

LAWS OF FIJI

[Ed. 1978]

CHAPTER 95

INDUSTRIAL ASSOCIATIONS

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INDUSTRIAL ASSOCIATIONS

Ordinances Nos. 18 of 1941, 19 of 1943, 37 of 1943, 2 of 1945, 15 of 1961, 11 of 1962, 37 of 1966.

AN ACT TO MAKE PROVISION FOR THE FORMATION, REGISTRATION AND REGULATION OF INDUSTRIAL ASSOCIATIONS AND FOR OTHER PURPOSES CONNECTED THEREWITH.

[26th August, 1942.]

Short title

1. This Act may be cited as the Industrial Associations Act.

Interpretation

2. In this Act, unless the context otherwise requires-

"association" means any number of employers or employees or other persons in any particular industry associated together primarily for the purpose of regulating relations inter se or with other persons or associations and for protecting or furthering their interests and those of their associations;

"employee" means any person employed by, or working for any employer, and receiving, or being entitled to receive any remuneration; and "employed" and "employment" have corresponding meanings; "employer" means any person who employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him; and "employ" and "employment" have corresponding meanings;

"industrial association" means an association registered under this Act; "industrial

"dispute" means-

- (a) any dispute or difference between employers and employees, or between employees and employees, connected with the employment or non-employment, or the terms of the employment, or with the conditions of labour, of any person;
- (b) any dispute or difference between sugar-cane farmers and sugar manufacturers;
- (c) any dispute or difference between any other persons in any undertaking, industry, trade or occupation specified by the Minister by notice in the Gazette;

"industry" includes trade, undertaking or occupation and any branch or section of a trade, undertaking, occupation or industry, and includes agriculture;

"Registrar" means such officer as the Minister may appoint to carry out the duties of Registrar under this Act;

"to intimidate" means to cause in the mind of a person a reasonable apprehension of injury to him or to any member of his family or to any of his dependants or of violence or damage to any person or property;

"injury" includes injury to a person in respect of his business, occupation, employment or other source of income, and includes any actionable wrong.

Industrial association not criminal

3. The purposes of any industrial association 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 industrial association liable to criminal prosecution for conspiracy or otherwise. (Inserted by 19 of 1943, s. 2.)

Industrial association not unlawful for civil purposes

4. The purposes of any industrial association 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. (Inserted by 19 of 1943, s. 2.)

Registration of industrial associations

5.-(1) Notwithstanding anything in any other Act contained, it shall be lawful for employers, employees and other persons engaged in any industry to form associations for the purposes and in the manner authorised by this Act.

(2) Every association, as defined in this Act, which may be in existence at the commencement thereof and every such association formed thereafter which the Registrar has not refused to register shall within one month after the commencement of this Act, or within one month of its formation, as the case may be, apply to the Registrar for registration under this Act.

(3) Associations applying for registration under subsection (2) shall make such application to the Registrar in the form prescribed and shall submit with such application three copies of its constitution and rules, duly authenticated by signature of the president and of the secretary, and shall also furnish him with any further information he may require.

(4) On receipt of an application for registration from an association, the Registrar shall consult with the Permanent Secretary for Labour and shall register it in accordance with the provisions of this Act: (Amended by 15 of 1961, s. 2.)

Provided that the Registrar shall refuse to register an association if he is satisfied that-

- (a) the requirements of this Act have not been complied with; or
- (b) the constitution and rules of the association are inconsistent with the provisions of this Act or of any other Act except in so far as the provisions and purposes of such other Act may be repugnant to this Act; or
- (c) the association has been formed for the purpose of evading the provisions of any enactments which are not repugnant to any of the provisions of this Act; and that-
- (d) an applicant association which has been denied registration under paragraphs (b) or (c) shall be given an opportunity of bringing its constitution or rules into conformity with the provisions of this or any other Act in such manner and within such time as the Registrar may direct. (Amended by 19 of 1943, s. 3.)

(5) Any association whose application for registration has been refused by the Registrar shall be dissolved within one month of the notification of the decision of the Registrar, or within such further time as the Registrar may allow in any case coming within the provisions of paragraph (d) of the proviso to subsection (4). (Inserted by 19 of 1943, s. 3.)

Industrial associations to be bodies corporate

6. Every association shall upon registration under this Act become a body corporate and shall be capable in law of suing and being sued and, subject to the provisions of any law restricting or prohibiting the acquisition of property or land, shall be capable of purchasing or otherwise acquiring, holding and alienating property real or personal.

Transfer of rights and liabilities of members. Liability of member

7.-(1) Upon registration of an association under this Act, all rights and liabilities of the members thereof in their capacity as such shall devolve upon the association.

(2) Unless it is otherwise provided by the memorandum of association of such a registered association, no person shall, by reason only of the fact that he is a member, office bearer or official of that association, be liable for any of the obligations of that association.

Matters which must be provided in constitution of association, etc.

8. The constitution of every industrial association shall provide for the following matters:-

(a) the qualifications of membership which shall require, inter alia, that an applicant for membership of the association shall be regularly and normally engaged in the industry which the association represents and shall not be a member of another industrial association:

Provided that the president and the secretary of an industrial association may be persons not regularly and normally engaged in the industry represented;

(b) the manner in which the amounts of the subscriptions (if any) to be paid by members shall be fixed;

(c) the appointment, removal and powers of office bearers and officials (such office bearers and officials must be members of the association);

(d) the calling and conduct of meetings of members or of representatives of members of the association;

(e) the election of representatives (who must be members of the association) to serve on any body having for its object the inquiry into or settlement of any industrial dispute;

(f) the acquisition and control of property;

(g) the keeping of books of account and the periodical auditing of accounts at least once every calendar year, and the making available to the Registrar and members of true copies of the audited accounts and of the auditor's reports thereon;

(h) the maintenance of a register of members and of a record of the subscriptions (if any) paid by each member, and the periods to which those payments relate;

(i) the alteration of the constitution;

- (j) the winding up of the association;
- (k) the circumstances under which a member shall cease to be a member or shall cease to be entitled to any of the benefits of membership; and shall define the purposes to which any of its funds may be applied, and the benefits to which members may become entitled, and prescribe the fines, levies and forfeitures to which they are liable and provide for the establishment of an executive committee and other committees and provide for the holding of ballots, in which case it shall prescribe the manner in which any ballot shall be conducted and controlled and deal with any other matter which is suitable to be dealt with in the memorandum of an association:

Provided that if the Registrar is of the opinion that any provision is not in accordance with law he shall refuse to approve of such provision and shall approve only of such provisions as, in his opinion, are in accordance with law. (Amended by 19 of 1943, s. 4.)

Alteration of constitution and change of name of industrial association

9.-(1) An industrial association may, by resolution made in the manner directed by its constitution, alter its constitution or its rules, whereupon the amended constitution or rules together with a copy of the resolution certified by the president and the secretary shall be submitted to the Registrar for registration in accordance with the requirements of this Act relating to the original registration of an association and the amended constitution or rules shall upon registration become the constitution and rules of the association.

(2) The proviso to section 8 shall, mutatis mutandis, apply in respect of any alteration submitted in terms of subsection (1).

(3) Should any industrial association desire to change the name under which it is registered, such change shall be effected in the same manner as an alteration of the constitution, and if the provisions of this section in relation thereto have been complied with, the Registrar shall issue a new certificate and make the necessary alterations in his registers.

Delegation of powers of industrial association

10. The functions vested by the constitution of an industrial association in its office bearers, officials or committees shall be exercised only by such office bearers, officials and committees of the association concerned, and shall not be delegated to any other person or body:

Provided that-

- (a) when two or more industrial associations whose members are engaged in the same industry wish jointly to negotiate with another association or associations, or with unassociated employers or employees, or with other persons, or wish to have their combined interests represented before a body having for its object the inquiry into or settlement of an industrial dispute, they may nominate from their combined membership one or more persons to represent them on such body;
- (b) nothing in this section shall prohibit the engagement of barristers and solicitors to represent any industrial association in any matter.

Annual returns

11.-(1) A general statement of the receipts, funds, effects and expenditure of every industrial association shall be transmitted by the secretary of the association to the Registrar on or before the thirty-first day of March in every year in respect of the preceding year and shall show-

- (a) fully, the assets and liabilities at the thirty-first day of December of the preceding year and the receipts and expenditure during the preceding year;
- (b) separately, the expenditure for the preceding year in respect of the several objects of the association; and
- (c) the number of members of the association at the thirty-first day of December of the preceding year and the number of such members whose subscriptions were then in arrear for a period exceeding three months.

(2) Such annual general statement shall be prepared and made out in such form, and shall comprise such particulars as may be prescribed.

(3) Every member of any industrial association shall be entitled to receive, on application to the secretary of the association, a copy of such annual general statement, without making any payment for the same.

(4) Together with such annual general statement the secretary of the association shall send to the Registrar a copy of all new rules, alterations of rules and changes of officers made by the association during the preceding year, and a copy of the rules of the association as they exist at the date of the statement. (Section inserted by 37 of 1943, s. 2.)

Industrial associations to furnish information to Registrar

12.-(1) The secretary of every industrial association shall, within fourteen days after the receipt by him of a written request by the Registrar, furnish to him a true statement showing, as at any date specified by the Registrar, the number of members of the association and the number of such members whose subscriptions were in arrear for a period exceeding three months, or other particulars relating to the association that may be required by the Registrar.

(2) Whenever any election or appointment of office bearers or officials or members of the executive committee or committee of management of an industrial association takes place, the secretary of the association concerned shall notify the names and addresses of the persons so elected or appointed to the Registrar within fourteen days after the election or appointment took place, whether or not there have been any changes amongst the office bearers, officials or members.

(3) Whenever any change in the address of the head office of an industrial association takes place, the secretary of the association concerned shall notify the new address to the Registrar within fourteen days after the change took place.

(4) The Registrar or any other public officer authorised by him on his behalf may at any time inspect the books and accounts of any industrial association.

(5) The Registrar shall not, without the consent of the industrial association, disclose to any person any statement or other information furnished to him in pursuance of this section.

Right of inspection of Registrar's records

13. Notwithstanding anything contained elsewhere in this Act-

- (a) any member of the public may inspect the constitution, rules and list of officers of an industrial association at the office of the Registrar on payment of the fee of twenty-five cents;
- (b) the Permanent Secretary for Labour may without fee inspect at the office of the Registrar any information furnished by an industrial association under the provisions of this Act or any report made by the Registrar under section 14 and may make copies thereof or extracts therefrom either personally or by means of a clerk or servant. (Section inserted by 15 of 1961, s.3.)

Inquiries by Registrar

14.-(1) If at any time the Registrar has reason to believe that an industrial association or any of its office bearers or officials is not observing the provisions of its constitution or is otherwise acting unlawfully and if, after the Registrar has brought the matter to the notice of that association, he does not receive from it within a period specified by him a satisfactory explanation, he may conduct an inquiry into the carrying out by that association or its office bearers or officials of its or their powers and duties under this Act or under its constitution, or authorise any magistrate or district officer (in this section referred to as the authorised officer) to do so.

At any time pending the holding or completion of such inquiry or the decision therein the Registrar, if he is satisfied by evidence on oath that there is a prima facie case that an industrial association or any office bearer or official of an industrial association is not observing the provisions of its constitution or rules or is otherwise acting unlawfully, may by order suspend any office bearer or official whom he considers to have been guilty of or responsible for such non-observance of unlawful action from taking any part in the affairs of the industrial association pending the completion of the inquiry and the decision therein:

Provided that-

- (a) the Registrar shall not make any such suspension as aforesaid unless he has given such office bearer or official an opportunity to be heard, and
- (b) no suspension under this subsection shall remain in operation for a longer period than six weeks.

During his period of suspension no office bearer or official shall enjoy any of the rights, privileges or immunities of an office bearer, official or member of an industrial association. (Subsection amended by 2 of 1945, s. 135, and 11 of 1962, s. 2.)

(2) For the purpose of any such inquiry the Registrar or the authorised officer may summon any person who in his opinion may be able to give material information concerning the subject of the inquiry, or whom he suspects or believes has in his possession or custody or under his control any book, document or thing which has any bearing upon the subject of the inquiry, to appear before him at a time and place

specified in the summons, to be interrogated or to produce that book, document or thing.

(3) The Registrar or the authorised officer may call and administer an oath to any person present at the inquiry who has or might have been summoned in terms of subsection (2), and may interrogate him and require him to produce any book, document or thing in his possession or custody or under his control.

(4) If any person, being duly summoned under subsection (2), fails, without sufficient cause, to attend at the time and place specified in the summons, or to remain in attendance until excused by the Registrar or the authorised officer from further attendance, or if any person called in terms of subsection (3) refuses to be sworn as a witness, or fails without sufficient cause to answer fully and satisfactorily to the best of his knowledge and belief all questions lawfully put to him, or to produce any book, document or thing in his possession or custody or under his control, he shall be guilty of an offence:

Provided that in connexion with the interrogation of any such person by, or the production of any such book, document or thing before, the Registrar or the authorised officer, the law relating to privilege, as applicable to a witness summoned to give evidence or produce any book, document or thing before a court of law, shall apply.

(5) Any witness who, after having been sworn, gives a false answer to any question put to him by the Registrar or the authorised officer, or makes a false statement on any matter, knowing that answer or statement to be false, shall be deemed to be guilty of perjury.

(6) The interrogation of any witness by the Registrar or authorised officer shall be conducted in private, unless the Registrar or authorised officer otherwise decides:

Provided that-

(a) at the request of any witness the interrogation of that witness shall be conducted in private;

(b) the Registrar or authorised officer may, in his discretion, and with the consent of the witness, authorise the presence of any specified person at the interrogation of that witness.

(7) The Registrar or authorised officer may, for any reason which he may deem sufficient, order that any interrogation be made by, or that any book, document or thing be produced before, an officer designated for the purpose by him; and any such officer may administer an oath to any witness appearing before him; and the provisions of this section shall, mutatis mutandis, apply to such interrogation or the production or retention of any such book, document or thing.

(8) Any person summoned to appear before the Registrar or the authorised officer may, if the Registrar or the authorised officer is satisfied that he has by reason of his appearance in obedience to the summons or before an officer designated in terms of subsection (7) suffered any pecuniary loss or been put to any expense, be paid out of public moneys any allowances that may be prescribed by regulation, or the amount of such loss and such expense, whichever is the less.

(9) (a) Upon the completion of the inquiry referred to in the preceding subsections, the Registrar or other officer holding the inquiry shall draw up a report containing his findings. A copy of this report shall be sent for information to the association concerned.

(b) The Registrar shall have power to cancel the certificate of registration of any industrial association found to have contravened or failed to comply with its constitution or rules or to have otherwise acted unlawfully, whereupon the industrial association shall be wound up; or in consultation with the industrial association, to alter its constitution or rules to bring them into conformity with the provisions of this Act; or to expel any member who does not possess the qualifications required under its constitution or rules; or to expel any of its office bearers, officials or members who have contravened or failed to comply with its constitution or rules or have otherwise acted unlawfully; or to take any combination of two or more such courses. Any such expulsion of office bearers, officials or members so expelled may be for such period as the Registrar may specify not exceeding five years:

Provided that where a member is expelled solely because he does not possess the required qualifications his expulsion shall not be for any longer than the period during which he does not possess the required qualifications for membership.

No such office bearer or official so expelled shall during the period of his expulsion take or hold office in any industrial association without the prior consent in writing of the Registrar. Any office bearer, official or member so expelled shall be entitled to receive on expulsion any benefits which he may have acquired as a member of the association. (Paragraph substituted by 11 of 1962, s. 2.)

(c) Office bearers and members of any industrial association who are found upon inquiry held under this section to have applied the funds of the association to any purposes other than those set out in the constitution shall be expelled from the association and shall forfeit all benefits due to them without prejudice to any prosecution under paragraph (d) instituted by the Director of Public Prosecutions.

(d) In the event of the inquiry revealing anything which in the opinion of the officer conducting the inquiry amounts to a criminal offence, the matter shall be referred by him to the Director of Public Prosecutions:

Provided, however, that any association or person who feels aggrieved by the decision of the Registrar under paragraphs (b) and (c) shall, within a period of thirty days therefrom, have a right of appeal to the Supreme Court against the action or order of the Registrar; and the Court may, after hearing the Registrar and the association or person concerned, confirm or cancel or set aside the action or order of the Registrar, or make such order as in the circumstances seems just and equitable.

(10) Nothing in this section shall be deemed to prohibit the engagement of barristers and solicitors to represent any industrial association or person in an inquiry held under this section.

Winding up of industrial association

15. An industrial association shall be wound up if a majority of its members so decide by a ballot or any other method approved by the Registrar taken at a general meeting called for the purpose.

Cancellation of registration of defunct industrial association

16.-(1) When the Registrar has reasonable cause to believe that an industrial association has been wound up or is not functioning as an industrial association, he shall send to such industrial association a registered letter inquiring whether its winding up has been completed or (as the case may be) whether it is functioning as such, and stating that if an answer is not received within fourteen days from the date thereof, or within such longer time as may be stipulated in the letter, a notice such as is referred to in subsection (2) shall be published in the Gazette.

(2) If the Registrar-

(a) receives an answer from the industrial association to the effect that its winding up has been completed or that it is not functioning as an industrial association; or

(b) receives some other answer from the industrial association, and he is not satisfied after inquiry that the winding up of the association has not been completed or that it is functioning as an industrial association; or

(c) does not within fourteen days of sending the letter or within such longer time as may be stipulated therein receive any answer,

he may publish in the Gazette and send to the association by registered post a notice that, at the expiration of a period mentioned in that notice, the registration of the <<industrial association mentioned therein will, unless cause is shown to the contrary, be cancelled.

(3) At the expiration of the period mentioned in any such notice as is described in subsection (2) the Registrar may, unless cause to the contrary to his satisfaction is previously shown, cancel the registration of the industrial association, and shall publish notice thereof in the Gazette.

(4) If any person charged with the winding up of the industrial association or any member, office bearer or official or creditor of the association feels aggrieved by the cancellation of the registration of such association, the Supreme Court may, within a period of one month, on the application of the person so charged, or the member, office bearer, official or creditor, and on notice being given to the Registrar, who shall be entitled to be heard by the Court if he so desires, if satisfied that at the time of the cancellation the association had not been wound up or that it was functioning as an industrial association, or otherwise that it is just that the cancellation of the registration of the association be set aside, set aside that cancellation; and the Court may give such directions and make such provisions as seem just for placing the association and all other persons in the same position, as nearly as may be, as if the registration of the association had not been cancelled.

(5) Upon the cancellation of the registration of any industrial association under this section, that association shall cease to be a body corporate: Provided that the liability (if any) of every person charged with the winding up of an industrial association and every office bearer, official and member of such association, shall continue and may be enforced as if the registration of the association had not been cancelled.

(6) A letter or notice under this section shall be addressed to the association at its known head office.

(7) The person who holds or last held the office of secretary of an association the registration of which has been cancelled under this section shall within fourteen days of

demand by the Registrar transmit to him the certificate of registration issued to the association.

Appeal from decision of Registrar

17.-(1) Any person who feels aggrieved by any decision of the Registrar under sections 5, 8 and 9 may appeal at any time within one month thereafter to the Supreme Court.

(2) The Supreme Court shall confirm the Registrar's decision or give such other decision as in its opinion the Registrar ought to have given; and the decision of the Court shall be final and shall for the purposes of this Act be deemed to be the decision of the Registrar.

Offences by associations and their officials

18.-(1) Any association which-

(a) fails to make application for registration in accordance with the provisions of subsections (2) and (3) of section 5 within the period required by subsection (2) of that section; or

(b) upon refusal of its application is not dissolved within the period required by subsection (5) of that section,

and every officer thereof, shall be guilty of an offence.

(2) Any industrial association which, or any secretary of an industrial association, or person referred to in subsection (7) of section 16, who contravenes without reasonable excuse or fails to comply with any of the provisions of, or any request made under, subsection (1) of section 9, section 10, section 11, section 12 or subsection (7) of section 16, shall be guilty of an offence. (Section substituted by 37 of 1943, s. 3.)

False statements

19. Any person who in any return or statement, written or otherwise, which he is required by or under this Act to furnish or make, knowingly makes or causes to be made any false statement, shall be guilty of an offence.

Certificate of Registrar

20. A certificate signed by the Registrar-

(a) stating that an industrial association has been registered; or

(b) setting forth the area of interests of the industry in respect of which an industrial association has been registered; or

(c) stating that the registration of an industrial association has been cancelled,

shall, on its mere production by any person, be conclusive proof-

(i) of the matters above referred to stated therein; and

(ii) that all the provisions of this Act in respect of matters precedent and incidental to the registration of an industrial association or the cancellation of such registration, as the case may be, have been complied with.

Certain defects and irregularities not to invalidate constitution of industrial association

21. Notwithstanding anything contained in this Act or in any other law any defect in or omission from the constitution of any industrial association shall not invalidate the constitution or the registration of any industrial association.

Freedom of association

22.-(1) No employer shall make it a condition of employment of any employee that that employee shall not be or become a member of an industrial association and no person shall make it a condition of any contract with any other person that that other person shall not be or become a member of an industrial association, and any such condition in any contract of employment or contract with such other person shall be void.

(2) Save as provided in paragraph (a) of section 8, nothing contained in any law shall prohibit any employee from being or becoming a member of any industrial association or subject him to any penalty by reason of his membership of any industrial association.

(3) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence.

Amendment of law as to conspiracy in industrial disputes

23.-(1) An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of an industrial dispute shall not be punishable as a conspiracy if such act committed by one person would not be punishable as a crime.

An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of an industrial dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable. (Amended by 2 of 1945, s. 135.)

(2) Nothing in this section shall exempt from punishment any persons guilty of a conspiracy for which a punishment is awarded by any Act.

(3) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against the State or the Sovereign.

(4) A crime for the purposes of this section means an offence for the commission of which the offender is liable under the Act making the offence punishable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment. (Amended by 2 of 1945, s. 135.)

(5) Where a person is convicted of any such agreement or combination as aforesaid to do or procure to be done an act the maximum punishment for which does not exceed imprisonment for six months, and is sentenced to imprisonment, the imprisonment shall not exceed three months, or such longer time, if any, as may have been prescribed by

the Act for the punishment of the said act when committed by one person. (Amended by 2 of 1945, s. 135.)

Penalty for intimidation or annoyance by violence or otherwise

24. Every person who, with a view to compel any other person to abstain from doing or to do any act which such person has a legal right to do or abstain from doing, wrongfully and without legal authority-

(a) uses violence to or intimidates such other person or his wife or children, or injures his property; or

(b) persistently follows such other person about from place to place; or

(c) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

(d) watches or besets the house or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or

(e) follows such other person with two or more other persons in a disorderly manner in or through any street or road,

shall be guilty of an offence.

Peaceful picketing and prevention of intimidation, etc.

25. It shall not be lawful for one or more persons to attend at or near a house or place where a person resides, or works, or carries on business, or happens to be, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or abstain from working, if they so attend in such numbers or otherwise in such manner as to be calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace; and attending at or near any house or place in such numbers or in such manner as is by this section declared to be unlawful shall be deemed to be a watching or besetting of that house or place within the meaning of the last preceding section.

Removal of liability for interfering with another person's business, etc.

26. An act done by a person in contemplation or furtherance of an industrial dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.

Prohibition of action of tort against industrial association

27. An action against an industrial association or against any members or officials thereof on behalf of themselves and all other members of the association in respect of any tortious act alleged to have been committed by or on behalf of the association shall not be entertained by any court.

Fijian Affairs Regulations

28. Nothing in this Act or in the constitution or rules of an industrial association shall relieve any Fijian from his obligations under any regulation made by the Fijian Affairs Board.

Penalties

29.-(1) Any person who acts in contravention of or fails to comply with any of the provisions of the sections enumerated in this section shall be guilty of an offence under this Act and shall be liable-

(a) if the offence is one under the terms of sections 5 (2), 5 (3), 5 (5), 9 (1), 10, 11, 12, 16 (7), 22 (1), 24 or 25, to a fine of fifty dollars;

(b) if the offence is one under the terms of sections 14 (4), or 19, to a fine of one hundred dollars or imprisonment for a term of one year;

(c) if the offence is one under the terms of section 5 or section 11, to an additional fine of ten dollars for each day during which the offence continues.

(2) Any person who acts in contravention of or fails to comply with any order of the Registrar made under subsection (1) or under paragraph (b) of subsection (9) of section 14 shall be guilty of an offence and shall be liable to a fine not exceeding fifty dollars and to an additional fine not exceeding four dollars for each day during which the offence continues.

(Section amended by 19 of 1943, s. 6, 37 of 1943, s. 4, 2 of 1945, s. 135, and 11 of 1962, s.3.)

Regulations

30. The Minister may make regulations for carrying out the terms of this Act. (Amended by 37 of 1966, s. 29.)

Controlled by Ministry for Labour, Industrial Relations and Immigration

SUBSIDIARY LEGISLATION

CHAPTER 95

INDUSTRIAL ASSOCIATIONS

SECTION 2-APPOINTMENT OF REGISTRAR

Notice 25th Sept., 1942
[in force 28th Sept., 1942]

Appointment by the Governor

The Administrator-General shall be the Registrar of Industrial Associations.

Regulations 30th Sept., 1942 [in force 2nd Oct., 1942], 16th Feb., 1944

SECTION 30-INDUSTRIAL ASSOCIATIONS REGULATIONS

Made by the Governor in Council

Short title

1. These Regulations may be cited as the Industrial Associations Regulations.

Restriction on registration

2. The Registrar shall not register an association under a name identical with that of any existing industrial association, or so nearly resembling such name as to be likely to deceive the members of the public.

Form of application

3. Every application by an association for registration shall be made in Form A in the Schedule, and shall be accompanied by three typed or printed copies of the constitution and rules, marked and signed as mentioned in the said Form. (Form A.)

Form of certificate

4. The certificate or registration of an industrial association shall be in Form B in the Schedule. (Form B.)

Notice of change of address

5. Notice of change in the address of the head office of an industrial association shall be given to the Registrar in Form C in the Schedule. (Form C.)

Annual returns

6. The annual returns required by section 11 of the Act, shall be in Forms D, E, F and G in the Schedule, and shall contain the particulars indicated therein. (Forms, D, E, F and G.) (Inserted by Regulations 16th February, 1944.)

SCHEDULE

FORM A
(Regulation 3)

APPLICATION FOR REGISTRATION OF ASSOCIATION

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

2. The name under which it is proposed that the association 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 industrial association the name of which is identical with the proposed name or so nearly resembling the same as to cause confusion.

3. The head office of the to which all communications and notices may be addressed, is at as set forth in rule No.

4. The association was formed on the day of

5. The particular industry represented by the association is the industry of

6. The whole of the objects for which the association is formed are set forth in rule No.

7. Accompanying this application are sent-

- (i) three typed/printed copies, each marked A, of the Constitution;
- (ii) three typed/printed copies, each marked B, of the Rules;
- (iii) a list marked C, of the titles and names of the officers.

Signed by the under mentioned members of the association.

- 1:
- 2:
- 3:
- 4:
- 5:

Dated this day of 19....

To the Registrar of Industrial Associations, Suva.

FORM B
(Regulation 4)

CERTIFICATE OF REGISTRATION OF INDUSTRIAL ASSOCIATION

It is hereby certified that the has been registered under the Industrial Associations Act this..... day of, 19.....

.....
Signature of Registrar

FORM C
(Regulation 5)

NOTICE OF CHANGE OF ADDRESS

Industrial Association.
Registered No.

To the Registrar of Industrial Associations,
Suva.

Notice is hereby given that the registered office of the abovementioned Industrial >> Association has been removed from in to in

Dated this day of 19.....

Committee of Management

*Received this day of notice of removal of the registered office of the Register No.to in.....

*This part to be detached by the Registrar, when the notice is registered and returned to the industrial association.

FORM D
(Regulation 6)
(Inserted by Regulations 16th February, 1944)

BALANCE SHEET AS AT 31st DECEMBER, 19

Liabilities
(in detail)

\$

c

Assets
(in detail)

\$

c

FORM E
(Regulation 6)
(Inserted by Regulations 16th February, 1944)

RECEIPTS AND EXPENDITURE DURING YEAR ENDED 31st DECEMBER, 19

Receipts
(in detail)

\$

c

Expenditure
(in detail)

\$

c

FORM F
(Regulation 6)
(Inserted by Regulations 16th February, 1944)

**EXPENDITURE DURING YEAR 19....., IN RESPECT OF
THE SEVERAL OBJECTS OF THE ASSOCIATION**

FORM G
(Regulation 6)
(Inserted by Regulations 16th February, 1944)

(a) Number of members at 31st December, 19.....

(b) Number of such members whose subscriptions were in arrear for more than three months on 31st December, 19.....

Controlled by Ministry for Labour, Industrial Relations and Immigration
