

FIRST PRINT

TRADE UNION (AMENDMENT) BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Industrial Arbitration (Miscellaneous Provisions) Amendment Bill 1986.

The objects of this Bill are—

- (a) to require an alteration to the rules of a registered trade union to be registered under the Principal Act;
- (b) to enable the Industrial Registrar to refer certain matters arising under the Principal Act to the Industrial Commission for determination; and
- (c) to extend the circumstances in which appeals may be made to the Industrial Commission in court session against certain decisions under the Principal Act of the Industrial Registrar concerning the registration of trade unions and their rules.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on the commencement of the proposed Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 is a savings provision which provides that the amendments made by the proposed Act shall not affect certain appeals pending at the date of its commencement.

Schedule 1 (1), (4) and (5) amend the regulation-making powers under the Principal Act by way of statute law revision.

Schedule 1 (2) substitutes section 15A of the Principal Act. Subsection (1) of the substituted section enables the Industrial Registrar to refer the determination of matters arising under section 14 (registration of trade unions), section 15 (withdrawal and cancellation of certificates of registration of trade unions) and section 23C (3) (registration of alteration to rules of registered trade unions) of the Principal Act to a single member of the Industrial Commission. Subsection (2) of the substituted section extends rights of appeal to the Industrial Commission in court session so as to enable appeals to be made against decisions of the Industrial Registrar under section 14 (2) (refusal to register a trade union and its rules because of a failure to comply with the requirements of the Principal Act concerning registration), section 15 (2) (withdrawal or cancellation of certificate of registration of trade union in certain circumstances) and section 23C (3) (registration of alteration to rules of a registered trade union) of the Principal Act.

Schedule 1 (3) inserts proposed section 23C into the Principal Act. The proposed section provides that an alteration to the rules of a registered trade union shall have no effect until the alteration is registered under the Principal Act and enables the making and determination of applications for registration.

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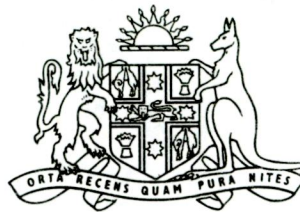
TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act 45 Vic. No. 12
4. Savings

SCHEDULE 1—AMENDMENTS TO THE TRADE UNION ACT 1881

TRADE UNION (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Trade Union Act 1881 to provide for the registration of an alteration to the rules of a trade union, for the making of appeals against certain decisions of the Industrial Registrar, and for certain other purposes.

Trade Union (Amendment) 1986

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 (Amendment) Act 1986".

Commencement

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

- 10 (2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986.

Amendment of Act 45 Vic. No. 12

- 15 3. The Trade Union Act 1881 is amended in the manner set forth in Schedule 1.

Savings

- 20 4. Nothing in this Act affects an appeal under section 15A of the Trade Union Act 1881 which had not been finally determined before the day appointed and notified under section 2 (2) of the Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE TRADE UNION ACT 1881

- (1) Section 14 (**Regulations for registry**)—

- 25 (a) Section 14 (6)—

Omit "The Governor with the advice of the Executive Council may from time to time make regulations", insert instead "The regulations made under this Act may include provisions".

*Trade Union (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE TRADE UNION ACT 1881—*continued*

(b) Section 14 (6)—

Omit “and generally for carrying this Act into effect”.

(2) Section 15A—

Omit the section, insert instead:

5 **References and appeals**

15A. (1) The Registrar may refer the determination of any matter arising under section 14, 15 or 23c (3) to the Industrial Commission of New South Wales which may determine the matter accordingly.

10 (2) A decision of the Registrar under paragraph (2) or (7) of section 14, paragraph (2) or (3) of section 15 or section 23c (3) shall be subject to appeal in the manner prescribed by the regulations made under this Act to the Industrial Commission of New South Wales constituted as provided by section 14 (7A) of
15 the Industrial Arbitration Act 1940.

(3) Section 23c—

After section 23B, insert:

Registration of alteration to rules

20 23c. (1) An alteration to the rules of a registered trade union shall have no effect until the alteration is registered under this Act.

25 (2) An alteration to the rules of a registered trade union that is registered as an industrial union under the Industrial Arbitration Act 1940 may be registered under this Act by the Registrar pursuant to an application in accordance with the regulations made for the purposes of section 8 (6B) of the Industrial Arbitration Act 1940.

30 (3) An alteration to the rules of a registered trade union that is not registered as an industrial union under the Industrial Arbitration Act 1940 may be registered by the Registrar pursuant to an application in accordance with the regulations made under this Act.

*Trade Union (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE TRADE UNION ACT 1881—*continued*

(4) The Registrar may grant or refuse to grant an application to register an alteration of rules.

(4) Section 27A (**Regulations**)—

Omit the section.

5 (5) Section 32—

After section 31, insert:

Regulations

10 32. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A provision of a regulation may—

- 15 (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- 20 (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

25 (3) 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.

Trade Union (Amendment) 1986

SCHEDULE 1—*continued*AMENDMENTS TO THE TRADE UNION ACT 1881—*continued*

- 5 (4) A regulation made under this Act and in force, immediately before the day appointed and notified under section 2 (2) of the Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986, shall, subject to this Act, continue in force and be deemed to have been made under this Act, as amended by the Trade Union (Amendment) Act 1986.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

TRADE UNION (AMENDMENT) ACT 1986 No. 128

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act 45 Vic. No. 12
4. Savings

SCHEDULE 1—AMENDMENTS TO THE TRADE UNION ACT 1881

TRADE UNION (AMENDMENT) ACT 1986 No. 128

NEW SOUTH WALES



Act No. 128, 1986

An Act to amend the Trade Union Act 1881 to provide for the registration of an alteration to the rules of a trade union, for the making of appeals against certain decisions of the Industrial Registrar, and for certain other purposes. [Assented to, 4 December 1986]

Trade Union (Amendment) 1986

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 (Amendment) Act 1986".

Commencement

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

(2) Except as provided by subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986.

Amendment of Act 45 Vic. No. 12

3. The Trade Union Act 1881 is amended in the manner set forth in Schedule 1.

Savings

4. Nothing in this Act affects an appeal under section 15A of the Trade Union Act 1881 which had not been finally determined before the day appointed and notified under section 2 (2) of the Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE TRADE UNION ACT 1881

- (1) Section 14 (**Regulations for registry**)—

- (a) Section 14 (6)—

Omit "The Governor with the advice of the Executive Council may from time to time make regulations", insert instead "The regulations made under this Act may include provisions".

*Trade Union (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE TRADE UNION ACT 1881—*continued*

(b) Section 14 (6)—

Omit “and generally for carrying this Act into effect”.

(2) Section 15A—

Omit the section, insert instead:

References and appeals

15A. (1) The Registrar may refer the determination of any matter arising under section 14, 15 or 23C (3) to the Industrial Commission of New South Wales which may determine the matter accordingly.

(2) A decision of the Registrar under paragraph (2) or (7) of section 14, paragraph (2) or (3) of section 15 or section 23C (3) shall be subject to appeal in the manner prescribed by the regulations made under this Act to the Industrial Commission of New South Wales constituted as provided by section 14 (7A) of the Industrial Arbitration Act 1940.

(3) Section 23C—

After section 23B, insert:

Registration of alteration to rules

23C. (1) An alteration to the rules of a registered trade union shall have no effect until the alteration is registered under this Act.

(2) An alteration to the rules of a registered trade union that is registered as an industrial union under the Industrial Arbitration Act 1940 may be registered under this Act by the Registrar pursuant to an application in accordance with the regulations made for the purposes of section 8 (6B) of the Industrial Arbitration Act 1940.

(3) An alteration to the rules of a registered trade union that is not registered as an industrial union under the Industrial Arbitration Act 1940 may be registered by the Registrar pursuant to an application in accordance with the regulations made under this Act.

*Trade Union (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE TRADE UNION ACT 1881—*continued*

(4) The Registrar may grant or refuse to grant an application to register an alteration of rules.

(4) Section 27A (**Regulations**)—

Omit the section.

(5) Section 32—

After section 31, insert:

Regulations

32. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A provision of a regulation may—

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind; or
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

(3) 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.

Trade Union (Amendment) 1986

SCHEDULE 1—*continued*AMENDMENTS TO THE TRADE UNION ACT 1881—*continued*

(4) A regulation made under this Act and in force, immediately before the day appointed and notified under section 2 (2) of the Industrial Arbitration (Miscellaneous Provisions) Amendment Act 1986, shall, subject to this Act, continue in force and be deemed to have been made under this Act, as amended by the Trade Union (Amendment) Act 1986.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

