L.J.R.
557.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 15th December, 1980.*

BY AUTHORITY

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





