

Legislative Council.

45^o VICTORIÆ, 1881.

A BILL

To amend the Law relating to Trades Unions.

[MR. DARLEY ;—13 October, 1881.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly in Parliament assembled and by the authority of the same as follows:—

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Preliminary.

1. This Act may be cited as the "Trade Union Act 1881."
2. The purposes of any trade union shall not by reason merely that they are in restraint of trade be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.
3. The purposes of any trade union shall not by reason merely that they are in restraint of trade be unlawful so as to render void or voidable any agreement or trust.
4. Nothing in this Act shall enable any Court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements namely—
 - (1.) Any agreement between members of a Trade Union as such concerning the condition on which any members for the time being of such trade union shall or shall not sell their goods transact business employ or be employed

Short title.
34 & 35 Vic. c. 31 s. 1.
Trade Union not
criminal.
34 & 35 Vic. c. 31 s. 2.

Trade Union not
unlawful for civil
purposes.
34 & 35 Vic. c. 31 s. 3.

Trade Union con-
tracts when not
enforceable.
34 & 35 Vic. c. 31 s. 4.

c 54—A

(2.)

- (2.) Any agreement for the payment by any person of any subscription or penalty to a trade union.
- (3.) Any agreement for the application of the funds of a trade union—
 - (a.) To provide benefits to members or 5
 - (b.) To furnish contributions to any employer or workman not a member of such trade union in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union or
 - (c.) To discharge any fine imposed upon any person by 10 sentence of a Court of Justice or
- (4.) Any agreement made between one trade union and another or
- (5.) Any bond to secure the performance of any of the above-mentioned agreements

But nothing in this section shall be deemed to constitute any of the 15 above-mentioned agreements unlawful.

Provisions of 37 Vic.
No. 4 and 37 Vic.
No. 19 not to apply
to trade unions.

5. The following Acts that is to say—

- (1.) The "Friendly Societies Act of 1873" and
- (2.) The Companies Act

shall not apply to any trade union and the registration of any trade 20 union under either of the said Acts shall be void.

Registered Trade Unions.

Registry of trade
unions.
34 & 35 Vic. c. 31
s. 6.

6. Any seven or more members of a trade union may by subscribing their names to the rules of the union and otherwise complying with the provisions of this Act with respect to registry register such 25 trade union under this Act provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

Buildings for trade
unions may be
purchased or leased.
34 & 35 Vic. c. 31
s. 7.

7. It shall be lawful for any trade union registered under this Act to purchase or take upon lease in the names of the Trustees for the time being of such union any land not exceeding one acre and to 30 sell exchange mortgage or let the same and no purchaser assignee mortgagee or tenant shall be bound to inquire whether the Trustees have authority for any sale exchange mortgage or letting and the receipt of the Trustees shall be a discharge for the money arising therefrom and for the purpose of this section every branch of a trade union 35 shall be considered a distinct union.

Property of the trade
unions vested in
Trustees.
34 & 35 Vic. c. 31
s. 8.

8. All real and personal estate whatsoever belonging to any trade union registered under this Act shall be vested in the Trustees for the time being of the trade union appointed as provided by this Act for the use and benefit of such trade union and the members 40 thereof and the real or personal estate of any branch of a trade union shall be vested in the Trustees of such branch or of the Trustees of the trade union if the rules of the trade union so provide and be under the control of such Trustees their respective executors or administrators according to their respective claims and interests and upon the 45 death or removal of any such Trustees the same shall vest in the succeeding Trustees for the same estate and interest as the former Trustees had therein and subject to the same trusts without any conveyance or assignment whatsoever and in all actions or suits or indictments or summary proceedings before any Court of summary 50 jurisdiction touching or concerning any such property the same shall be stated to be the property of the person or persons for the time being holding the said office of Trustee in their proper names as Trustees of such trade union without any further description.

Actions &c. by or
against Trustees.
34 & 35 Vic. c. 31
s. 9.

9. The Trustees of any trade union registered under this Act or 55 any other officer of such trade union who may be authorised so to do by the rules thereof are hereby empowered to bring or defend or cause to

to be brought or defended any action suit prosecution or complaint in any Court of law or equity touching or concerning the property-right or claim to property of the trade union and shall and may in all cases concerning the real or personal property of such trade union sue and
 5 be sued plead and be impleaded in any Court of law or equity in their proper names without other description than the title of their office and no such action suit prosecution or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them but the same shall and may be proceeded in by their successor
 10 or successors as if such death resignation or removal had not taken place and such successors shall pay or receive the like costs as if the action suit prosecution or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union and the summons to be issued to such Trustee or other
 15 officer may be served by leaving the same at the registered office of the trade union.

10. A Trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union but shall be liable only for the moneys
 20 which shall be actually received by him on account of such trade union.

Limitation of responsibility of Trustees.
34 & 35 Vic. c. 31 s. 10.

11. When any person being or having been a Trustee of a trade union or of any branch of a trade union and whether appointed before or after the legal establishment thereof in whose name any property
 25 belonging to such union or branch is standing either jointly with another or others or solely is absent from the Colony or becomes insolvent or executes any deed for liquidation of his affairs by assignment or arrangement or for composition with his creditors or becomes a lunatic or is dead or has been removed from his office of Trustee or if it be unknown whether such person is living or dead the Registrar
 30 on application in writing from the Secretary and three members of the union or branch and on proof satisfactory to him may direct the transfer of the property into the names of any other persons as Trustees for the union or branch and such transfer shall be made by the surviving or continuing Trustees and if there be no such Trustee or if
 35 such Trustees refuse or be unable to make such transfer then by such person as the Registrar shall direct and such person is hereby indemnified for anything done by him in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Provision in case of absence &c. of Trustee.
39 & 40 Vic. c. 22 s. 4.

12. Every Treasurer or other officer of a trade union registered
 40 under this Act at such times as by the rules of such trade union he should render such account as hereinafter mentioned or upon being required so to do shall render to the Trustees of the trade union or to the members of such trade union at a meeting of the trade union a just and true account of all moneys received and paid by him since he
 45 last rendered the like account and of the balance then remaining in his hands and of all bonds or securities of such trade union which account the said Trustees shall cause to be audited by some fit and proper person or persons by them to be appointed and such Treasurer if thereunto required upon the said account being audited shall forth-
 50 with hand over to such Trustees the balance which on such audit appears to be due from him and shall also if required hand over to such Trustees all securities and effects books papers and property of the said trade union in his hands or custody and if he fail to do so the Trustees of the said trade union may sue such Treasurer in any
 55 competent court for the balance appearing to have been due from him upon the account last rendered by him and for all the moneys since received by him on account of the said trade union and for the securities and effects books papers and property in his hands or custody leaving him to set off in such action the sums if any which
 he

Treasurers &c. to account.
34 & 35 Vic. cap. 31 s. 11.

he may have since paid on account of the said trade union and in such action the said Trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.

Punishment for with-
holding money &c.
34 & 35 Vic. No. 31
s. 12.

13. If any officer member or other person being or representing himself to be a member of a trade union registered under this Act or the nominee executor administrator or assignee of a member thereof or any person whatsoever by false representation or imposition obtain possession of any moneys securities books papers or other effects of such trade union or having the same in his possession wilfully withhold or fraudulently misapply the same or wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such trade union or any part thereof the Court of summary jurisdiction for the place in which the registered office of the trade union is situate or the court of summary jurisdiction for the place where the offence has been committed upon a complaint made by any person on behalf of such trade union or by the Registrar may by summary order order such officer member or other person to deliver up all such moneys securities books papers or other effects to the trade union or to repay the amount of money applied improperly and to pay if the court think fit a further sum of money not exceeding *twenty* pounds together with costs not exceeding *twenty* shillings and in default of such delivery of effects or repayment of such amount of money or payment of such penalty and costs as aforesaid the said Court may order the said person so convicted to be imprisoned with or without hard labour for any time not exceeding *three* months. Provided that nothing herein contained shall prevent the said trade union from proceeding by indictment against the said party provided also that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Registry of Trade Unions.

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Regulations for
registry.
34 & 35 Vic. c. 31
s. 13.

14. With respect to the registry under this Act of a trade union and of the rules thereof the following provisions shall have effect—

- (1.) An application to register the trade union and printed copies of the rules together with a list of the titles and names of the officers shall be sent to the Registrar under this Act 35
- (2.) The Registrar upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act shall register such trade union and such rules
- (3.) No trade union shall be registered under a name identical with that by which any other existing trade union has been registered or so nearly resembling such name as to be likely to deceive the members or the public 40
- (4.) Where a trade union applying to be registered has been in operation for more than a year before the date of such application there shall be delivered to the Registrar before the registry thereof a general statement of the receipts funds effects and expenditure of such trade union in the same form and showing the same particulars as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the Registrar. 50
- (5.) The Registrar upon registering such trade union shall issue a certificate of registry which certificate unless proved to have been withdrawn or cancelled shall be conclusive evidence that the regulations of this Act with respect to registry have been complied with. 55
- (6.) The Governor with the advice of the Executive Council may from time to time make regulations respecting registry under this Act and respecting the seal (if any) to be used for the purpose

purpose of such registry and the forms to be used for such registry and the inspection of documents kept by the Registrar under this Act and respecting the fees if any to be paid on registry not exceeding the fees specified in the Second Schedule to this Act and generally for carrying this Act into effect.

15. No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar and in the following cases—

Withdrawing or
cancelling of
certificate.
39 & 40 Vic. cap. 22
s. 8.

- 10 (1.) At the request of the trade union to be evidenced in such manner as such Registrar shall from time to time direct
- (2.) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake or that the registration of the trade union has become void under section six of this Act or that such trade union has wilfully and after notice from the Registrar violated any of the provisions of this Act or has ceased to exist

Not less than two months previous notice in writing specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid in which case it shall be the duty of the Registrar to cancel the same forthwith) shall be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request) A trade union whose certificate of registration has been withdrawn or cancelled shall from the time of such withdrawal or cancelling absolutely cease to enjoy as such the privileges of a registered trade union but without prejudice to any liability actually incurred by such trade union which may be enforced against the same as if such withdrawal or cancelling had not taken place.

16. With respect to the rules of a trade union registered under this Act the following provisions shall have effect—

Rules of registered
trade unions.
34 & 35 Vic. cap. 31
s. 14.

- (1.) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the First Schedule to this Act.
- (2.) A copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding one shilling.

17. Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed if any trade union under this Act is in operation for seven days without having such an office such trade union and every officer thereof shall incur a penalty not exceeding *five* pounds for every day during which it is so in operation Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him until such notice is given the trade union shall not be deemed to have complied with the provisions of this Act.

Registered office of
trade unions.
34 & 35 Vic. cap. 31
s. 15.

18. A general statement of the receipts funds effects and expenditure of every trade union registered under this Act shall be transmitted to the Registrar before the first day of June in every year and shall show fully the assets and liabilities at the date and the receipts and expenditure during the year preceding the date to which it is made out of the trade union and shall show separately the expenditure in respect of the several objects of the trade union and shall be prepared and made out up to such date in such form and shall comprise such particulars as the Registrar may from time to time require and every member of and depositor in any such trade union shall be entitled to receive on application to the treasurer or secretary of that trade union a copy of such general statement without making any payment for the same Together with such general statement there shall be sent to

Annual returns to be
prepared as Registrar
may direct.
34 & 35 Vic. cap. 31
s. 16.

to the registrar a copy of all alterations of rules and new rules changes of officers made by the trade union during the year preceding the date up to which the general statement is made out and a copy of the rules of the trade union as they exist at that date Every trade union which fails to comply with or acts in contravention of this section and also every officer of the trade union so failing shall each be liable to a penalty not exceeding *five* pounds for each offence Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement or in or from the return of such copies of rules or alterations of rules shall be liable to a penalty not exceeding *fifty* pounds for each offence.

Membership of
minors.
39 & 40 Vic. c. 22
s. 9.

19. A person under the age of twenty-one years but above the age of sixteen may be a member of a trade union unless provision be made in the rules thereof to the contrary and may subject to the rules of the trade union enjoy all the rights of a member except as herein provided and execute all instruments and give all acquittances necessary to be executed or given under the rules but shall not be a member of the committee of management trustee or treasurer of the trade union.

Nomination.
39 & 40 Vic. c. 22
s. 10.

20. A member of a trade union not being under the age of sixteen years may by writing under his hand delivered at or sent to the registered office of the trade union nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband wife father mother child brother sister nephew or niece of the nominator) to whom any moneys payable on the death of such member not exceeding *fifty* pounds shall be paid at his decease and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent and on receiving satisfactory proof of the death of a nominator the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

Change of name.
39 & 40 Vic. c. 22
s. 11.

21. A trade union may with the approval in writing of the Registrar change its name by the consent of not less than two-thirds of the total number of members No change of name shall affect any right or obligation of the trade union or of any member thereof and any pending legal proceedings may be continued by or against the Trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

Amalgamation.
39 & 40 Vic. c. 22
s. 12.

22. Any two or more trade unions may by the consent of not less than two-thirds of the members of each or every such trade union become amalgamated together as one trade union with or without any dissolution or division of the funds of such trade unions or either or any of them but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

Registration of
changes of names
and amalgamations.
39 & 40 Vic. c. 22
s. 13.

23. Notice in writing of every change of name or amalgamation signed in the case of a change of name by seven members and countersigned by the secretary of the trade union changing its name and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with and in the case of an amalgamation signed by seven members and countersigned by the secretary of each or every union party thereto and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with shall be sent to the office of the Registrar and registered there and until such change of name or amalgamation is so registered the same shall not take effect.

Dissolution.
39 & 40 Vic. c. 22
s. 14.

24. The rules of every trade union shall provide for the manner of dissolving the same and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same shall be sent within fourteen days thereafter to the Registrar and shall be registered by him.

25. A trade union which fails to give any notice or send any document which it is required by this Act to give or send and every officer or other person bound by the rules thereof to give or send the same or if there be no such officer then every member of the committee of management of the union unless proved to have been ignorant of or to have attempted to prevent the omission to give or send the same is liable to a penalty of not less than *one* pound and not more than *five* pounds recoverable at the suit of the Registrar or of any person aggrieved and to an additional penalty of the like amount for each week during which the omission continues.

Penalty for failure to give notice.
39 & 40 Vic. c. 22
s. 15.

26. The Registrar of Friendly Societies under the "Friendly Societies Act of 1873" shall be the Registrar under this Act. The Registrar shall lay before Parliament annual reports with respect to the matters transacted by such Registrar in pursuance of this Act.

Registrars.
34 & 35 Vic. c. 31
s. 17.

27. If any person with intent to mislead or defraud gives to any member of a trade union registered under this Act or to any person intending or applying to become a member of such trade union a copy of any rules or of any alterations or amendments of the same other than those respectively which exist for the time being on the pretence that the same are the existing rules of such trade union or that there are no other rules of such trade union or if any person with the intent aforesaid gives a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Act which is not so registered every person so offending shall be deemed guilty of a misdemeanor.

Circulating false copies of rules &c. a misdemeanor.
34 & 35 Vic. c. 31
s. 18.

Legal Proceedings.

28. All offences and penalties under this Act may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts. Summary orders under this Act may be made and enforced on complaint before a Court of Summary Jurisdiction in manner provided by the Summary Jurisdiction Acts. Provided as follows—

Summary proceedings for offences penalties &c.
34 & 35 Vic. c. 31
s. 19.

- (1.) The "Court of Summary Jurisdiction" when hearing and determining informations or complaints shall be constituted by a Police Magistrate.
- (2.) The description of any offence under this Act in the words of such Act shall be sufficient in law.
- (3.) Any exception exemption proviso excuse or qualification whether it does or not accompany the description of the offence in this Act may be proved by the defendant but need not be specified or negatived in the information and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

29. If any party feels aggrieved by any order or conviction made by a Court of Summary Jurisdiction on determining any complaint or information under this Act the party so aggrieved may appeal therefrom subject to the conditions and regulations following—

Appeal to Quarter Sessions.
34 & 35 Vic. c. 31
s. 20.

- (1.) The appeal shall be made to the next Court of Quarter Sessions nearest to the place in which the cause of appeal has arisen holden not less than fifteen days and not more than four months after the decision of the Court from which the appeal is made.
- (2.) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the Court of Summary Jurisdiction of his intention to appeal and of the ground thereof.
- (3.) The appellant shall immediately after such notice enter into a recognizance before a Justice of the Peace in the sum of ten

ten pounds conditioned personally to try such appeal and to abide the judgment of the Court thereon and to pay such costs as may be awarded by the Court.

(4.) Where the appellant is in custody the Justice may if he think fit on the appellant entering into such recognizance as afore- 5
said release him from custody.

(5.) The Court of Appeal may adjourn the appeal and upon the hearing thereof may confirm reverse or modify the decision of the Court of Summary Jurisdiction or remit the matter to the Court of Summary Jurisdiction with the opinion of the 10
Court of Appeal thereon or make such other order in the matter as the Court thinks just and if the matter be remitted to the Court of Summary Jurisdiction the said last-mentioned Court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the said Court 15
of Appeal. The Court of Appeal may also make such order as to the costs to be paid by either party as the Court thinks just.

Interested persons
not to act as a Court
of Appeal.

34 & 35 Vic. c. 31
s. 22.

30. A person who is a master or father son or brother of a master in the particular manufacture trade or business in or in 20
connection with which any offence under this Act is charged to have been committed shall not act as a Court of Summary Jurisdiction or Appeal for the purposes of this Act.

Definitions.

Definitions as to the
term "Summary
Jurisdiction Acts."

34 & 35 Vic. c. 31
s. 23.

31. In this Act the term "Summary Jurisdiction Acts" means 25
as follows—

The Act of the Session of the eleventh and twelfth years of the reign of Her present Majesty chapter forty-three intituled "*An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions within England and 30
Wales with respect to summary convictions and orders*" adopted by the Act fourteen Victoria number forty-three and any Acts amending the same.

As to Trade Union.
39 & 40 Vic. c. 22
s. 16.

The term "Trade Union" means any combination whether temporary or permanent for regulating the relations between 35
workmen and masters or between workmen and workmen or between masters and masters or for imposing restrictive conditions on the conduct of any trade or business whether such combination would or would not if this Act had not been passed have been deemed to have been an unlawful 40
combination by reason of some one or more of its purposes being in restraint of trade. Provided that this Act shall not affect—

Proviso.

34 & 35 Vic. c. 31
s. 23.

- (1.) Any agreement between partners as to their own business. 45
- (2.) Any agreement between an employer and those employed by him as to such employment.
- (3.) Any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession trade or handicraft. 50

SCHEDULES.

SCHEDULES.

FIRST SCHEDULE.

OF matters to be provided for by the Rules of Trade Unions registered under this 34 & 35 Vic. c. 31.
Act— 37 Vic. No. 4 s. 40.

- 5 (1.) The name of the Trade Union and place of meeting for the business of the Trade Union.
- 10 (2.) The whole of the objects for which the Trade Union is to be established the purposes for which the funds thereof shall be applicable and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of such Trade Union.
- (3.) The manner of making altering amending and rescinding rules.
- 15 (4.) A provision for the appointment and removal of a general committee of management of a trustee or trustees treasurer and other officers.
- (5.) A provision for the investment of the funds and for an annual or periodical audit of accounts.
- (6.) The inspection of the books and names of members of the Trade Union by every person having an interest in the funds of the Trade Union.

SECOND SCHEDULE.

20

Maximum Fees.

				£	s.	d.
For registering Trade Union	...	...	...	1	0	0
For registering alteration in rules	...	...	...	0	10	0
For inspection of Documents	...	...	...	0	2	6

Sydney: Thomas Richards, Government Printer.—1881.

[9d.]

c 54—B

TRADE UNION BILL.

SCHEDULE of the Amendments referred to in Message of 28 November, 1881.

STEPHEN W. JONES,
Clerk of the Legislative Assembly.

Page 2, clause 7, lines 30 and 31. *Omit* "one acre" *insert* "seven acres"

Page 6, clause 19. *Add* at end of clause "or be allowed to vote at any meeting
"thereof until he is eighteen years of age"

Page 8, clause 31, line 36. *Omit* "masters" *insert* "employers"

" " lines 37 and 38. *Omit* "masters and masters" *insert* "employers and
"employers"

STEPHEN W. JONES,
Clerk of Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 28 November, 1881.

New South Wales.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

*Legislative Council Chamber,
Sydney, 10th November, 1881. }*

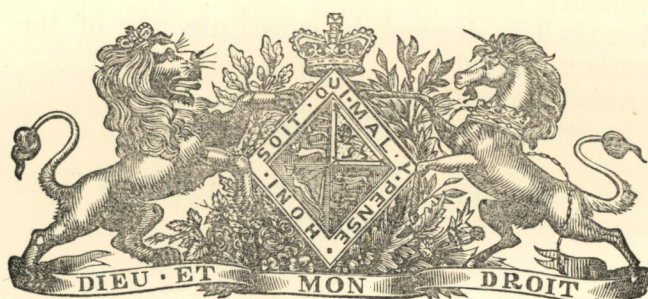
*For the Clerk of the Parliaments,
ADOLPHUS P. CLAPIN,
Clerk Assistant.*

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.

*Legislative Assembly Chamber,
Sydney, 28 November, 1881. }*

*STEPHEN W. JONES,
Clerk of Legislative Assembly.*

New South Wales.



ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. .

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4. Nothing in this Act shall enable any Court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements namely—

20 (1.) Any agreement between members of a trade union as such concerning the condition on which any members for the time being of such trade union shall or shall not sell their goods transact business employ or be employed

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NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

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- (3.) Any agreement for the application of the funds of a trade union—
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34 & 35 Vic. c. 31
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8. All real and personal estate whatsoever belonging to any trade union registered under this Act shall be vested in the Trustees for the time being of the trade union appointed as provided by this
- 40 Act for the use and benefit of such trade union and the members thereof and the real or personal estate of any branch of a trade union shall be vested in the Trustees of such branch or of the Trustees of the trade union if the rules of the trade union so provide and be under the control of such Trustees their respective executors or adminis-
- 45 trators according to their respective claims and interests and upon the death or removal of any such Trustees the same shall vest in the succeeding Trustees for the same estate and interest as the former Trustees had therein and subject to the same trusts without any conveyance or assignment whatsoever and in all actions or suits or
- 50 indictments or summary proceedings before any Court of summary jurisdiction touching or concerning any such property the same shall be stated to be the property of the person or persons for the time being holding the said office of Trustee in their proper names as Trustees of such trade union without any further description.

Property of the trade
unions vested in
Trustees.
34 & 35 Vic. c. 31
s. 8.

- 55 9. The Trustees of any trade union registered under this Act or any other officer of such trade union who may be authorised so to do by the rules thereof are hereby empowered to bring or defend or cause

Actions &c. by or
against Trustees.
34 & 35 Vic. c. 31
s. 9.

to

Trade Union.

to be brought or defended any action suit prosecution or complaint in any Court of law or equity touching or concerning the property-right or claim to property of the trade union and shall and may in all cases concerning the real or personal property of such trade union sue and
 5 be sued plead and be impleaded in any Court of law or equity in their proper names without other description than the title of their office and no such action suit prosecution or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them but the same shall and may be proceeded in by their successor
 10 or successors as if such death resignation or removal had not taken place and such successors shall pay or receive the like costs as if the action suit prosecution or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union and the summons to be issued to such Trustee or other
 15 officer may be served by leaving the same at the registered office of the trade union.

10. A Trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union but shall be liable only for the moneys
 20 which shall be actually received by him on account of such trade union.

Limitation of
responsibility of
Trustees.

34 & 35 Vic. c. 31
s. 10.

11. When any person being or having been a Trustee of a trade union or of any branch of a trade union and whether appointed before or after the legal establishment thereof in whose name any property belonging to such union or branch is standing either jointly with
 25 another or others or solely is absent from the Colony or becomes insolvent or executes any deed for liquidation of his affairs by assignment or arrangement or for composition with his creditors or becomes a lunatic or is dead or has been removed from his office of Trustee or if it be unknown whether such person is living or dead the Registrar
 30 on application in writing from the Secretary and three members of the union or branch and on proof satisfactory to him may direct the transfer of the property into the names of any other persons as Trustees for the union or branch and such transfer shall be made by the surviving or continuing Trustees and if there be no such Trustee or if
 35 such Trustees refuse or be unable to make such transfer then by such person as the Registrar shall direct and such person is hereby indemnified for anything done by him in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Provision in case of
absence &c. of
Trustee.
39 & 40 Vic. c. 22
s. 4.

12. Every Treasurer or other officer of a trade union registered
 40 under this Act at such times as by the rules of such trade union he should render such account as hereinafter mentioned or upon being required so to do shall render to the Trustees of the trade union or to the members of such trade union at a meeting of the trade union a just and true account of all moneys received and paid by him since he
 45 last rendered the like account and of the balance then remaining in his hands and of all bonds or securities of such trade union which account shall be audited by some fit and proper person or persons to be appointed by the trade union or branch and such Treasurer if thereunto required upon the said account being audited shall forth-
 50 with hand over to the Trustees the balance which on such audit appears to be due from him and shall also if required hand over to such Trustees all securities and effects books papers and property of the said trade union in his hands or custody and if he fail to do so the Trustees of the said trade union may sue such Treasurer in any
 55 competent court for the balance appearing to have been due from him upon the account last rendered by him and for all the moneys since received by him on account of the said trade union and for the securities and effects books papers and property in his hands or custody leaving him to set off in such action the sums if any which
 he

Treasurers &c. to
account.
34 & 35 Vic. c. 31
s. 11.

Trade Union.

he may have since paid on account of the said trade union and in such action the said Trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.

13. If any officer member or other person being or representing himself to be a member of a trade union registered under this Act or the nominee executor administrator or assignee of a member thereof or any person whatsoever by false representation or imposition obtain possession of any moneys securities books papers or other effects of such trade union or having the same in his possession wilfully withhold or fraudulently misapply the same or wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such trade union or any part thereof the Court of summary jurisdiction for the place in which the registered office of the trade union is situate or the court of summary jurisdiction for the place where the offence has been committed upon a complaint made by any person on behalf of such trade union or by the Registrar may by summary order order such officer member or other person to deliver up all such moneys securities books papers or other effects to the trade union or to repay the amount of money applied improperly and to pay if the court think fit a further sum of money not exceeding twenty pounds together with costs not exceeding twenty shillings and in default of such delivery of effects or repayment of such amount of money or payment of such penalty and costs as aforesaid the said Court may order the said person so convicted to be imprisoned with or without hard labour for any time not exceeding three months. Provided that nothing herein contained shall prevent the said trade union from proceeding by indictment against the said party provided also that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Punishment for withholding money &c.
34 & 35 Vic. No. 31
s. 12.

30

Registry of Trade Unions.

14. With respect to the registry under this Act of a trade union and of the rules thereof the following provisions shall have effect—

Regulations for registry.
34 & 35 Vic. c. 31
s. 13.

- (1.) An application to register the trade union and printed copies of the rules together with a list of the titles and names of the officers shall be sent to the Registrar under this Act.
- (2.) The Registrar upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act shall register such trade union and such rules.
- (3.) No trade union shall be registered under a name identical with that by which any other existing trade union has been registered or so nearly resembling such name as to be likely to deceive the members or the public.
- (4.) Where a trade union applying to be registered has been in operation for more than a year before the date of such application there shall be delivered to the Registrar before the registry thereof a general statement of the receipts funds effects and expenditure of such trade union in the same form and showing the same particulars as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the Registrar.
- (5.) The Registrar upon registering such trade union shall issue a certificate of registry which certificate unless proved to have been withdrawn or cancelled shall be conclusive evidence that the regulations of this Act with respect to registry have been complied with.
- (6.) The Governor with the advice of the Executive Council may from time to time make regulations respecting registry under this Act and respecting the seal (if any) to be used for the purpose

Trade Union.

5 purpose of such registry and the forms to be used for such registry and the inspection of documents kept by the Registrar under this Act and respecting the fees if any to be paid on registry not exceeding the fees specified in the Second Schedule to this Act and generally for carrying this Act into effect.

15. No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar and in the following cases—

- 10 (1.) At the request of the trade union to be evidenced in such manner as such Registrar shall from time to time direct
- (2.) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake or that the registration of the trade union has become void under section six of this Act or that such trade union has wilfully and after notice from the Registrar violated any of the provisions of this Act or has ceased to exist

15 Not less than two months previous notice in writing specifying briefly the ground of any proposed withdrawal or cancelling of certificate

20 (unless where the same is shown to have become void as aforesaid in which case it shall be the duty of the Registrar to cancel the same forthwith) shall be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request) A trade union whose certificate of registration

25 has been withdrawn or cancelled shall from the time of such withdrawal or cancelling absolutely cease to enjoy as such the privileges of a registered trade union but without prejudice to any liability actually incurred by such trade union which may be enforced against the same as if such withdrawal or cancelling had not taken place.

30 16. With respect to the rules of a trade union registered under this Act the following provisions shall have effect—

- (1.) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the First Schedule to this Act.
- 35 (2.) A copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding one shilling.

17. Every trade union registered under this Act shall have a registered office to which all communications and notices may be

40 addressed if any trade union under this Act is in operation for seven days without having such an office such trade union and every officer thereof shall incur a penalty not exceeding five pounds for every day during which it is so in operation Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him until such notice is given the trade union

45 shall not be deemed to have complied with the provisions of this Act.

18. A general statement of the receipts funds effects and expenditure of every trade union registered under this Act shall be transmitted to the Registrar before the first day of June in every year and shall

50 show fully the assets and liabilities at the date and the receipts and expenditure during the year preceding the date to which it is made out of the trade union and shall show separately the expenditure in respect of the several objects of the trade union and shall be prepared and made out up to such date in such form and shall comprise such

55 particulars as the Registrar may from time to time require and every member of and depositor in any such trade union shall be entitled to receive on application to the treasurer or secretary of that trade union a copy of such general statement without making any payment for the same Together with such general statement there shall be sent

60 to the registrar a copy of all alterations of rules and new rules changes of

Withdrawing or
cancelling of
certificate.

39 & 40 Vic. c. 22
s. 8.

Rules of registered
trade unions.

34 & 35 Vic. c. 31
s. 14.

Registered office of
trade unions.

34 & 35 Vic. c. 31
s. 15.

Annual returns to be
prepared as Registrar
may direct.

34 & 35 Vic. c. 31
s. 16.

Trade Union.

of officers made by the trade union during the year preceding the date up to which the general statement is made out and a copy of the rules of the trade union as they exist at that date. Every trade union which fails to comply with or acts in contravention of this section and also every officer of the trade union so failing shall each be liable to a penalty not exceeding five pounds for each offence. Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement or in or from the return of such copies of rules or alterations of rules shall be liable to a penalty not exceeding fifty pounds for each offence.

19. A person under the age of twenty-one years but above the age of sixteen may be a member of a trade union unless provision be made in the rules thereof to the contrary and may subject to the rules of the trade union enjoy all the rights of a member except as herein provided and execute all instruments and give all acquittances necessary to be executed or given under the rules but shall not be a member of the committee of management trustee or treasurer of the trade union or be allowed to vote at any meeting thereof until he is eighteen years of age.

Membership of minors.
39 & 40 Vic. c. 22
s. 9.

20. A member of a trade union not being under the age of sixteen years may by writing under his hand delivered at or sent to the registered office of the trade union nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband wife father mother child brother sister nephew or niece of the nominator) to whom any moneys payable on the death of such member not exceeding fifty pounds shall be paid at his decease and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent and on receiving satisfactory proof of the death of a nominator the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

Nomination.
39 & 40 Vic. c. 22
s. 10.

21. A trade union may with the approval in writing of the Registrar change its name by the consent of not less than two-thirds of the total number of members. No change of name shall affect any right or obligation of the trade union or of any member thereof and any pending legal proceedings may be continued by or against the Trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

Change of name.
39 & 40 Vic. c. 22
s. 11.

22. Any two or more trade unions may by the consent of not less than two-thirds of the members of each or every such trade union become amalgamated together as one trade union with or without any dissolution or division of the funds of such trade unions or either or any of them but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

Amalgamation.
39 & 40 Vic. c. 22
s. 12.

23. Notice in writing of every change of name or amalgamation signed in the case of a change of name by seven members and countersigned by the secretary of the trade union changing its name and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with and in the case of an amalgamation signed by seven members and countersigned by the secretary of each or every union party thereto and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with shall be sent to the office of the Registrar and registered there and until such change of name or amalgamation is so registered the same shall not take effect.

Registration of changes of names and amalgamations.
39 & 40 Vic. c. 22
s. 13.

24. The rules of every trade union shall provide for the manner of dissolving the same and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same shall be sent within fourteen days thereafter to the Registrar and shall be registered by him.

Dissolution.
39 & 40 Vic. c. 22
s. 14.

Trade Union.

25. A trade union which fails to give any notice or send any document which it is required by this Act to give or send and every officer or other person bound by the rules thereof to give or send the same or if there be no such officer then every member of the committee of management of the union unless proved to have been ignorant of or to have attempted to prevent the omission to give or send the same is liable to a penalty of not less than one pound and not more than five pounds recoverable at the suit of the Registrar or of any person aggrieved and to an additional penalty of the like amount for each week during which the omission continues.

Penalty for failure to give notice.
39 & 40 Vic. c. 22
s. 15.

26. The Registrar of Friendly Societies under the "Friendly Societies Act of 1873" shall be the Registrar under this Act. The Registrar shall lay before Parliament annual reports with respect to the matters transacted by such Registrar in pursuance of this Act.

Registrars.
34 & 35 Vic. c. 31
s. 17.

27. If any person with intent to mislead or defraud gives to any member of a trade union registered under this Act or to any person intending or applying to become a member of such trade union a copy of any rules or of any alterations or amendments of the same other than those respectively which exist for the time being on the pretence that the same are the existing rules of such trade union or that there are no other rules of such trade union or if any person with the intent aforesaid gives a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Act which is not so registered every person so offending shall be deemed guilty of a misdemeanor.

Circulating false copies of rules &c. a misdemeanor.
34 & 35 Vic. c. 31
s. 18.

Legal Proceedings.

28. All offences and penalties under this Act may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts. Summary orders under this Act may be made and enforced on complaint before a Court of Summary Jurisdiction in manner provided by the Summary Jurisdiction Acts. Provided as follows—

Summary proceedings for offences penalties &c.
34 & 35 Vic. c. 31
s. 19.

- (1.) The "Court of Summary Jurisdiction" when hearing and determining informations or complaints shall be constituted by a Police Magistrate.
- (2.) The description of any offence under this Act in the words of such Act shall be sufficient in law.
- (3.) Any exception exemption proviso excuse or qualification whether it does or not accompany the description of the offence in this Act may be proved by the defendant but need not be specified or negatived in the information and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

29. If any party feels aggrieved by any order or conviction made by a Court of Summary Jurisdiction on determining any complaint or information under this Act the party so aggrieved may appeal therefrom subject to the conditions and regulations following—

Appeal to Quarter Sessions.
34 & 35 Vic. c. 31
s. 20.

- (1.) The appeal shall be made to the next Court of Quarter Sessions nearest to the place in which the cause of appeal has arisen holden not less than fifteen days and not more than four months after the decision of the Court from which the appeal is made.
- (2.) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the Court of Summary Jurisdiction of his intention to appeal and of the ground thereof.
- (3.) The appellant shall immediately after such notice enter into a recognizance before a Justice of the Peace in the sum of ten

Trade Union.

ten pounds conditioned personally to try such appeal and to abide the judgment of the Court thereon and to pay such costs as may be awarded by the Court.

5 (4.) Where the appellant is in custody the Justice may if he think fit on the appellant entering into such recognizance as aforesaid release him from custody.

10 (5.) The Court of Appeal may adjourn the appeal and upon the hearing thereof may confirm reverse or modify the decision of the Court of Summary Jurisdiction or remit the matter to the Court of Summary Jurisdiction with the opinion of the Court of Appeal thereon or make such other order in the matter as the Court thinks just and if the matter be remitted to the Court of Summary Jurisdiction the said last-mentioned Court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the said Court of Appeal. The Court of Appeal may also make such order as to the costs to be paid by either party as the Court thinks just.

20 30. A person who is a master or father son or brother of a master in the particular manufacture trade or business in or in connection with which any offence under this Act is charged to have been committed shall not act as a Court of Summary Jurisdiction or Appeal for the purposes of this Act. Interested persons not to act as a Court of Appeal. 34 & 35 Vic. c. 31 s. 22.

Definitions.

25 31. In this Act the term "Summary Jurisdiction Acts" means as follows— Definitions as to the term "Summary Jurisdiction Acts." 34 & 35 Vic. c. 31 s. 23.

30 The Act of the Session of the eleventh and twelfth years of the reign of Her present Majesty chapter forty-three intituled "*An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions within England and Wales with respect to summary convictions and orders*" adopted by the Act fourteen Victoria number forty-three and any Acts amending the same.

35 The term "Trade Union" means any combination whether temporary or permanent for regulating the relations between workmen and ~~masters~~ **employers** or between workmen and workmen or between ~~masters and masters~~ **employers and employers** or for imposing restrictive conditions on the conduct of any trade or business whether such combination would or would not if this Act had not been passed have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade. As to Trade Union. 39 & 40 Vic. c. 22 s. 16. Provided

- 40 that this Act shall not affect— Proviso. 34 & 35 Vic. c. 31 s. 23.
- 45 (1.) Any agreement between partners as to their own business.
- (2.) Any agreement between an employer and those employed by him as to such employment.
- 50 (3.) Any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession trade or handicraft.

SCHEDULES.

Trade Union.

SCHEDULES.

FIRST SCHEDULE.

OF matters to be provided for by the Rules of Trade Unions registered under this 34 & 35 Vic. c. 31.
Act— 37 Vic. No. 4 s. 40.

- 5 (1.) The name of the Trade Union and place of meeting for the business of the Trade Union.
- 10 (2.) The whole of the objects for which the Trade Union is to be established the purposes for which the funds thereof shall be applicable and the conditions under which any member may become entitled to any benefit assured thereby and the fines and forfeitures to be imposed on any member of such Trade Union.
- (3.) The manner of making altering amending and rescinding rules.
- (4.) A provision for the appointment and removal of a general committee of management of a trustee or trustees treasurer and other officers.
- 15 (5.) A provision for the investment of the funds and for an annual or periodical audit of accounts.
- (6.) The inspection of the books and names of members of the Trade Union by every person having an interest in the funds of the Trade Union.

SECOND SCHEDULE.

20

Maximum Fees.

				£	s.	d.
For registering Trade Union	...	...	...	1	0	0
For registering alteration in rules	...	...	...	0	10	0
For inspection of Documents	...	...	...	0	2	6

Sydney: Thomas Richards, Government Printer.—1881.

[9d.]

021-D

[unintelligible]

The following information was obtained from the records of the
Department of the Interior, Bureau of Land Management, on
the subject of the above mentioned land.

30

RECORDS OF THE
BUREAU OF LAND MANAGEMENT

The following information was obtained from the records of the
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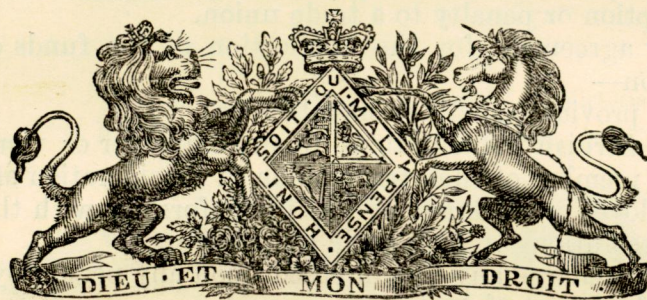
RECEIVED

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New South Wales.



ANNO QUADRAGESIMO QUINTO

VICTORIÆ REGINÆ.

No. XII.

An Act to amend the Law relating to Trade Unions.
[Assented to, 16th December, 1881.]

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 :—

1. This Act may be cited as the "Trade Union Act of 1881."
2. The purposes of any trade union shall not by reason merely that they are in restraint of trade be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.
3. The purposes of any trade union shall not by reason merely that they are in restraint of trade be unlawful so as to render void or voidable any agreement or trust.
- 4.

Short title.
34 & 35 Vic. c. 31 s. 1.

Trade union not
criminal.

34 & 35 Vic. c. 31
s. 2.

Trade union not
unlawful for civil
purposes.

4. 34 & 35 Vic. c. 31 s. 3.

Trade Union.

Trade union contracts when not enforceable.
34 & 35 Vic. c. 31
s. 4.

4. Nothing in this Act shall enable any Court to entertain any legal proceeding instituted with the object of directly enforcing or recovering damages for the breach of any of the following agreements namely—

- (1) Any agreement between members of a trade union as such concerning the condition on which members for the time being of such trade union shall or shall not sell their goods transact business employ or be employed.
- (2) Any agreement for the payment by any person of any subscription or penalty to a trade union.
- (3) Any agreement for the application of the funds of a trade union—
 - (a) to provide benefits to members or
 - (b) to furnish contributions to any employer or workman not a member of such trade union in consideration of such employer or workman acting in conformity with the rules or resolutions of such trade union or
 - (c) to discharge any fine imposed upon any person by sentence of a Court of Justice or
- (4) Any agreement made between one trade union and another or
- (5) Any bond to secure the performance of any of the above-mentioned agreements.

But nothing in this section shall be deemed to constitute any of the abovementioned agreements unlawful.

Provisions of 37 Vic.
No. 4 and 37 Vic.
No. 19 not to apply
to trade unions.

5. The following Acts that is to say—

- (1) The “Friendly Societies Act of 1873” and
- (2) The Companies Act

shall not apply to any trade union and the registration of any trade union under either of the said Acts shall be void.

Registered Trade Unions.

Registry of trade unions.
34 & 35 Vic. c. 31
s. 6.

6. Any seven or more members of a trade union may by subscribing their names to the rules of the union and otherwise complying with the provisions of this Act with respect to registry register such trade union under this Act provided that if any one of the purposes of such trade union be unlawful such registration shall be void.

Buildings for trade unions may be purchased or leased.
34 and 35 Vic.
c. 31 s. 7.

7. It shall be lawful for any trade union registered under this Act to purchase or to take upon lease in the names of the Trustees for the time being of such union any land not exceeding seven acres and to sell exchange mortgage or let the same and no purchaser assignee mortgagee or tenant shall be bound to inquire whether the Trustees have authority for any sale exchange mortgagee or letting and the receipt of the Trustees shall be a discharge for the money arising therefrom and for the purpose of this section every branch of a trade union shall be considered a distinct union.

Trade Union.

8. All real and personal estate whatsoever belonging to any trade union registered under this Act shall be vested in the Trustees for the time being of the trade union appointed as provided by this Act for the use and benefit of such trade union and the members thereof and the real or personal estate of any branch of a trade union shall be vested in the Trustees of such branch or of the Trustees of the trade union if the rules of the trade union so provide and be under the control of such Trustees their respective executors or administrators according to the respective claims and interests and upon the death or removal of any such Trustee the same shall vest in the succeeding Trustees for the same estate and interest as the former Trustees had therein and subject to the same trusts without any conveyance or assignment whatsoever and in all actions or suits or indictments or summary proceedings before any court of summary jurisdiction touching or concerning any such property the same shall be stated to be the property of the person or persons for the time being holding the said office of Trustee in their proper names as Trustees of such trade union without any further description.

Property of the
trade unions vested
in trustees.
34 & 35 Vic. c. 31
s. 8.

9. The Trustees of any trade union registered under this Act or any other officer of such trade union who may be authorised so to do by the rules thereof are hereby empowered to bring or defend or cause to be brought or defended any action suit prosecution or complaint in any court of law or equity touching or concerning the property-right or claim to property of the trade union and shall and may in all cases concerning the real or personal property of such trade union sue and be sue plead and be impleaded in any court of law or equity in their proper names without other description than the title of their office and no such action suit prosecution or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them but the same shall and may be proceeded in by their successor or successors as if such death resignation or removal had not taken place and such successors shall pay or receive the like costs as if the action suit prosecution or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union and the summons to be issued to such Trustee or other officer may be served by leaving the same at the registered office of the trade union.

Actions &c. by or
against Trustees.
34 & 35 Vic. c. 31
s. 9.

10. A Trustee of any trade union registered under this Act shall not be liable to make good any deficiency which may arise or happen in the funds of such trade union but shall be liable only for the moneys which shall be actually received by him on account of such trade union.

Limitation of
responsibility of
Trustees.
34 & 35 Vic. c. 31
s. 10.

11. When any person being or having been a Trustee of a trade union or of any branch of a trade union and whether appointed before or after the legal establishment thereof in whose name any property belonging to such union or branch is standing either jointly with another

Provisions in case
of absence &c. of
Trustee.
39 & 40 Vic. c. 22 s. 4.

Trade Union.

another or others or solely is absent from the colony or becomes insolvent or executes any deed for liquidation of his affairs by assignment or arrangement or for composition with his creditors or becomes a lunatic or is dead or has been removed from his office of Trustee or if it be unknown whether such person is living or dead the Registrar on application in writing from the secretary and three members of the union or branch and on proof satisfactory to him may direct the transfer of the property into the names of any other persons as Trustees for the union or branch and such transfer shall be made by the surviving or continuing Trustees and if there be no such Trustee or if such Trustees refuse or be unable to make such transfer then by such person as the registrar shall direct and such person is hereby indemnified for anything done by him in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Treasurers &c. to
account.

34 & 35 Vic. c. 31
s. 11.

12. Every treasurer or other officer of a trade union registered under this Act at such times as by the rules of such trade union he should render such account as hereinafter mentioned or upon being required so to do shall render to the Trustees of the trade union or to the members of such trade union at a meeting of the trade union a just and true account of all moneys received and paid by him since he last rendered the like account and of the balance then remaining in his hands and of all bonds or securities of such trade union which account shall be audited by some fit and proper person or persons to be appointed by the trade union or branch and such treasurer if thereunto required upon the said account being audited shall forthwith hand over to the Trustees the balance which on such audit appears to be due from him and shall also if required hand over to such Trustees all securities and effects books papers and property of the said trade union in his hands or custody and if he fail to do so the Trustees of the said trade union may sue such treasurer in any competent court for the balance appearing to to have been due from him upon the account last rendered by him and for all the moneys since received by him on account of the said trade union and for the securities and effects books papers and property in his hands or custody leaving him to set off in such action the sums if any which he may have since paid on account of the said trade union and in such action the said Trustees shall be entitled to recover their full costs of suit to be taxed as between attorney and client.

Punishment for
withholding money
&c.

34 & 35 Vic. No. 31
s. 12.

13. If any officer member or other person being or representing himself to be a member of a trade union registered under this Act or the nominee executor administrator or assignee of a member thereof or any person whatsoever by false representation or imposition obtain possession of any moneys securities books papers or other effects of such trade union or having the same in his possession wilfully withhold or fraudulently misapplies the same or wilfully apply any part of the same

to

Trade Union.

to purposes other than those expressed or directed in the rules of such trade union or any part thereof the court of summary jurisdiction for the place in which the registered office of the trade union is situate or the court of summary jurisdiction for the place where the offence has been committed upon a complaint made by any person on behalf of such trade union or by the Registrar may by summary order order such officer member or other person to deliver up all such moneys securities books papers or other effects to the trade union or to repay the amount of money applied improperly and to pay if the court think fit a further sum of money not exceeding twenty pounds together with costs not exceeding twenty shillings and in default of such delivery of effects or repayment of such amount of money or payment of such penalty and costs aforesaid the said court may order the said person so convicted to be imprisoned with or without hard labour for any time not exceeding three months Provided that nothing herein contained shall prevent the said trade union from proceeding by indictment against the said party provided also that no person shall be proceeded against by indictment if a conviction shall have been previously obtained for the same offence under the provisions of this Act.

Registry of Trade Unions.

14. With respect to the registry under this Act of a trade union and of the rules thereof the following provisions shall have effect—

- (1) An application to register the trade union and printed copies of the rules together with a list of the titles and names of the officers shall be sent to the Registrar under this Act.
- (2) The Registrar upon being satisfied that the trade union has complied with the regulations respecting registry in force under this Act shall register such trade union and such rules.
- (3) No trade union shall be registered under a name identical with that by which any other existing trade union has been registered or so nearly resembling such name as to be likely to deceive the members or the public.
- (4) Where a trade union applying to be registered has been in operation for more than a year before the date of such application there shall be delivered to the Registrar before the registry thereof a general statement of the receipts funds effects and expenditure of such trade union in the same form and showing the same particulars as if it were the annual general statement required as hereinafter mentioned to be transmitted annually to the Registrar.
- (5) The Registrar upon registering such trade union shall issue a certificate of registry which certificate unless proved to have been withdrawn or cancelled shall be conclusive evidence that the regulations of this Act with respect to registry have been complied with.

(6)

Regulations for
registry.34 & 35 Vic. c. 31
s. 13.

Trade Union.

- (6) The Governor with the advice of the Executive Council may from time to time make regulations respecting registry under this Act and respecting the seal (if any) to be used for the purpose of such registry and the forms to be used for such registry and the inspection of documents kept by the Registrar under this Act and respecting the fees (if any) to be paid on registry not exceeding the fees specified in the Second Schedule to this Act and generally for carrying this Act into effect.

Withdrawing or
cancelling of
certificate.

39 & 40 Vic. c. 22
s. 8.

15. No certificate or registration of a trade union shall be withdrawn or cancelled otherwise than by the Registrar and in the following cases:—

- (1) At the request of the trade union to be evidenced in such manner as such registrar shall from time to time direct.
- (2) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake or that the registration of the trade union has become void under section six of this Act or that such trade union has wilfully and after notice from the Registrar violated any of the provisions of this Act or has ceased to exist.

Not less than two months previous notice in writing specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid in which case it shall be the duty of the Registrar to cancel the same forthwith) shall be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request) A trade union whose certificate of registration has been withdrawn or cancelled shall from the time of such withdrawal or cancelling absolutely cease to enjoy as such the privileges of a registered trade union but without prejudice to any liability actually incurred by such trade union which may be enforced against the same as if such withdrawal or cancelling had not taken place.

Rules of registered
trade unions.

34 & 35 Vic. c. 31
s. 14.

16. With respect to the rules of a trade union registered under this Act the following provisions shall have effect—

- (1) The rules of every such trade union shall contain provisions in respect of the several matters mentioned in the First Schedule to this Act.
- (2) A copy of the rules shall be delivered by the trade union to every person on demand on payment of a sum not exceeding one shilling.

Registered office of
trade unions.

34 & 35 Vic. c. 31
s. 15.

17. Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed If any trade union under this Act is in operation for seven days without having such an office such trade union and every officer thereof shall

Trade Union.

shall incur a penalty not exceeding five pounds for every day during which it is so in operation. Notice of the situation of such registered office and of any change therein shall be given to the Registrar and recorded by him. Until such notice is given the trade union shall not be deemed to have complied with the provisions of this Act.

18. A general statement of the receipts fund effects and expenditure of every trade union registered under this Act shall be transmitted to the Registrar before the first day of June in every year and shall show fully the assets and liabilities at the date and the receipts and expenditure during the year preceding the date to which it is made out of the trade union and shall show separately the expenditure in respect of the separate objects of the trade union and shall be prepared and made out up to such date in such form and shall comprise such particulars as the Registrar may from time to time require and every member of and depositor in any such trade union shall be entitled to receive on application to the treasurer or secretary of that trade union a copy of such general statement without making any payment for the same. Together with such general statement there shall be sent to the Registrar a copy of all alterations of rules and new rules changes of officers made by the trade union during the year preceding the date up to which the general statement is made out and a copy of the rules of the trade union as they exist at that date. Every trade union which fails to comply with or acts in contravention of this section and also every officer of the trade union so failing shall each be liable to a penalty not exceeding five pounds for each offence. Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement or in or from the return of such copies of rules or alterations of rules shall be liable to a penalty not exceeding fifty pounds for each offence.

Annual returns to be prepared as Registrar may direct.
34 & 35 Vic. c. 31 s. 16.

19. A person under the age of twenty-one years but above the age of sixteen may be a member of a trade union unless provision be made in the rules thereof to the contrary and may subject to the rules of the trade union enjoy all the rights of a member except as herein provided and execute all instruments and give all acquittances necessary to be executed or given under the rules but shall not be a member of the committee of management trustee or treasurer of the trade union or be allowed to vote at any meeting thereof until he is eighteen years of age.

Membership of minors.
39 & 40 Vic. c. 22 s. 9.

20. A member of a trade union not being under the age of sixteen years may by writing under his hand delivered at or sent to the registered office of the trade union nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband wife father mother child brother sister nephew or niece of the nominator) to whom any moneys payable on the death of such member not exceeding fifty pounds shall be paid at his decease and may from time to time revoke or vary such nomination by a writing under his hand similarly

Nomination.
39 & 40 Vic. c. 22 s. 10.

Trade Union.

similarly delivered or sent and on receiving satisfactory proof of the death of a nominator the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

Change of name.
39 & 40 Vic. c. 22
s. 11.

21. A trade union may with the approval in writing of the Registrar change its name by the consent of not less than two-thirds of the total number of members. No change of name shall affect any right or obligation of the trade union or of any member thereof and any pending legal proceedings may be continued by or against the Trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

Amalgamation.
39 & 40 Vic. c. 22
s. 12.

22. Any two or more trade unions may by the consent of not less than two-thirds of the members of each or every such trade union become amalgamated together as one trade union with or without any dissolution or division of the funds of such trade unions or either or any of them but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

Registration of
changes and names
and amalgamations.
39 & 40 Vic. c. 22
s. 13.

23. Notice in writing of every change of name or amalgamation signed in the case of a change of name by seven members and countersigned by the secretary of a trade union changing its name and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with and in the case of an amalgamation signed by seven members and countersigned by the secretary of each or every union party thereto and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with shall be sent to the office of the Registrar and registered there and until such change of name or amalgamation is so registered the same shall not take effect.

Dissolution.
39 & 40 Vic. c. 22
s. 14.

24. The rules of every trade union shall provide for the manner of dissolving the same and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same shall be sent within fourteen days thereafter to the Registrar and shall be registered by him.

Penalty for failure
to give notice.
39 & 40 Vic. c. 22
s. 15.

25. A trade union which fails to give any notice or send any document which it is required by this Act to give or send and every officer or other person bound by the rules thereof to give or send the same or if there be no such officer then every member of the committee of management of the union unless proved to have been ignorant of or to have attempted to prevent the omission to give or send the same is liable to a penalty of not less than one pound and not more than five pounds recoverable at the suit of the Registrar or of any person aggrieved and to an additional penalty of the like amount for each week during which the omission continues.

Trade Union.

26. The Registrar of Friendly Societies under the "Friendly Societies Act of 1873" shall be the Registrar under this Act. The Registrar shall lay before Parliament annual reports with respect to the matters transacted by such Registrar in pursuance of this Act.

Registrars.

34 & 35 Vic. c. 31
s. 17.

27. If any person with intent to mislead or defraud gives to any member of a trade union registered under this Act or to any person intending or applying to become a member of such trade union a copy of any rules or of any alterations or amendments of the same other than those respectively which exist for the time being on the pretence that the same are the existing rules of such trade union or that there are no other rules of such trade union or if any person with the intent aforesaid gives a copy of any rules to any person on the pretence that such rules are the rules of a trade union registered under this Act which is not so registered every person so offending shall be deemed guilty of a misdemeanour.

Circulating false
copies of rules &c. a
misdemeanour.34 & 35 Vic. c. 31
s. 18.*Legal Proceedings.*

28. All offences and penalties under this Act may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts. Summary orders under this Act may be made and enforced on complaint before a Court of Summary Jurisdiction in manner provided by the Summary Jurisdiction Acts. Provided as follows—

Summary proceed-
ings for offences
penalties &c.34 & 35 Vic. c. 31
s. 19.

- (1) The "Court of Summary Jurisdiction" when hearing and determining information or complaints shall be constituted by a Police Magistrate.
- (2) The description of any offence under this Act in the words of such Act shall be sufficient in law.
- (3) Any exception exemption proviso excuse or qualification whether it does or not accompany the description of the offence in this Act may be proved by the defendant but need not be specified or negatived in the information and if so specified or negatived no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.

29. If any party feels aggrieved by any order or conviction made by a Court of Summary Jurisdiction on determining any complaint or information under this Act the party so aggrieved may appeal therefrom subject to the conditions and regulations following—

Appeal to Quarter
Sessions.34 & 35 Vic. c. 31
s. 20.

- (1) The appeal shall be made to the next Court of Quarter Sessions nearest to the place in which the cause of appeal has arisen holden not less than fifteen days and not more than four months after the decision of the Court from which the appeal is made.

(2)

Trade Union.

- (2) The applicant shall within seven days after the cause of appeal has arisen give notice to the other party and to the Court of Summary Jurisdiction of his intention to appeal and of the ground thereof.
- (3) The appellant shall immediately after such notice enter into a recognizance before a Justice of the Peace in the sum of ten pounds conditioned personally to try such appeal and to abide the judgment of the Court thereon and to pay such costs as may be awarded by the Court.
- (4) Where the appellant is in custody the Justice may if he think fit on the appellant entering into such recognizance as aforesaid release him from custody.
- (5) The Court of Appeal may adjourn the appeal and upon the hearing thereof may confirm reverse or modify the decision of the Court of Summary Jurisdiction or remit the matter to the Court of Summary Jurisdiction with the opinion of the Court of Appeal thereon or make such other order in the matter as the Court thinks just and if the matter be remitted to the Court of Summary Jurisdiction the said last-mentioned Court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the said Court of Appeal. The Court of Appeal may also make such order as to the costs to be paid by either party as the Court thinks just.

Interested persons
not to act as a Court
of Appeal.

34 & 35 Vic. c. 31
s. 22.

30. A person who is a master or father son or brother of a master in the particular manufacture trade or business in or in connection with which any offence under this Act is charged to have committed shall not act as a Court of Summary Jurisdiction or Appeal for the purposes of this Act.

Definitions.

Definition as to the
term "Summary
Jurisdiction Acts."

34 & 35 Vic. c. 31
s. 23.

31. In this Act the term "Summary Jurisdiction Acts" means as follows:—

The Act of the Session of the eleventh and twelfth years of the reign of Her present Majesty chapter forty-three intituled "*An Act to facilitate the performance of the duties of Justices of the Peace out of Sessions within England and Wales with respect to summary convictions and orders*" adopted by the Act fourteen Victoria Number forty-three and any Acts amending the same.

As to Trade Union.
39 & 40 Vic. c. 22
s. 16.

The term "Trade Union" means any combination whether temporary or permanent for regulating the relations between workmen and employers or between workmen and workmen or between employers and employers or for imposing restrictive conditions on the conduct of any trade or business whether such combination

Trade Union.

combination would or would not if this Act had not been passed have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade. Provided that this Act shall not affect—

- (1) Any agreement between partners as to their own business. Proviso. 34 & 35 Vic. c. 31 s. 23.
 (2) Any agreement between an employer and those employed by him as to such employment.
 (3) Any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession trade or handicraft.

SCHEDULES.

FIRST SCHEDULE.

OF matters to be provided for by the Rules of Trades Unions registered under this Act— 34 & 35 Vic. c. 31 s. 23.

- (1) The name of the Trade Union and place of meeting for the business of the Trade Union.
- (2) The whole of the objects for which the Trade Union is to be established the purposes for which the funds thereof shall be applicable and the conditions under which any member may become entitled to any benefits assured thereby and the fines and forfeitures to be imposed on any member of such Trade Union.
- (3) The manner of making altering amending and rescinding rules.
- (4) A provision for the appointment and removal of a general committee of management of a trustee or trustees treasurer and other officers.
- (5) A provision for the investment of the funds and for an annual or periodical audit of accounts.
- (6) The inspection of the books and names of members of the Trade Union by every person having an interest in the funds of the Trade Union.

SECOND SCHEDULE.

Maximum Fees.

	£	s.	d.
For registering Trade Union	1	0	0
For registering alteration of rules	0	10	0
For inspection of documents	0	2	6

REGULATIONS.

[Published in the Government Gazette of the 27th February, 1883.]

Colonial Secretary's Office,
Sydney, 26th February, 1883.

His Excellency the Governor, with the advice of the Executive Council, has been pleased, in accordance with section 14 of the "Trade Union Act, 1881," to make the following Regulations respecting the registry of Trade Unions.

ALEX. STUART.

IN pursuance of the powers vested in me by the above-mentioned Act, I, the Right Honorable Lord AUGUSTUS WILLIAM FREDERICK SPENCER LOFTUS, Knight Grand Cross of the Most Honorable Order of the Bath, a member of Her Majesty's Most Honorable Privy Council, Governor and Commander-in-Chief of the Colony of New South Wales and its Dependencies, do, with the advice of the Executive Council, make the following Regulations:—

1. The Registrar shall not register a Trade Union under a name identical with that of any other existing Trade Union known to him whether registered or not registered, or so nearly resembling such name as to be likely to deceive the members or the public.
2. Upon an application for the registration of a Trade Union which is already in operation, the Registrar, if he has reason to believe that the applicants have not been duly authorised by such Trade Union to make the same, may, for the purposes of ascertaining the fact, require from the applicants such evidence as may seem to him necessary.
3. Applications for registry shall be made in Form A annexed hereto.
4. All documents transmitted to the Registrar relating to any registered Trade Union shall be open to the inspection of any person on payment of one shilling.
5. The certificate of registry, in the Form G annexed hereto, shall be delivered to the applicant on payment of one pound.
6. An application may be made at any time on behalf of a Trade Union to the Registrar for the registration of an alteration of rules.
7. The alteration to be registered may be either—
 - A partial alteration, consisting of a new rule or rules to be added to the registered rules, or to be substituted for any of the registered rules; or
 - A complete alteration, consisting of an entire set of rules, to be substituted for the set of registered rules.
8. An application for the registration of a partial alteration of rules must be in the Form B annexed hereto, and must be accompanied—
 - (a) By a statutory declaration of an officer of the Trade Union to the effect that, in making the alteration of rules submitted for registration, the rules of the Trade Union have been duly complied with; and
 - (b) By two copies of the new rule or rules proposed to be added or, as the case may be, by two copies of the new rule or rules proposed to be substituted, and two copies of the old rules in the place of which such substitution is to be made. Each copy of the new rules must be marked N, and signed by the applicants.

The Registrar, before registering the new rule or rules to be added or substituted, as the case may be, shall ascertain that the rules of the Trade Union, if altered in accordance with the proposed partial alteration, will provide for all matters required by above-mentioned Act to be provided for by the rules of a registered Trade Union.

The certificate of registry of a partial application shall be in Form C, annexed hereto, and shall be delivered to the applicants, attached to one of the copies of the new rule or rules, on payment of 10s.

9. An application for the registration of a complete alteration of rules must be in the Form F, annexed hereto, and must be accompanied—

(a) By a statutory declaration in Form E, annexed hereto, of an officer of the Trade Union to the effect that, in making the alteration of rules submitted for registration, the rules of the Trade Union have been duly complied with; and

(b) By two copies of the new set of rules. Each copy of the rules must be printed, and marked NN, and signed by the applicants.

The Registrar, before registering the new set of rules, shall ascertain that the new set of rules provides for all the matters which the above-mentioned Act are to be provided for by the rules of a registered Trade Union. The certificate of registry of a complete alteration of rules shall be in the form D, annexed hereto, and shall be delivered to the applicants, attached to one of the copies of the new set of rules, on payment of 10s.

10. The fees payable for registration of a Trade Union, or alteration of the rules thereof, and for inspection of any document in the custody of the Registrar, shall be those respectively specified in the Second Schedule to the "Trade Union Act, 1881"; and such fees shall be applied in the same way as fees under the "Friendly Societies Act of 1873."

FORMS.

A.

"Trade Union Act, 1881," 45 Victoria, No. 12.

Form of application for registry.

1. This application is made by the seven persons whose names are subscribed at the foot hereof.

2. The name under which it is proposed that the Trade Union on behalf of which this application is made shall be registered is _____, as set forth in rule No. _____. To the best of our belief there is no other existing Trade Union, whether registered or not registered, the name of which is identical with the proposed name, or so nearly resembles the name as to cause confusion.

3. The place of meeting for the business of the [name of Trade Union], and the office to which all communications and notices may be addressed is at _____, as set forth in rule No. _____.

4. The [name of Trade Union] was established on the _____ day of _____

5. The whole of the objects for which the [name of Trade Union] is established, and the purposes for which the funds thereof are applicable are set forth in rule No. _____.

6. The conditions under which members may become entitled to benefits assured are set forth in rule No. _____.

7. The fines and forfeitures to be imposed on members are set forth in rule No. _____.

8. The manner of making, altering, amending, and rescinding rules is set forth in rule No. _____.

9. The provisions for the appointment and removal of a general committee of management, of trustee or trustees, treasurer, and other officers is set forth in rule No. _____.

REGULATIONS.

10. The provisions for the investment of funds and for the periodical audit of accounts is set forth in Rule No.

11. The provision for the inspection of the books and names of the members by every person having an interest in the funds, is set forth in rule No.

12. Accompanying this application are sent—

(1) Two printed copies, each marked A, of the rules.

(2) A list, marked B, of the titles and names of the officers.

(3) A general statement marked C [*this will only be necessary in case where the Trade Union has been in operation more than a year previous to the date of the application*] showing—

(a) The assets and liabilities of the [*name of Trade Union*] at the date up to which the statement is made out.

(b) The receipts and expenditure of [*name of Trade Union*] during the year preceding the date [*this date will be fixed by the Registrar*] up to which the statement is made out, such expenditure being set forth under separate heads corresponding to the several objects of the Trade Union.

13. We have been duly authorised by the Trade Union to make this application on its behalf, such authorisation consisting of [*this will only be necessary where the Trade Union has been in operation before the date of the application.*]

(Signed)

day of

18 .

In paragraph 13 must be stated whether the authority to make this application was given by a resolution of a general meeting of the Trade Union; or, if not, in what other way it was given.

The two copies of rules must be signed by the seven members signing this application.

The application should be *dated*, and forwarded to "The Registrar of Friendly Societies, Crown Law Offices, Sydney."

B.

"Trade Union Act, 1881," 45 Victoria, No. 12.

Form of Application for Registry of partial alteration of rules.

Trade Union, Registrar No.

1. This application is for the registry of a partial alteration of the rules of the Trade Union, and is made by the seven persons whose names are subscribed at the foot hereof.

2. The partial alteration submitted for registration consists of the addition of the rule or rules, two copies of which accompany this application (each copy being marked , and signed by the applicants) in addition to the rules already registered or, the substitution of the rule [or rules], two copies whereof accompany this application (each copy being marked , and signed by the applicants) for No. and No. of the rules already registered.

3. This application is accompanied by a statutory declaration of , an officer of this Trade Union, to the effect that in making the alteration of rules now submitted for registration, the rules of the Trade Union were duly complied with.

4. We have been duly authorised by the Trade Union to make this application on its behalf, such authorisation consisting of a resolution passed at a general meeting on the day of [*here insert the date, or, if there was no such resolution, state in what other way the authorisation was given.*]

(Signed)

[*Here insert the date*] day of

18 .

The Registrar of Friendly Societies,
Crown Law Offices, Sydney.

C.

"Trade Union Act, 1881," 45 Victoria, No. 12.

Trade Union.

Register No. .

Certificate of Registry of partial alterations of Rules.

I hereby certify that the rules, copy whereof is appended hereto, have been registered under the above-mentioned Act in addition to the rules already mentioned or in substitution for No. and No. of the rules already registered] for the

Trade Union.

(Signed)

Registrar of Friendly Societies in N. S. Wales.

day of 18 .

D.

"Trade Union Act, 1881," 45 Victoria, No. 12.

Trade Union.

Register No. .

Certificate of Registry of complete alteration of Rules.

I hereby certify that the rules, copy whereof is appended hereto, have been registered under the above-mentioned Act in substitution for the rules already registered for the Trade Union.

(Signed)

Registrar of Friendly Societies of N. S. Wales.

day of 18 .

E.

"Trade Union Act, 1881," 45 Victoria No. 12.

Trade Union.

Register No. .

I, , of , the Clerk [or *Secretary, or one of the officers*] of the above-mentioned Trade Union, do solemnly and sincerely declare that in making the alterations of the rules of the said Trade Union, the application for the registration of which is appended to this declaration, the rules of the said Trade Union have been duly complied with, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "An Act for the more effectual abolition of oaths and affirmations taken and made in various Departments of the Government of New South Wales and to substitute declaration in lieu thereof and for the suppression of voluntary and extra-judicial oaths and affidavits."

(Signed)

Made and signed before me, at , this day of 18 .

[Signature of a Magistrate] J.P.

F.

"Trade Union Act, 1881," 45 Victoria, No. 12.

Form of Application for Registry of complete alteration of Rules.

1. This is an application for the registration of a complete alteration of the registered rules of the Trade Union, and is made by the seven persons whose names are subscribed at the foot hereof.

2. The complete alteration submitted for registration is the substitution of the set of rules, two printed copies of which (each copy marked and signed by the applicants) accompany this application, for the set of rules already registered.

3. The name under which it is proposed that the Trade Union, on behalf of which this application is made, shall be registered, is , as set forth in rule No. . To the best of our belief there is no other existing Trade Union, whether registered or not registered, the name of which is identical with the proposed name, or so nearly resembles the same as to cause confusion.

4. The place of meeting for the business of the , and the office to which all communications may be addressed, is at , as set forth in rule No. .

5. The was established on the day of .

6. The whole of the objects for which the is established, and the purposes for which the funds thereof are applicable, are set forth in rule No. .

7. The conditions under which members may become entitled to benefits assured are set forth in rule No. .

8. The fines and forfeitures to be imposed on members are set forth in rule No. .

9. The manner of making, altering, amending, and rescinding rules is set forth in rule No. .

10. The provision for the appointment and removal of a general committee of management, of trustee or trustees, treasurer, and other officers, is set in rule No. .

11. The provision for the investment of funds and for the periodical audit of accounts is set forth in rule No. .

12. The provision for the inspection of the books and names of the members by every person having an interest in the funds, is set forth in rule No. .

13. This application is accompanied by a statutory declaration of , an officer of the said Trade Union, to the effect that in making the alteration of rules now submitted for registration the rules of the Trade Union were duly complied with.

14. We have been duly authorised by the Trade Union to make this application on its behalf, such authorisation consisting of a resolution passed at a general meeting, held on the day of [here insert the date, or, if there was no such resolution, state in what other way authorisation was given].

(Signed)

The Registrar of Friendly Societies,
Crown Law Offices, Sydney.

G.

Form of Registry of Trade Union.

No.

Sydney, .

I hereby certify that I have this day registered the
under the "Trade Union Act of 1881."

Registrar of Friendly Societies.

Office of Registrar of Friendly Societies,
Crown Law Offices, Sydney,
day of , 18 .

By Authority : Reprinted by WILLIAM APPLEGATE GULLICK, Government Printer, Sydney, 1915.

[1s.]