

LAWS OF FIJI

CHAPTER 96

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TRADE UNIONS

Ordinances Nos. 4 of 1964, 42 of 1965, 37 of 1966, 14 of 1969,

Act No. 7 of 1973

AN ACT TO MAKE FRESH PROVISIONS FOR THE REGISTRATION AND REGULATION OF TRADE UNIONS

[1st November, 1964]

PART I-PRELIMINARY

Short title

1. This Act may be cited as the Trade Unions Act .

Interpretation and application

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

"employee" means any person who has entered into or works under contract with an employer, whether the contract be for manual labour, clerical work or otherwise, be expressed or implied, oral or in writing, and whether it be a contract of service apprenticeship or a contract personally to execute any work;"executive committee" means the body to which the management of the affairs of a trade union is entrusted by the members and includes any person for the time being carrying out the functions of a president, secretary or treasurer thereof;

"lockout" means the closing of a place of employment or the suspension of work or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment;

"officer" when used with reference to a trade union, includes any member of the executive committee thereof and any officer of a branch thereof, but does not include an auditor;

"register" means the register of trade unions maintained by the Registrar under section 6;

"registered office" means that office within Fiji of a trade union which is registered under the provisions of section 36 as the head office of the

trade union;

"registered postal address" means the address of a trade union registered under the provisions of section 36;

"registered trade union" means a trade union registered as a trade union under the provisions of this Act;

"Registrar" means the person for the time being appointed by the Minister under the provisions of section 3 by name or by office to be or to act as Registrar of Trade Unions, and includes any person appointed by the Minister under section 4 to be or to act as an Assistant Registrar of Trade Unions;

"strike" means a cessation of work by a body of employees employed in any trade, industry or calling, acting in combination, or a concerted refusal or a refusal under a common understanding of any number of employees who are employed, or who have been so employed, to continue to work or to accept employment;

"strike benefit" means any financial or other benefit given by a trade union to any member of the trade union in consideration of a strike or lockout;

"trade dispute" means any dispute or difference between employers and employees or between employees and employees, connected with the employment or non-employment or the terms of employment, or with the conditions of labour, of any person;

"trade union" means any combination whether temporary or permanent, of more than six persons the principal objects of which are under its constitution and rules the regulation of the relations between employees and employers, or between employees and employees, or between employers and employers, whether such combination would or would not, if this Act (or the Industrial Associations Act) had not been enacted, have been deemed to have been an unlawful combination by reason of some one or more of its objects being in restraint of trade:

(Cap. 95.)

Provided that-

(a) nothing in this Act-

(i) shall affect-

(a) any agreement between partners as to their own business;

(b) except as provided in section 62, any agreement between an employer and his employee as to such employment; or

(c) any agreement in consideration of the sale of the goodwill of a business or of instruction in any profession, trade or handicraft; or

(ii) shall preclude any trade union from providing benefits for its members;

(b) if in any trade or business there are not more than six employers then nothing in this definition shall be deemed to prevent such employers forming a trade union and any requirement in this Act requiring any application to be supported by more than six members shall be deemed not to apply to any such trade union or proposed trade union;

"welfare fund" means trade union funds allocated or set apart for payment to members or the families of members of the **trade union** of any assurance or benefit, other than strike benefit, or for the provision for such members or such families of educational, recreational or medical facilities.

(2) This Act shall not apply to persons in the Naval, Military or Air Services of the Crown or to the Royal Fiji Police Force or Fiji Prisons Service, but otherwise shall apply to employees employed by or under the Crown in the same manner as if they were employed by or under a private person.

PART II-APPOINTMENT OF REGISTRAR, ADVISORY COMMITTEE AND OTHER OFFICERS

Appointment of Registrar and Advisory Committee

3.-(1) The Minister shall appoint a Registrar of Trade Unions who shall be responsible for the due performance of the duties and functions assigned to him as Registrar under this Act.

(2) The Minister shall appoint a Committee of four persons to advise the Registrar in relation to the performance of his duties and functions assigned to him under the provisions of sections 9, 12, 13, 14, 34 and 37.

(Amended by 42 of 1965, s. 2.)

(3) The Committee shall consist of-

(a) a person who in the opinion of the Minister represents employers; and

(b) a person who in the opinion of the Minister represents employees; and

(c) two persons who in the opinion of the Minister are independent persons one of whom shall be chairman of the Committee.
(Substituted by 42 of 1965, s. 2.)

(4) The Committee shall decide its own procedure.

(5) The Registrar shall consult the Committee when performing any duties or functions assigned to him under the provisions of sections 9, 12, 13, 14, 34 and 37 and any advice rendered by the Committee to the Registrar in pursuance of the provisions of this subsection shall be given in writing.
(Substituted by 42 of 1965, s. 2.)

(6) The Committee shall have power to invite the attendance of other persons at meetings of the Committee and such other persons may so attend and take part in the proceedings but shall not be entitled to vote.
(Inserted by 42 of 1965, s. 2.)

Appointment of Assistant Registrars and other officers

4. The Minister may appoint one or more Assistant Registrars of Trade Unions, inspectors and such other officers as may from time to time be required for the purposes of this Act.
(Amended by 14 of 1969, s. 2.)

Protection of officers

5. No suit shall lie against any officer appointed under the provisions of sections 3 or 4 for anything done or omitted to be done by him in good faith and without negligence and in the exercise or intended exercise of any power or in the performance or intended performance of any duty conferred or imposed by this Act.

PART III-REGISTRATION

Registration of trade unions

6.-(1) The Registrar shall keep and maintain in such form as may be prescribed, a register of trade unions in which shall be contained the prescribed particulars relating to any such registered trade union and any alteration or change which may from time to time be effected in the name, rules and constitution, officers or registered postal address thereof or in the situation of the registered office thereof, and all such other matters as may be required to be contained therein under this Act or any regulations made thereunder.

(2) A copy of any entry in the register certified under the hand of the Registrar shall, until

the contrary be shown, be proof of the facts specified therein, as on the date of such certified copy.

Necessity for registration

7.-(1) Every trade union formed after the commencement of this Act, shall apply to be registered as a trade union under the provisions of this Act within one month of the date of its formation.

(2) Every trade union in existence at the commencement of this Act and which is registered as an industrial association shall apply to be registered as a trade union under the provisions of this Act within a period of three months reckoned from the commencement thereof.

(3) For the purposes of this section a trade union is deemed to be formed on the first date on which more than the prescribed number of employees or employers, as the case may be, agree in writing to become or to form a trade union,

(4) (a) If any trade union shall fail to apply for registration in accordance with the provisions of this section, the trade union, every officer thereof, and every person acting as an officer thereof or purporting so to act, shall be guilty of an offence and each such person shall be liable on conviction to a fine not exceeding one hundred dollars, and in the case of a continuing offence to a fine not exceeding two dollars per day for every day during which the offence continues; and

(b) The **trade union** shall be deemed to be dissolved on notification in writing to that effect by the Registrar.

Application for registration

8.-(1) Every application for registration as a trade union shall be made to the Registrar in the prescribed form and subject to paragraph (b) of the proviso to the definition of trade union set out in subsection (1) of section 2, shall be signed by at least seven members of the body applying for registration, any of whom may be officers thereof.

(2) Every such application shall be accompanied by four copies of the rules of the trade union or the proposed trade union duly authenticated by the president and the secretary and a statement of the following particulars namely:-

(a) the names, occupations and addresses of members making application;

(b) the name of the trade union or proposed trade union and the address of its registered office and its registered postal address; and

(c) the titles, names, ages, occupations and addresses of the officers of the trade union or proposed trade union.

(Subsection amended by 42 of 1965, s. 3.)

Registration

9. Subject to the provisions of sections 11, 12 and 13, the Registrar shall register the trade union in the prescribed manner as a registered trade union.

Certificate of registration

10. The Registrar, on registering a trade union under the provisions of section 9, shall issue to the trade union a certificate of registration in the prescribed form and that certificate, unless proved to have been cancelled or withdrawn, shall be conclusive evidence for all purposes that the trade union has been duly registered under this

Act .

Power of Registrar to call for further particulars

11. The Registrar may call for further information for the purpose of satisfying himself that any application made by a trade union or proposed trade union for registration complies with the provisions of this Act or that the trade union or proposed trade union is entitled to registration under this Act.

Power of Registrar to require alteration of name

12. If the name under which a trade union is proposed to be registered is identical with that by which any other existing trade union has been registered or, in the opinion of the Registrar, so nearly resembles such name as to be likely to deceive or mislead the public or the members of either trade union or is undesirable, the Registrar shall require the persons applying for registration to alter the name of the trade union stated in the application, and shall refuse to register the trade union until such alteration has been made.

Refusal of registration

13.-(1) The Registrar may refuse to register any trade union if he is satisfied that-

(a) the trade union has not complied with the provisions of this Act or of any regulations made thereunder;

(b) any of the objects in the constitution or rules of the trade union is unlawful or conflicts with any such provisions;

(c) the trade union is used for unlawful purposes;

(d) the principal objects of the combination seeking registration are not in accordance with those set out in the definition of "trade union" contained in section 2;

(e) any other trade union already registered is adequately representative of the whole or of a substantial proportion of the interests in respect of which the applicants seek registration:

Provided that the Registrar shall, by notice in the Gazette or otherwise, notify any registered trade union which appears to him to represent the same interests as the applicants of the receipt of such application, and shall invite the registered trade union concerned to submit in writing within a period of twenty-one days any objections which any such trade union may wish to make against registration;

(Amended by 14 of 1969, s. 3.)

(f) the trade union seeking registration is an organization consisting of persons engaged in or working at more than one trade or calling and that its constitution does not contain suitable provision for the protection and promotion of their respective sectional interests;

(Amended by 42 of 1965, s. 4.)

(g) proper and satisfactory arrangements for the custody, distribution, investment of and payment from the funds of such trade union are not contained in the constitution thereof.

(2) When the Registrar refuses to register a **trade union**, he shall notify the applicants in writing of the grounds of such refusal within two months of the date of receipt of such application and the trade union shall be deemed to be dissolved but such dissolution shall not take effect prior to the expiry of the period limited by subsection (1) of section 16 for the bringing of an appeal and then-

(a) if no appeal is brought under the said subsection within that period, the dissolution shall take effect at the commencement of the day following the day on which that period expired; and

(b) if an appeal is brought within that period, the dissolution shall not take effect prior to the determination of the appeal, but, if the appeal is dismissed, shall take effect on the determination thereof.

(3) Any person acting as an officer of a trade union which has been deemed to be dissolved under the provisions of subsection (2) or under the provisions of paragraph (b) of subsection (4) of section 7 or any person purporting so to act shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty dollars, and in the case of a continuing offence, to a fine not exceeding two dollars for each day during which the offence continues:

Provided that it shall be no offence for a person to act on behalf of such a dissolved trade union for the purpose of-

- (a) any proceedings brought by or against any such union; or
- (b) dissolving such union and disposing of its funds in accordance with its constitution and rules.

Cancellation or suspension of registration

14.-(1) The registration and the certificate of registration of a registered trade union may be cancelled by the Registrar at the request of the trade union upon its dissolution, to be verified in such manner as the Registrar may require.

(2) The registration and the certificate of registration of a registered trade union shall be cancelled or suspended by the Registrar if he is satisfied that-

- (a) the registration was obtained by fraud or misrepresentation;
- (b) any of the objects of the trade union has become unlawful;
- (c) the objects for which a trade union is actually carried on are such that had they been declared as objects of the constitution and rules of the

union at the time of application for registration the Registrar could properly have refused registration;

- (d) the trade union has wilfully and after notice from the Registrar contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any provision of this Act, or has rescinded any rule providing for any matter, for which provision is required by section 37 to be made; or

- (e) the trade union has ceased to exist.

(3) The registration and the certificate of registration of a registered trade union may be cancelled or suspended by the Registrar if he is satisfied that-

- (a) the funds of the trade union have been or are being expended in an unlawful manner or on an unlawful object or on an object not authorised by this Act;

- (b) the accounts of the trade union are not being kept in accordance with the provisions of this Act;

- (c) the trade union, being an organisation consisting of persons engaged in or working at more than one trade or calling and having a constitution providing for the protection and promotion of the respective sectional industrial interests of its members has failed to carry out the provisions of

its constitution;

(Amended by 42 of 1965, s. 5.)

(d) registration was obtained by mistake;

(e) the trade union has been or is being used for any unlawful purpose or for any purpose inconsistent with its objects or rules;

(Amended by 42 of 1965, s. 5.)

(f) the officers or any of the officers of the trade union have persistently and wilfully failed to comply with the provisions of this Act;

(Inserted by 14 of 1969, s. 4.)

Provided that where the registration is suspended under the provisions of this subsection the Registrar shall before the expiration of four months from the date of such suspension, either restore the registration or cancel the registration and certificate.

(4) Except that in a case falling within subsection (1), not less than two months' previous notice in writing specifying the grounds on which it is proposed to cancel its registration shall be given by the Registrar to a

trade union before such registration is cancelled, and not less than one month's previous notice in writing specifying the grounds upon which it is proposed to suspend its registration shall be given by the Registrar to a **trade union** before such suspension.

(5) A trade union served with a notice under subsection (4) may, at any time within a period of two months in the case of a notice of cancellation and one month in the case of a notice of suspension, both periods to be reckoned from the date of such notice, show cause in writing against the proposal to cancel or suspend its registration, as the case may be; and, if such cause is shown the Registrar may hold such inquiry as he may consider necessary in the circumstances.

(6) The notice to be served upon any trade union under the provisions of subsections (4) and (5) shall be served on any two officers from among the secretary, the president and the treasurer of such trade union and the Registrar shall in addition advertise his intention to suspend or cancel the registration of the trade union in the Gazette and at least one newspaper published and circulating in Fiji, and the period of two months or one month, as the case may be, specified in subsection (5) shall commence from the date of publication of such advertisement in the Gazette.

(Substituted by 14 of 1969, s. 4.)

(7) An order made by the Registrar under this section cancelling or suspending the registration of any trade union shall be dated as of the date on which it was made and

shall specify briefly the grounds for the cancellation or suspension of the registration and shall forthwith be served on the trade union affected thereby.

Consequences of suspension of registration

15. If the registration of any trade union is suspended, then during the period of such suspension the trade union shall cease to enjoy any of the rights, immunities or privileges of a registered trade union but without prejudice to any liabilities incurred by the trade union, which may be enforced against the trade union and its assets, nor shall its officers or members enjoy any of the rights or privileges accorded to the officers and members of a registered trade union.

Appeal against refusal to register

16.-(1) Any person aggrieved by the refusal of the Registrar to register a trade union, or by an order made by the Registrar under section 14, may within one month of the date of the refusal or order, as the case may be, appeal against such refusal or order to the Supreme Court and from such appeal the Supreme Court may order as it thinks proper, including any directions as to the costs of the appeal.

(2) The Supreme Court in hearing any such appeal shall have all the powers which it may exercise in the hearing of a civil suit.

Effect of registration

17. The registration of a trade union shall render it a body corporate by the name under which it is registered, and, subject to the provisions of this Act with perpetual succession and with power to hold property real or personal and to enter into contracts, to institute and defend suits and other legal proceedings and to do all things necessary to for the purposes of its constitution.

Effect of cancellation of registration

18.-(1) Subject to the provisions of subsection (2) a trade union whose registration has been cancelled under this Act shall in addition to any other disability-

(a) cease to exist as a corporate body, and the Registrar may, notwithstanding anything contained in the rules of such trade union, forthwith appoint one or more persons to be liquidators thereof;

(b) cease to enjoy any of the rights, immunities or privileges of a registered trade union, but without prejudice to any liability incurred by the trade union, which may be enforced against the trade union or its assets, whether such liability is incurred before, on or after the date of the cancellation of registration;

(c) forthwith be dissolved and no person shall, except for the purpose of defending proceedings against the trade union or of dissolving it and disposing of its funds in accordance with the rules thereof and the provisions of this Act, take any part in its management or organisation or act or purport to act on behalf of the trade union or as an officer thereof.

(2) Where the registration of a trade union is cancelled, the cancellation shall not take effect for the purposes of subsection (1) prior to the expiry of the period limited by subsection (1) of section 16 for the bringing of an appeal and then-

(a) if no appeal is brought under the said subsection within that period, the cancellation shall take effect for those purposes at the commencement of the day following the day on which that period expired; and

(b) if an appeal is so brought within that period the cancellation shall not take effect prior to the determination of the appeal, but, if the appeal is dismissed, shall take effect for those purposes on the determination thereof.

Powers of liquidator and Registrar in winding up of affairs of a trade union

19.-(1) Where a liquidator is appointed under section 18, all of the property of whatsoever description (including books and documents) belonging to the trade union shall vest in the liquidator by his official name with effect from the date of his appointment and the liquidator, after giving such indemnity, if any, as the Registrar may direct, may-

(a) bring or defend in his official name any action or other legal proceeding that relates to the property of the trade union or is necessary to bring or defend for the purpose of effectively winding up the trade union and recovering its property;

(b) take possession of any books, documents or property of whatsoever description belonging to the trade union;

(c) sell the real and personal property and choses in action of the

trade union by public auction or private contract, with power to transfer the whole thereof to any person or company or to sell the same in parcels;

(d) appoint a barrister and solicitor or agent to assist him in his duties;

(e) pay any creditors or classes of creditors of the trade union in full or in part;

(f) compromise any debts or liabilities of the trade union and any liabilities capable of resulting in debts and any claims, present or future certain or contingent, ascertained or sounding only in damages, that subsist, or are supposed to subsist, between the trade union and any member thereof or

any other debtor or person apprehending liability to the trade union and any questions in any way relating to or affecting the assets or winding up of the affairs of the trade union on such terms as may be agreed, and take any security for the discharge of any such debt, liability or claim and give complete discharge in respect thereof;

(g) make any compromise with creditors of the trade union or persons claiming to be creditors or having or alleging themselves to have any claim present or future, certain or contingent, ascertained or sounding only in damages, against the trade union or whereby the trade union may be rendered liable; and

(h) prepare a scheme of distribution of the assets of the trade union available for distribution and, subject to the approval of the same by the Registrar, distribute the assets accordingly.

(2) The exercise by the liquidator of any of the powers conferred by this section shall be subject to the control of the Registrar, and any creditor or member of the trade union may apply to the Registrar with respect to any exercise or proposed exercise of any of those powers.

(3) Without prejudice to the generality of subsection (2), the Registrar may-

(a) rescind or vary any order made by a liquidator or substitute therefor a new order;

(b) remove a liquidator from office;

(c) make an order upon the assets of the trade union for the remuneration of any liquidator;

(d) call for and inspect the books, documents or assets of a trade union;

(e) by order in writing limit or restrict the powers of a liquidator;

(f) at any time require accounts to be rendered to him by a liquidator;

(g) refer any subject of dispute between a liquidator and any third party to arbitration subject to the consent in writing of such third party;

(h) summon such meetings of the members of the trade union as may appear to him convenient for the purpose of winding up the affairs of the trade union.

(4) A liquidator appointed under section 18 or the Registrar shall, in so far as such powers are necessary for the carrying out of the purposes of this section, have power to summon and enforce the attendance of parties and witnesses and to compel the production of documents by the same means and (so far as may be) in the same manner as is provided in the case of a magistrate.

Closure of original liquidation on appointment of liquidator by Registrar

20. Where a liquidator has been appointed under section 18 for the liquidation of a registered trade union the registration of which has been cancelled, then, notwithstanding anything contained in the rules of the trade union-

(a) all of the funds (including welfare funds, if any) and assets of whatsoever description belonging to the trade union shall be realized and converted into money and shall be applied first to the cost of the liquidation, then to the discharge of the liabilities of the trade union, then to the payment of share capital, if any, and then in such manner as may be provided by the rules of the trade union or, failing provision therefor, in such manner as the Registrar may direct;

(b) when the liquidation of the trade union has been closed and any creditor thereof has not claimed or received what is due to him under the scheme of distribution, notice of the closing of the liquidation shall be published in the Gazette and all claims against the funds of the trade union shall be proscribed when two years shall have elapsed from the date of such publication;

(c) any surplus remaining after the application of the funds to the purposes specified in paragraph (a) and the payment of any claims under paragraph (b) shall be paid into the Consolidated Fund.

Unregistered trade unions prohibited from carrying on business

21.-(1) No trade union or any officer or member thereof shall perform any act in furtherance of the objects for which it has been formed unless application has been made by such trade union for registration in accordance with the provisions of section 8;

Provided that the provisions of this subsection shall not apply-

(a) to a person taking part in the management or organisation of the

trade union or acting on behalf of or as an officer of the trade union for the purpose of-

(i) any proceedings brought by or against the trade union;
or

- (ii) dissolving the trade union and disposing of its funds in accordance with its constitution and rules; or
- (b) to any trade union in existence at the commencement of this Act, whether or not such trade union is registered as an industrial association during any period of three months after the commencement of this Act and thereafter until registration has been effected or the Registrar has refused to register such union and any ensuing appeal has been determined; or
- (c) to any officer or member of a trade union specified in paragraph (b) during the period specified therein.

(2) Any trade union, any officer or member thereof, and any person acting as an officer thereof or purporting so to act, who contravenes the provisions of subsection (1) shall be liable to a fine not exceeding one hundred dollars and in the case of a continuing offence to a fine not exceeding two dollars for each day during which the offence continues.

PART IV-RIGHTS AND LIABILITIES

Unregistered trade unions and officers and members not to enjoy rights, immunities or privileges

22. No trade union shall enjoy any of the rights, immunities or privileges of a registered trade union until it is registered as a trade union, nor shall its officers or members enjoy any of the rights or privileges accorded to the officers and members of a registered trade union.

Liability in relation to criminal prosecutions

23. The purposes of any registered 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.

Trade union not unlawful

24. The purposes of any registered 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.

Immunity from civil suit in certain cases

25. No suit or other legal proceeding shall be maintainable in any civil court against any registered trade union or any officer or member thereof in respect of any act done in contemplation or in furtherance of a trade dispute on the ground only that such act

induces some other person to break a contract of employment, or that it is in 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 of his labour as he wills.

Liability in tort

26.-(1) A suit against a registered trade union or against any member or officer thereof on behalf of themselves and all other members of such a registered trade union in respect of any tortious act alleged to have been committed by or on behalf of such trade union shall not be entertained by any court.

(2) Nothing in this section shall affect the liability of a trade union or any member or officer thereof to be sued in any court touching or concerning the property or rights of a trade union except in respect of any tortious act committed by or on behalf of a registered trade union in contemplation or in furtherance of a trade dispute.

Liability in contract

27.-(1) Every trade union shall be liable on any contract entered into by it or by an agent acting on its behalf:

Provided that a trade union shall not be so liable on any contract which is void or unenforceable at law.

(2) 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:-

(a) any agreement between members of a trade union as such, concerning the conditions 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;

(b) any agreement for the payment by any person of any subscription or penalty to a trade union;

(c) any agreement for the application of the funds of a trade

union-

(i) to provide benefits to members other than benefits under a contributory provident fund or pensions scheme;

(ii) to furnish contributions to any employer or employee not a member of such trade union, in consideration of such employer or employee acting in conformity with the rules of resolutions of such trade union;

(d) any agreement made between one trade union and another; or

(e) any bond to secure the performance of any of the abovementioned agreements, but nothing in this section shall be deemed to constitute any of the above- mentioned agreements unlawful.

Proceedings by and against trade unions

28.-(1) Execution for any money recovered from a trade union in civil proceedings may issue against any property belonging to a trade union other than any benevolent or provident fund of a registered trade union.

(2) Any fine ordered to be paid by a trade union may be recovered by distress and sale of any property belonging to such trade union in accordance with the provisions of the Criminal Procedure Code:

(Cap. 21)

Provided that no distress shall be levied on any benevolent or provident fund kept by the **union** unless the court so orders.

PART V-RULES AND CONSTITUTION

Membership of persons under sixteen

29. A person under the age of sixteen years may be a member of a registered trade union, unless provision is made in the constitution and rules thereof to the contrary, but shall not be a voting member or a member of the executive committee of a registered **trade union**.
(Amended by 37 of 1966, s. 97.)

Membership of minors

30. A person under the age of twenty-one but above the age of sixteen years, may be a member of a registered trade union, unless provision be made in the constitution and rules thereof to the contrary, and may, subject to such constitution and rules, enjoy all the rights of a member except as in this Act 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 executive committee of a registered trade union.

Officers of a trade union

31.-(1) All the officers of every trade union shall be persons who have been and still are engaged or occupied for a period of not less than one year in an industry, trade or occupation with the union which is directly concerned, and no officer of any such

union shall be an officer of any other union:

Provided that-

(a) the office of secretary may be filled by a person not actually engaged or employed in an industry, trade or occupation with which the union is directly concerned; and

(b) the Registrar may, in his discretion, permit the office of treasurer to be filled by a person not actually engaged or employed in an industry,

trade or occupation with which the union is directly concerned;

(c) where, at 27th June, 1969, a person not actually engaged or employed in an industry, trade or occupation with which the union is directly concerned holds the office of president, he shall continue in such office until he fails to be re-elected thereto or otherwise vacates it.

(Inserted by 14 of 1969, s. 5.)

(2) No person shall hold the post of secretary or treasurer of a registered trade union who, in the Registrar's opinion, has not acquired a sufficiently high standard of literacy so as to enable him to perform his duties effectively.

(3) No person who has been convicted of any crime involving fraud, dishonesty or extortion shall be an officer of a registered trade union during the period of five years immediately following the date of such conviction.

Voting members of trade union

32.-(1) No person shall be a voting member of a trade union unless he is normally employed and normally resident within Fiji.

(2) No person shall be a voting member in more than one trade union.

Change of name

33. Any registered trade union may, with the consent of not less than two-thirds of the total number of its voting members and subject to the provisions of section 34, change its name.

(Amended by 42 of 1965, s. 6.)

Notice of change of name

34.-(1) Notice in writing containing such particulars as may be prescribed shall be given to the Registrar of every change of name signed by the secretary and by seven members of the registered trade union changing its name.

(2) If the proposed name is identical with that by which any other existing registered trade union has been registered or is undesirable or, in the opinion of the Registrar, so

nearly resembles such name as to be likely to deceive the public or the members of either trade union, the Registrar shall refuse to register the change of name.

(3) Save as provided in subsection (2) the Registrar shall if he is satisfied that the provisions of this Act in respect of change of name have been complied with, register the change of name in the prescribed manner, and the change of name shall have effect from the date of such registration.

(4) Any person aggrieved by the refusal of the Registrar to register a change of name of a registered trade union may appeal against such refusal in the manner provided by section 16.

Effect of change of name

35. A change in the name of a registered trade union shall not affect any right or obligation of such trade union or render defective, any legal proceedings by or against such trade union, and any legal proceeding which might have been continued or commenced by or against it under its former name may be continued or commenced by or against it under its new name.

Registered office and postal address

36.-(1) Every trade union shall have a registered office and registered postal address, to which all communications and notices may be addressed.

(2) (a) Notice of the situation of such registered office and registered postal address, and of any change thereof or therein shall be given to the Registrar and shall be registered by him, and the trade union shall not be deemed to have complied with the provisions of this Act until such notice has been given.

(b) Notice of any such change as aforesaid shall be given to the Registrar by posting to him immediately such change occurs a registered letter containing such notice.

(3) Any trade union which-

(a) operates without having a registered office and registered postal address, or without giving notice of the situation of its registered office as hereinbefore required; or

(b) operates at any place to which its registered office may have been removed, without having given notice of the change in the situation thereof to the Registrar; or

(c) fails to give notice of any change of the situation of the registered office or in the registered postal address in accordance with the provisions of this section,

shall be guilty of an offence and shall be liable to a fine not exceeding one hundred dollars.

Rules

37.-(1) The rules of every trade union shall provide for all the matters specified in the Schedule, and shall not be so altered or amended as to cease to contain provisions in respect of all such matters.

(2) Four copies of every new rule and of every alteration made in the rules of a trade union shall be sent to the Registrar within fourteen days of the making of such rule or alteration and shall be registered by the Registrar upon payment of the prescribed fee:
(Amended by 42 of 1965, s. 7.)

Provided that no new rule or alteration made in the rules of a trade union shall be registered by the Registrar if such new rule or alteration is in conflict with the provisions of this Act or of any regulations made thereunder or would offend against the principles set out in paragraph (e) of subsection (1) of section 13 in which latter case the procedure laid down in the proviso to such paragraph shall *mutatis mutandis* be applied.
(Amended by 14 of 1969, s. 6.)

(3) Every alteration of the rules of a trade union shall take effect from the date of registration thereof by the Registrar unless some later date is specified in the rules.

(4) In any case in which proceedings may competently be instituted by a member of a trade union for the purpose of restraining the trade union or officer thereof from acting in breach of the provisions of its rules, such proceedings may be instituted by the Registrar if he shall think it fit or expedient so to do.

Copies of rules and constitution

38.-(1) A copy of the constitution and rules of a registered trade union shall be prominently displayed in the registered office of such trade union and every branch office thereof and the secretary of any trade union which fails to display such a copy shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two dollars for every day during which such failure continues;

(2) A copy of the constitution and rules of a registered trade union shall be supplied by the secretary to any member on demand on payment of the sum of ten cents.
(Section amended by 14 of 1969, s. 7.)

Notification of officers, etc.

39.-(1) A notice giving the names of all officers and their titles shall be prominently exhibited in the registered office of every trade union and in every branch office thereof.

(2) Notice of all changes of officers shall within fourteen days after such change be sent to the Registrar on the prescribed form by the **trade union** together with the prescribed fee and the Registrar shall thereupon correct the register accordingly.

Right of inspection of Registrar's records

40. Subject to such conditions as may be prescribed, any member of the public may inspect the constitution and rules, and the list of officers of a trade union at the office of the Registrar on payment of a fee of twenty-five cents.

Delegation of powers of trade union

41. The functions vested by the constitution of a trade union in its officers or committees shall be exercised only by such officers and committees of the union concerned, and shall not be delegated to any other person or body:

Provided that nothing in this section shall prohibit the engagement of barristers and solicitors to represent any **trade union** in any matter.

PART VI- AMALGAMATION AND DISSOLUTION

Consent of Registrar required to amalgamation of trade unions

42. Save with the consent of the Registrar, no registered trade unions shall amalgamate as one trade union.

Application for consent to amalgamation

43.-(1) Where two or more registered trade unions desire to amalgamate as one trade union, an application shall be made to the Registrar for his consent to the amalgamation.

(2) Every application under subsection (1) shall be made in the prescribed form and shall be signed by the chairman and one other officer of each trade union and shall be accompanied by four copies of the proposed rules of the trade union to be formed by the intended amalgamation.

(Amended by 37 of 1966, s. 97.)

Vote on application for consent to amalgamation

44. No application under section 43 for the consent of the Registrar to the amalgamation of any registered trade union shall be made unless in the case of each trade union desiring amalgamation-

- (a) a secret ballot is taken in the manner prescribed; and
- (b) the votes of at least half of the members entitled to vote are cast and recorded; and
- (c) of such votes cast and recorded, those in favour of the proposal exceed by one-fifth or more the votes against the proposal.

Grounds for refusal to consent to amalgamation and procedure in such cases

45.-(1) The Registrar may refuse to give his consent to an intended amalgamation of registered trade unions where-

- (a) any of the provisions of this Act in respect of the making of the application for his consent have not been complied with;
- (b) the proposed rules of the trade union to be formed by the amalgamation will not make adequate provision for each and all the matters specified in the Schedule;
- (c) any of the purposes of such trade union will be unlawful;
- (d) the name by which it is proposed that such trade union will be known is identical with that under which any other trade union, whether existing or not, is or has been registered or so nearly resembles such name as to be likely to deceive the public or the members of such trade union or of any other trade union.

(2) Where, under subsection (1) or under subsection (2) of section 46, the Registrar refuses to give his consent to the amalgamation of any registered trade unions, he shall, in writing, notify the trade unions for his refusal and shall specify therein the grounds for his refusal.

(3) Any person who considers that the Registrar was wrong in refusing under subsection (1) to give his consent to an intended amalgamation of registered trade unions on the ground that-

- (a) the provisions of this Act in respect of the making of the application for his consent have been complied with;
- (b) the proposed rules of the trade union to be formed by the amalgamation would have made adequate provision for each and all of the matters specified in the Schedule; or
- (c) none of the purposes of such trade union will be unlawful; or

(d) the name by which it was proposed that such trade union would be known was not such a name as is specified in paragraph (d) of subsection (1),

may, within fourteen days after the Registrar has given such notice, appeal to the Supreme Court, and, if upon any such appeal the Supreme Court finds that the refusal of the Registrar to give his consent to the intended amalgamation was wrong as aforesaid, it may so declare and thereupon the Registrar shall, subject to the provisions of section 46, give his consent to the amalgamation, but, save as hereinbefore provided, the appeal shall be dismissed.

Notice in writing to be given of consent to amalgamation, and saving of powers of Registrar in relation to registration of trade union formed by amalgamation

46.-(1) Where the Registrar gives his consent to the amalgamation of any registered

trade unions, he shall send to each of the trade unions a notice in writing thereof and shall supply to each of the trade unions such additional copies of such notice as may be necessary to enable the trade union to comply with subsection (1) of section 47.

(2) The giving by the Registrar of his consent to the amalgamation of any registered trade unions shall not prejudice or affect in any way the powers vested in him by this Act to refuse to register the trade union formed by such amalgamation or the exercise of any powers so vested in him in connection with the registration thereof.

Procedure for amalgamation, etc.

47.-(1) No registered trade unions shall be amalgamated as one trade union unless the notice in writing of the consent of the Registrar to the amalgamation has been posted at the registered office of each of the trade unions party to the amalgamation and in every branch thereof for a period of not less than fourteen days.

(2) An amalgamation of registered trade unions may take place with or without any dissolution or division of the funds of the trade unions.

Transfer of liabilities, etc., to trade union formed by amalgamation

48.-(1) All deeds, bonds, agreements and instruments to which any registered trade union that is amalgamated with any other registered trade union was a party that are subsisting at the time of the amalgamation shall be of as full force and effect against or in favour of the trade union formed by the amalgamation as if, instead of such registered trade union, the trade union so formed had been named therein or had been a party thereto.

(2) Where, in respect of any registered trade union that has amalgamated with any other registered trade union, any proceedings or cause of action was pending or existed at the

time of the amalgamation, the same may be continued or enforced by or against the trade union formed by the amalgamation as it might have been continued or enforced by or against such registered trade union if the amalgamation had not taken place.

Notification of dissolution

49.-(1) When a registered trade union is dissolved, notice of the dissolution thereof, signed by the secretary of the trade union and seven persons who were voting members thereof at the date of the dissolution, shall, within fourteen days after the dissolution, be sent to the Registrar by the trade union, and upon the registration by the Registrar of such dissolution, the trade union shall cease to be a body corporate.

(2) A registered trade union that contravenes the provisions of subsection (1) and every officer of a registered trade union, or other person, bound by the rules thereof to give or send the notice required by that subsection who fails to give or send the same shall be guilty of an offence and shall be liable to a fine not exceeding fifty dollars.

PART VII-APPLICATION OF FUNDS

Use of funds

50.-(1) The funds of a trade union shall not be applied either directly or indirectly for any political purpose or be paid or transferred to any person or body of persons in furtherance of any political purpose whether within or outside Fiji.

(2) The funds of a trade union may, subject to the provisions of this Act, be expended only for the following objects:-

(a) the payment of salaries, allowances and expenses to officers of the trade union;

(b) the payment of expenses for the administration of the trade union, including audit of the accounts of the funds of the trade union;

(c) the prosecution or defence of any legal proceedings to which the

trade union or any member thereof is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the trade union as such or any rights arising out of the relations of any member with his employer or with a person whom the member employs;

(d) the conduct of trade disputes on behalf of the trade union or any member thereof;

(e) the compensation of any member for loss arising out of trade disputes;

- (f) allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members;
- (g) allowances to members in distress through circumstances beyond their control;
- (h) social insurance, medical aid, and the supply of medicaments and drugs to members or their dependants, and any incidental expenses thereof;
- (i) expenses incurred on trade union business by officers and members of the trade union;
- (j) the erection of any building or the purchase or lease of any building or land required for the purposes of the trade union, and for the rent, upkeep and furnishing thereof;
- (k) affiliation fees or contributions payable to a trade union federation to which such union is affiliated;
- (l) contributions to a charitable, educational or cultural institution or society approved by the Registrar;
- (m) contributions or loans, with the approval of the Registrar, to any registered trade union for the purpose of assisting such trade union in financial difficulties;
(Amended by 42 of 1965, s. 8.)
- (n) the educational, cultural and vocational training of members as approved by the Registrar, and any incidental expenses thereof;
- (o) the organization of any theatrical performance, concert, reception, dance, sports meeting or excursion;
- (p) the purchase of books, newspapers and other literature and the upkeep of a reading room for the use of members;
- (q) the editing, printing, publication and circulation of any book, newspaper or other periodical, bulletin, pamphlet or other printed literature for the advancement of the lawful objects of the trade union or the promotion of the interests of its members as such;
- (r) the payment of interest on loans and the payment of income and other legally imposed taxes;
- (s) the provision of social facilities for members;
- (t) any other object which, by notification in the Gazette, the Minister may, on the application of any trade union, declare to be an object for which such funds may be expended by such trade union or by any trade union, such expenditure to be subject to such conditions as the Minister may, by the same or any such notification, direct.

(3) The treasurer or any officer of a trade union failing to comply with the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and shall further be liable to refund to the trade **union** any funds which have been unlawfully applied or expended.

(Inserted by 14 of 1969, s. 9.)

Prohibition of payment of fines or penalties

51.-(1) The funds of a trade union shall not be applied either directly or indirectly in payment of the whole or any part of any fine or penalty imposed upon any person by sentence or order of a court of justice, other than a fine or penalty imposed upon the union under this Act.

(2) An injunction restraining any unauthorised or unlawful expenditure of the funds of a trade union may be granted on the application of one or more persons having a sufficient interest in the relief sought, or of the Registrar.

Books of account, etc. to be kept at registered office

52.-(1) The officers of every registered trade union shall cause to be kept such books of account as may be prescribed which books of account, as also the minute book of the trade union, shall be kept at the registered office except during the audit of the accounts of such trade union or with the written permission of the Registrar:

Provided that the Registrar may, in his discretion and upon application being made to him in that behalf by any trade union, grant permission in writing to such trade union to keep its accounts and records in a form or according to a system other than that prescribed, if he is of the opinion that the form or system adopted by such trade union is adequate and satisfactory in all the circumstances.

(2) If any trade union fails to comply with the provisions of subsection (1), the secretary or the treasurer, whoever may be responsible, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(Section substituted by 14 of 1969, s. 10)

Safeguarding of union funds and property

53.-(1) Every treasurer of a trade union and every other officer thereof who is responsible for the accounts of the trade union or for the collection, disbursement, custody or control of the funds or moneys thereof, shall, upon resigning or vacating his office and at least once in every year, at such time as may be specified by the constitution and rules of the

trade union and at any other times at which he may be required to do so by a resolution of the executive committee or a general meeting of the trade union or by the constitution and rules thereof or by the Registrar, render to the trade union and its members or the Registrar, as the case may be, a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office, or if he has previously rendered an account, since the last date upon which he rendered such account, and of the balance remaining in his hands at the time of rendering such account and of all bonds, securities, or other property of the trade union entrusted to his custody or under his control.

(2) The form of account may be prescribed.

(3) The trade union shall cause the account to be audited by some fit and proper person approved by the Registrar.

(4) The treasurer or the officer referred to in subsection (1) shall, if he is resigning or vacating his office or if required by the Registrar to do so, forthwith hand over to the trade union such balance of money as appears to be due from him, and all bonds, securities, effects, books, papers, and property of the trade union in his hands, or custody or otherwise under his control.

(5) Notwithstanding any other provisions of this section, any officer or member of a

trade union shall, upon resigning or vacating his office or membership, or at such time as may be specified by the constitution and rules of the trade union, and at any other times at which he may be required to do so by a resolution of the executive committee or a general meeting of the trade union or by the Registrar, forthwith hand over to the trade union all bonds, securities, effects, books, papers and property of the trade union in his hands or custody or otherwise under his control.

(6) Where any money or thing is directed to be handed over to a trade union under the provisions of subsections (4) or (5), such money or thing may be handed to such person as may be specified in any resolution of the executive committee or general meeting or by the constitution and rules thereof or as may be ordered by the Registrar.

Annual returns

54.-(1) The secretary of every registered trade union shall furnish annually to the Registrar on or before the 30th day of April in every year a general statement audited in the prescribed manner of all receipts and expenditure during the period of twelve months ending on the 31st day of December of the preceding year, and of the assets and liabilities of the trade union as at such 31st day of December. The statement shall be accompanied by a copy of the auditor's report and shall be prepared in such form and shall comprise such particulars as may be prescribed.

(2) Together with the general statement referred to in subsection (1), the secretary of each trade union shall furnish to the Registrar a list of officers of the trade union together with

four copies of all alterations of the constitution and rules and of all new rules made by the **trade union** during period of twelve months preceding the said 31st day of December, and four copies of the constitution and rules of the trade union in force on that day.

(Substituted by 42 of 1965, s. 9.)

(3) Every member of a trade union to which this section applies shall be entitled to receive free of charge a copy of the general statement referred to in subsection (1) and the secretary of each such trade union shall supply a copy of such statement to every member of his union at or before the annual general meeting and thereafter on application within one month of the receipt of such application.

(4) The secretary of any **trade union** to which this section applies who fails to comply with any of the requirements of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars and in the case of a continuing offence to a further fine of two dollars for every day during which such failure continues after conviction.

(Substituted by 14 of 1969, s. 11.)

(5) Every person who wilfully and knowingly makes or orders or causes or procures to be made any false entry in or omission from any general statement, copy or list delivered to the Registrar under subsections (1) and (2) shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding three years.

Inspection of accounts and documents

55.-(1) The account books, receipt books and receipts for expenditure of a trade union and a list of the members thereof shall be open to inspection by any officer or member of the trade union at such times as may be provided for in the rules of the trade union.

(2) The minutes relating to financial matters, the list of members, account books, receipt books, receipts for expenditure, cheque books, pay-in slips and all other vouchers and documents relating to the accounts of the trade union shall be open to inspection by the Registrar or any person authorised in writing by the Registrar in that behalf at any reasonable time:

Provided that an officer of the trade union may, if he so requests, be present when such inspection is made.

(Inserted by 14 of 1969, s. 12.)

Obstructing inspection by Registrar

56. Any person who opposes, obstructs or impedes the Registrar or any person authorised by him under section 55, in the carrying out of an inspection under the provisions of that section shall be guilty of an offence and shall be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Power to call for detailed accounts

57. (1) In addition to any other provisions of this Act relating to the rendering of accounts, the Registrar may, at any time, call upon the treasurer, the executive committee or other proper officer or officers of a trade union to render within seven days of the call being made in writing detailed accounts, vouched in such manner as he may require, of the funds of the trade union or any branch thereof in respect of any particular period, and such accounts shall show in particular such information as the Registrar may require.

(2) Any officer of a trade union who fails to comply with a request made by the Registrar under the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

PART VIII-CONSPIRACY AND FREEDOM OF ASSOCIATION

Conspiracy in trade disputes

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

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

(3) Nothing in this section shall exempt from punishment any person guilty of a conspiracy for which a punishment is imposed by any Act.

(4) Nothing in this section shall affect the law relating to riot, unlawful assembly, breach of the peace, or sedition, or any offence against Her Majesty or the Government of Fiji as by law established.

(5) A crime for the purposes of this section means an offence for the commission of which the offender is liable to be imprisoned either absolutely or at the discretion of the court as an alternative for some other punishment.

Freedom of association of employees

59.-(1) No employer shall make it a condition of employment of any employee that the employee shall not be nor become a member of a trade union and any such condition in any contract of employment entered into before or after the commencement of this Act shall be void.

(2) Nothing contained in any Act shall prohibit any employee from being or becoming a member of a trade union or subject him to any penalty by reason of his membership of

any registered trade union.

(3) Any employer who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a period not exceeding twelve months.

PART IX-REGULATIONS

Regulations

60.-(1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for or in respect of all or any of the following matters:-

- (a) all matters stated or required in this Act to be prescribed;
- (b) the books and registers to be kept for the purposes of this Act and the forms thereof;
- (c) the manner in which trade unions and the constitution and rules of trade unions shall be registered and the fees payable on registration;
- (d) the manner in which, and the qualifications of persons by whom, the accounts of registered trade unions or of any class of such trade unions shall be audited;
- (e) the conditions subject to which inspection of documents kept by the Registrar shall be allowed;
- (f) the due disposal and safe custody of the funds and moneys of a
trade union;
- (g) the creation, administration, protection, control and disposal of the funds of registered trade unions and all matters connected therewith or incidental thereto;
- (h) generally for all matters incidental to or connected with the matters or subjects specifically mentioned in this subsection.

(3) The Minister may by regulation declare that any regulations made under subsection (2) shall apply to a specific trade union only, or that any particular trade union or class of trade unions shall be exempted from the operation of such regulations.

PART X-OFFENCES AND PENALTIES

Penalty for misuse of money or property of a trade union

61.-(1) Where on complaint, made by a member of a trade union or the Registrar, it is shown to the satisfaction of a court that any person has in his possession or control any property of the trade union except in accordance with the constitution and rules of the trade union, or has unlawfully expended or withheld any money of the trade union, the court shall, if it considers the justice of the case so requires, order such person to deliver all such property to the trade union and to pay to it the money so unlawfully expended or withheld.

(2) A complaint made under subsection (1) shall not be entertained, when the complainant is some other person than the Registrar, unless the court is satisfied that the complainant is or was, on the date of the complaint, a member of the trade union in respect of whose property such complaint was made.

(3) Any person bound by an order made under subsection (1) who fails to comply with the terms thereof and the directions given therein within a time to be specified in such order shall be guilty of an offence and shall be liable to a fine not exceeding one hundred dollars and if the offence is a continuing one to a fine not exceeding two dollars per day during which such offence continues.

Penalty for failure to give notice or produce document

62. A trade union which or officer thereof who, fails to give any notice, or to send or to produce any document which it or he is required by this Act or any regulations made thereunder, to give, send or produce, and every officer or other person bound by the rules of the trade union to give, send or produce the same, or, if there is no such officer, then every member of the executive committee of the trade union, unless such officer, person or member shall prove that he was ignorant of, or that he attempted to prevent, the omission to give, send or produce the same, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars unless some other punishment is provided for such offence by this Act.

(Amended by 14 of 1969, s. 13.)

Limitation of prosecutions

63. No prosecution shall be instituted under Part VIII except by, or at the instance of, or with the written consent of, the Director of Public Prosecutions.

(Amended by Order 4th November, 1970).

Jurisdiction

64. All offences and penalties under this Act may be prosecuted and recovered before a resident magistrate.

PART XI-MISCELLANEOUS

Nomination

65.-(1) 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 principal office of the trade union, nominate a 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 (not exceeding four hundred dollars) on the death of such member 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 any benefits under its constitution and rules due to the deceased member.

(2) Any instrument required to be made to carry out the provisions of subsection (1) shall be exempt from stamp duty.

Service of notice, etc.

66. Every summons, notice or other document required to be served on a trade union shall be deemed to be duly served if it is delivered at the registered office of the trade union or if it is served personally on any two officers from among the president, the treasurer and the secretary of the trade union.

(Substituted by 14 of 1969, s. 14.)

Notification in the Gazette

67. The Registrar shall notify the following matters in the Gazette within twenty-eight days of the performance thereof:-

- (a) that a trade union has applied for registration;
- (b) that any trade union has been registered or that registration has been refused;
- (c) that the registration of any registered trade union has been cancelled or suspended;
- (d) that a change of name or amalgamation affecting any registered trade union has been registered;
- (e) that any registered trade union has been dissolved; and
- (f) that a trade union has applied to amend its constitution so as to enlarge the class of employees authorised to be members thereof.

Provisions of certain Acts not to apply to trade unions

68.-(1) Subject to the provisions of this Act, the following Acts :-

(a) the Co-operative Societies Act; and (Cap. 250.)

(b) the Companies Act; and (Cap. 247.)

(c) the Industrial Associations Act, (Cap. 79.)

shall not apply to a trade union and the registration of a trade union under any of the said Acts shall be void and of no effect.

(2) If a trade union is registered under any of the said Acts and the same shall become registered under this Act, all of the property and assets of whatsoever description vested in the trade union by virtue of registration under the said Acts together with all rights and liabilities, whether present, future, certain or contingent, shall forthwith be deemed vested in the trade union by virtue of its registration under this Act and all causes of action subsisting, or suits or other legal proceedings pending, by or against the trade union by reason of or arising out of its registration under the said Act shall subsist or be continued by or against such trade union by virtue of its registration under this Act.

(3) If any unincorporated association, being a trade union within the meaning of this Act, shall become registered thereunder, all of the property, and assets of whatsoever description belonging to the members of such association by virtue of membership thereof or vested in trustees for the members of such association shall become vested in the registered trade union upon registration together with all rights and liabilities, whether present, future, certain or contingent, and all causes of action subsisting, or suits or other legal proceedings pending, by or against any trustees for the members of such association or any officer or member on behalf of himself and all other members of such association shall subsist or continue by or against such registered trade union in the name under which it is registered.

SCHEDULE

(Section 37)

MATTERS FOR WHICH PROVISION MUST BE MADE IN THE RULES OF EVERY TRADE UNION

1. The name of the trade union and the address of its registered office.

*2. A list of the officers in the trade union and the functions of the holders of such offices specifying officers of the trade union empowered to operate bank accounts.

** Amended by 14 of 1969, s. 16.*

3. The whole of the objects for which the trade union is to be established, the purposes for which the funds thereof shall be applicable, the conditions under which any member thereof may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member thereof.
4. The persons eligible for membership of the trade union.
5. The manner of making, altering, and rescinding rules.
6. The keeping of a register of members of the trade union.
7. The maintenance of discipline within the trade union, including provision for appeal to the voting members at a general meeting of the trade union against any decision of the executive committee cancelling the membership of any member or dismissing any officer.
8. The appointment or election and removal of an executive committee and secretaries, treasurers, and other officers of the trade union.
9. The method of convening and conducting annual general meetings and extraordinary general meetings, and the matters to be presented to the members of the trade union at such meetings, including in the case of annual general meetings the presentation of audited accounts.
10. The custody and investment of the funds of the trade union, the designation of the officer or officers responsible therefore, and the annual or periodical audit of its accounts.
11. The inspection of the books and names of members of the trade union by any person having an interest in the funds of the trade union.
12. The manner of the dissolution of the trade union and the disposal of the funds thereof available at the time of such dissolution.
13. The taking of decisions by voting members of the trade union by secret ballot on the following matters:-
 - (a) the election of officers of the union;
 - (b) the alteration of the rules of the union;
 - (c) all matters relating to strikes and lockouts;
 - (d) dissolution of the union;
 - (e) the amalgamation of the trade union with any other trade union;
 - (f) the federation of the trade union with any other trade union or with a trade union federation;
 - (g) imposition of levies.

14. The right of any member, who is not disqualified from voting, to a reasonable opportunity to vote.
15. The amount of subscription and fees payable by members and the disqualifications of a member from voting on any matter concerning the trade union and from receiving benefits if his subscription is more than thirteen weeks in arrears.
16. If honorary members are to be permitted, the conditions under which a person may become an honorary member.
17. Provision for keeping in a separate fund all moneys received or paid by the trade in respect of any contributory provident fund or pensions fund scheme.
18. The constitution of the trade union, in so far as any part of it is not contained in the foregoing paragraphs.
19. Provision whereby members of a trade union shall cease to be members of such trade union if their subscriptions are more than twelve months in arrears.
20. Provision whereby a member of a trade union becomes a voting member.
21. A requirement that at any meeting of the union or branch thereof a quorum shall consist of at least 20 per cent of the voting members of the union or branch as the case may be.
22. A requirement that at any meeting of the executive committee of a trade union or branch thereof a quorum shall consist of not less than 33'A per cent of the members of the executive committee where the total number of such executive committee consists of 21 persons or more, and of not less than 50 per cent of the members of the executive committee where the total number of such executive committee consists of 20 persons or less, but that in any case the quorum shall not consist of fewer than five persons.

Controlled by Ministry for Labour, Industrial Relations and Immigration

CHAPTER 96

TRADE UNIONS

SECTION 3-APPOINTMENT OF REGISTRAR

Notices 20th Oct. 1964, 23rd June, 1971

The Administrator-General has been appointed as Registrar of Trade Unions.

SECTION 60-TRADE UNIONS REGULATIONS

*Regulations 31st Aug., 1964. [in force 1st Nov., 1964],
27th Sept., 1965, 18th June, 1969, 16th May, 1975, 18th Aug., 1977*

Made by the Governor in Council

Short title

1. These Regulations may be cited as the Trade Unions Regulations.

Interpretation

2. In these Regulations, the expression "the Act" means the Trade Unions Act.

Form of register, certificates, applications and notices

3.-(1) Every register, certificate, order, application and notice under the Act shall be kept, issued, made or given in the appropriate form set out in the First Schedule.

(2) The number of copies to be submitted of any such application or notice, if more than one, shall be stated in the form of such application or notice set out in the First Schedule.

(3) Any authority or person having power to issue any certificate under the Act shall, on it being proved to his satisfaction that such certificate has been lost or destroyed and on payment of the prescribed fee, issue a duplicate of the certificate to the person entitled thereto.

Register of trade unions

4. The particulars to be recorded in the register shall be those specified in Form A of the First Schedule.

Manner of registering trade union and change of name

5.-(1) The manner of registering a trade union shall be by entering in the register the name of the trade union, the situation and postal address of its registered office, the titles and names of its officers, and the date of the registration.

(2) The manner of registering a change of name of a trade union shall be by deleting the name under which such trade union has been registered in the register and by substituting therefor the new name of the trade union.

Inspection and copies

6.-(1) The constitution and rules and list of officers shall be available for inspection by the public, during the hours in which the office of the Registrar is open to the public, upon payment of the prescribed fee.

(2) Copies or extracts of any document referred to in this regulation may be obtained by any person upon payment of the prescribed fees.

Annual returns

7.-(1) The general statement referred to in subsection (1) of section 54 of the Act shall be furnished to the Registrar on or before the thirtieth day of April in each year.

(2) The said general statement shall be in the form of and comprise the particulars specified in the Second Schedule, and shall be audited in the manner shown in the form of Auditor's Report contained in the said Schedule.

Amalgamation of trade union

8. A registered trade union, when proposing to amalgamate with one or more other trade unions in the manner provided by Part VI of the Act, shall take steps fully to inform, in a suitable manner, all members concerned as to-

- (a) the reasons for the proposed amalgamation;
- (b) the proposed conditions under which such amalgamation will take place; and
- (c) the time and place at which the secret ballot will be held.

Notice of amalgamation

9. A notice, giving the particulars specified in regulation 8, shall be posted in the registered office of the trade union and in every branch office thereof at least two weeks before the secret ballot is held and shall remain so posted until the secret ballot has been concluded.

Secret ballot

10. The procedure to be followed in taking the secret ballot shall be as follows:-

- (a) the ballot shall be conducted jointly by an officer of the trade union and a representative chosen by the members;
- (b) the person responsible for conducting the ballot shall be furnished with-

- (i) a written record of the names of the members entitled to vote thereat;
 - (ii) an adequate supply of ballot papers in the form prescribed in the Third Schedule; and
 - (iii) a suitable ballot box fitted with lock and key;
- (c) arrangements shall be made to enable each member concerned, at places adjacent to the ballot box, to obtain a ballot paper and to mark it, screened from observation, before depositing it in the box;
- (d) the name of each member to whom a ballot paper is handed shall be marked off on the record of names of members concerned by the person handing out the ballot papers;
- (e) the member shall, after marking the paper, fold it so as to cover the marking and deposit it in the ballot box;
- (f) the ballot papers shall be examined and the votes shall be counted by the persons conducting the ballot and certificates of the result of the ballot, in the form prescribed in the Third Schedule, shall be signed jointly by them. A signed copy of the certificate shall-
- (i) be posted in the registered office of the trade union and in every branch office thereof for a period of not less than one week after the conclusion of the secret ballot;
 - (ii) be attached to the notice of amalgamation sent to the Registrar in pursuance of subsection (1) of section 43 of the **Act**, which said notice shall be in Form J of the First Schedule.

Notice of change of rules

11. Whenever a trade union shall change its rules, notice of such change in Form L of the First Schedule, signed by the secretary and by seven members of the trade union authorised in that behalf by resolution passed at a general meeting of the trade union, shall be sent to the Registrar within fourteen days of such change, and shall be accompanied by an extract from the minutes of the meeting relating to such change of rules, certified as a true copy by the chairman of the meeting.

Fees

12. The fees set out in the Fourth Schedule shall be payable to the Registrar in respect of the several matters specified therein.

Trade union to keep register of members

13.-(1) Every registered trade union shall keep a register of its members, in which shall be entered-

- (a) the name, address and occupation of each member;
 - (b) the date on which each member was admitted to membership;
 - (c) the payments made by each member in respect of entrance fee, subscriptions or any other payments provided for under the constitution and the dates of such payments; and
 - (d) the date on which any member ceases to be a member.
-
-

FIRST SCHEDULE

FORM A

TRADE UNIONS ACT
(Regulation 4)

FORM OF REGISTER TO BE KEPT BY REGISTRAR

Registry No.....

Registered Name of **Trade Union**

Situation of Registered Office.

Postal Address of Registered Office.

FORM B

TRADE UNIONS ACT
(Section 8)

APPLICATION FOR THE REGISTRATION OF A TRADE UNION

To: The Registrar of **Trade Unions**,
Suva.

1. We, the several persons whose names are subscribed below, hereby make application for the registration under the Trade Unions Act, of a trade union to be known as:-

2.- (i) The situation of the registered office of the trade union is at:-

(ii) The registered postal address of the trade union is:-

(iii) The aforesaid trade union was formed on the day of,
19.....

(iv) We enclose herewith:-

(a) Four copies of the rules of the trade union authenticated by the president and the secretary.

(b) Statement I showing the names, addresses and occupations of the members making this application.

(c) Statement II showing the titles, names, ages, addresses and occupations of the officers of the trade union.

3. We have been duly authorised by the trade union to make this application on its behalf by a General Meeting held aton the day of..... 19.....

A certified copy of the relevant extract from the minutes of the General Meeting is attached.

..... day of19.....

1..... 5.....
2..... 6.....
3..... 7.....
4..... 8.....

Note.-This application must be signed by at least seven members of the body applying for registration in the case of a combination of employees.

TRADE UNIONS ACT
(Section 8)

STATEMENT I

**NAMES OF PERSONS MAKING APPLICATION FOR THE
REGISTRATION OF A TRADE UNION**

To: The Registrar of Trade Unions,
Suva.

.....
Secretary.

STATEMENT II

NAMES OF OFFICERS OF THE TRADE UNION

To: The Registrar of Trade Unions,
Suva.

Name of Trade Union

1. None of the persons mentioned in Statement II is an officer of any other trade union.
2. All the officers with the exception of who is the secretary; and who is the treasurer have been and still are engaged, or occupied for a period of not less than one year in an industry, trade or occupation with which the union is directly concerned.
3. The educational standards of the person(s) named as assuming the office(s) of secretary and treasurer are as follows:-
4. "officer" includes any member of the Executive Committee and any officer of a branch.

FORM C

TRADE UNIONS ACT
(Section 10)

CERTIFICATE OF REGISTRATION

Registry No.....

It is hereby certified that the has been registered under the Trade Unions Act.

Dated this day of 19.....

.....

Registrar of Trade Unions

FORM D

TRADE UNIONS ACT
(Section 13)

NOTIFICATION OF REFUSAL OF REGISTRATION

It is hereby notified that registration of the as a trade union under the Trade Unions Act, is refused. The grounds of such refusal are as follows:-

Dated this day of 19.....

.....

Registrar of **Trade Unions**

Note.-Upon receipt of this notice, reference should be made to section 13 of the

Trade Unions Act; subsection (2) of that section sets out the provisions which have effect upon the refusal of the Registrar to register a trade union .

FORM E

TRADE UNIONS ACT
(Section 14)

NOTICE OF INTENTION TO CANCEL REGISTRATION OF A TRADE UNION

To:

I hereby give you notice pursuant to section 14 of the Trade Unions Act, that on expiry of two months from the date hereof I propose to cancel registration of the as a trade union under the said Act unless, before the expiration of such period, cause is shown to my satisfaction why such registration should not be cancelled. The grounds on which I propose to cancel the registration are-

Dated this.....day of..... 19.....

.....
Registrar of Trade Unions

FORM F

TRADE UNIONS ACT
(Section 14)

ORDER OF CANCELLATION OF REGISTRATION

It is hereby ordered that registration of the as a trade union under the Trade Unions Act, be and is this day cancelled. The grounds of such cancellation are as follows:-

Dated this.....day of..... 19.....

.....
Registrar of Trade Unions

Note.-Upon service of this order, reference should be made to section 18 of the Trade Unions Act, which sets out the provisions which have effect upon cancellation of registration of a trade union.

FORM G

TRADE UNIONS ACT
(Section 14)

NOTICE OF INTENTION TO SUSPEND REGISTRATION OF A TRADE UNION

I hereby give you notice pursuant to section 14 of the Trade Unions Act, that on expiry of one month from the date hereof I propose to suspend registration of the as a trade union under the said Act unless, before the expiration of such period, cause is shown to my satisfaction why such registration should not be suspended. The grounds on which I propose to suspend registration are-

Dated this.....day of..... 19

.....
Registrar of Trade Unions

FORM H

TRADE UNIONS ACT
(Section 14)

ORDER OF SUSPENSION OF REGISTRATION

It is hereby ordered that registration of the as a trade union under the Trade Unions Act, be and is this day suspended. The grounds of such suspension are as follows:-

Dated thisday of..... 19.....

.....
Registrar of Trade Unions

Note.-Upon service of this order, reference should be made to section 15 of the Trade Unions Act, which sets out the provisions which have effect upon suspension of registration of a trade union.

FORM I

TRADE UNIONS ACT
(Section 34)

NOTICE OF CHANGE OF NAME

To: The Registrar of Trade Unions,
Suva.

1. We, the several persons whose names are subscribed below being the secretary and seven members of the trade union registered under the name of the hereby give you notice pursuant to section 34 of the Trade Unions Act, that it is proposed to change the name of the aforesaid trade union to the

.....

2. The proposed change of name has the consent of not less than two-thirds of the total number of voting members of the trade union, such consent having been obtained by secret ballot taken in accordance with the rules of the trade union on the day of 19.....

Dated this..... day of 19.....

(Signed).....
Secretary

1.
2.
3.
4. Members
5.
6.
7.

Note.-(a) A trade union may not change its name without the consent of at least two-thirds of the total number of its voting members, and such consent must be obtained by secret ballot conducted in accordance with the rules of the union.

(b) This notice must be signed by the secretary and by seven members of the trade union.

(c) The change of name will not have effect until registered by the Registrar.

(b) This notice must be signed by the chairman and seven members, at least one of whom must be an officer of each trade union which is party to the amalgamation.

(c) The amalgamation will not have effect until the Registrar has registered the

trade union formed thereby in the prescribed manner.

* State title of officer.

FORM J

TRADE UNIONS ACT

**NOTICE OF CHANGE OF SITUATION OF REGISTERED OFFICE OR OF
POSTAL ADDRESS**

To: The Registrar of Trade Unions,
Suva.

The*hereby gives you notice
that-

t(a) the situation of the registered office of the aforesaid trade union has
been changed from

t(b) the postal address of the aforesaid trade union has been changed from

Dated this.....day of..... 19.....

(Signed)
Secretary

* Enter name of Trade Union.

t Delete whichever is inapplicable.

Note.-(a) It is an offence, under section 36 of the Trade Unions Act, for any trade union-

(i) to operate at any place to which its registered office may have been
removed without having given notice of the change in the situation thereof
to the Registrar; and

(ii) to fail to give notice of any change of its postal address.

(b) This notice should be signed by the secretary of the **trade union**

***FORM L**

TRADE UNIONS ACT
(Section 37)

TRADE UNIONS REGULATIONS
(Regulation II)

NOTICE OF ALTERATION OF RULES

To: The Registrar of Trade Unions,
Suva.

1. We, the several persons whose names are subscribed below being the secretary and seven members of the trade union registered under the name of the hereby give you notice of alteration of the rules of the aforesaid trade union.

2. With this application are sent-

- (a) a copy of the registered rules of the union, marked to show where and in what way they are altered;
- (b) a copy, marked A, of the alteration(s), signed by the person giving this notice;
- (c) a copy of the relevant extract from the minutes of the meeting at which the alteration(s) was/were made, certified as true by the chairman of that meeting.

3. We have been duly authorised by the trade union to give this notice on its behalf, such authorisation consisting of a resolution passed at a general meeting of the trade union on the

day of..... 19.....

Dated this day of 19.....

(Signed)
Secretary

- 1. 5.
- 2. 6.

3. 7.
4. \- Members

CERTIFICATE OF REGISTRY
(For Official Use)

It is hereby certified that the foregoing alteration(s) of the rules of the
..... has/have this day been registered pursuant to section 37 of
the Trade Unions Act.

Dated thisday of..... 19.....

(Signed)
Registrar of Trade Unions

Note.-(a) Four copies of this notice (with enclosures) must be sent to the Registrar within
fourteen days of any alteration of rules or of the making of any new rule.
(b) This notice must be accompanied by the prescribed registration fee.
(c) Alterations in the rules of a trade union have effect from the date of registration
thereof by the Registrar unless some later date is specified in the rules.

* Amended by Regulations 18th June, 1969.

FORM M

TRADE UNIONS ACT
(Section 39)

LIST OF OFFICERS

To: The Registrar of Trade Unions,
Suva.

(a) Insert name of union and branch (if applicable)

Particulars of officers of the (a)

I certify that-

(a) None of the persons assuming office is an officer of any other trade union.

(b) All the officers with the exception of who is the Secretary* and
..... who is the Treasurer,* have been and still are engaged or occupied for a

period of not less than one year in an industry, trade or occupation with which the union is directly concerned and who is the President continues to hold office under the provisions of paragraph (c) of subsection (1) of section 31 of the Trade Unions Act.

(c) None of the officers has been convicted of any crime involving fraud, dishonesty or extortion during the past five years.

(c) The educational standards of persons named in column overleaf on assuming the office of secretary/treasurer are as follows:-

Dated this day of 19.....

.....
Secretary

Note.-Notice of all changes must be sent to the registrar within fourteen days.

* Delete as necessary.

+ Substituted by Regulation 18th June, 1969

(b) Give names of all officers of the union or branch as applicable

(c) Delete if no change in these offices

FORM N

TRADE UNIONS ACT (Section 49)

TRADE UNION NOTICE OF DISSOLUTION

To: The Registrar of Trade Unions,
Suva.

Notice is hereby given that the * was dissolved in pursuance of the rules thereof on the..... day 19.....

Dated this day of 19.....

(Signed)..... Secretary.

1

2

3

4..... \ Members

5

6

7

Name and address to which registered copy is to be returned.

CERTIFICATE OF REGISTRY
(For Official Use)

It is hereby certified that the dissolution of the *
has this day been registered pursuant to section 49 of the Trade Unions Act.

Dated thisday of 19.....

.....
Registrar of Trade Unions

*Enter name of Trade Union

Note.-(a) Two copies of this notice, signed by the secretary and by seven members of the
trade union, must be sent to the Registrar within fourteen days of the dissolution.

(b) The dissolution of a trade union has effect from the date of its registration by the
Registrar.

SECOND SCHEDULE

TRADE UNIONS ACT
(Section 54)

TRADE UNIONS REGULATIONS
(Regulation 7)

ANNUAL RETURN

Amended by Regulations 18th June, 1969.

Annual return of the*

for the year ended 31st December, 19. ...

PARTICULARS OF THE TRADE UNION

1. Situation of registered office
2. Postal address
3. Has the trade union any branches? If so, state situation of, and number of members, in each branch
4. In what trade or calling are the members of the union chiefly employed?
5. Total number of voting members at 31st December, 19

*Name of Trade Union

PARTICULARS OF THE OFFICERS AND EXECUTIVE COMMITTEE OF THE TRADE UNION AS AT 31st DECEMBER, 19. . . .

Title of officer

Name (in full)

Date of appointment

It is hereby certified as follows:-

(i) none of the above-mentioned officers has been convicted of any crime involving fraud or dishonesty during the past five years;

(ii) none of the above-mentioned officers is an officer of any other

trade union;

(iii) all the above-mentioned officers (except the Secretary and.....) are actually engaged in the industry or occupation of with which this trade union is directly concerned, the said having become office bearers on the day of 19..., with the permission of the Registrar pursuant to section 31 (1) of the Act.

INCOME AND EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31st DECEMBER, 19....

BALANCE SHEET AS AT 31st DECEMBER, 19.....

We, the undersigned, hereby certify that the information contained in the Annual Report of the Union is true and correct and is in accordance with law.

Signature of President Address
Signature of Treasurer Address
Signature of Secretary Address

AUDITORS' REPORT

The undersigned, having had access to all the books and accounts of the trade union (including its branches), and having examined the foregoing Annual Return and verified the same with the accounts and vouchers relating thereto, now sign the same as found to be correct, duly vouched, and in accordance with law.

Signature of First Auditor:
Address
Calling or Profession

Signature of Second Auditor
Address
Calling or Profession

Date of completion of audit

Dated this day of, 19.....

(Signed)
Secretary

To: The Registrar of Trade Unions,
Suva.

Note.-

(a) This return is required to be furnished to the Registrar by the secretary of every registered trade union on or before the thirtieth day of April of the year immediately following that in respect of which the return is rendered.

(b) This return should be accompanied by-

- (i) four copies (marked A) of the rules of the trade union in force at the end of the year;
 - (ii) four copies (marked B) of all alterations and amendments of rules and of all new rules, made during the year; and
 - (iii) a list (marked C) of all changes of officers made during that year.
-

THIRD SCHEDULE

TRADE UNIONS ACT
(Section 44)

TRADE UNIONS REGULATIONS
(Regulation 10)

(i) FORM OF BALLOT PAPER

Record your vote by X in column 2. Serial No.....
Do not sign your name.

Column I Column 2
For Amalgamation.....
Against Amalgamation

(ii) FORM OF CERTIFICATE OF RESULT OF BALLOT

Name of trade union.....
Situation and postal address of registered office.....

requirements of the above-mentioned Regulations on the question of the amalgamation of the said trade union with the registered trade union (s) named hereunder-

and that the result was-

Number of papers in ballot box.....
Number voting in favour of the amalgamation

Number voting against amalgamation

Number of spoiled papers.....

The total number of members entitled to vote was

Signed 1.....

2.....

Dated this day of 19.....

Note.-A signed copy of this certificate must be posted in the registered office of the trade **union** and in every branch office thereof. A further signed copy must accompany the notice of amalgamation which is required to be sent to the Registrar under the provisions of subsection (1) of section 43 of the Trade Unions Act.

FOURTH SCHEDULE
(Regulation 12)

(Substituted by Regulations 16th May, 1975)

FEES

The following fees shall be payable to the Registrar:-\$ c

(a) on application to register a trade union	10-00
(b) on application to register new rules or alteration of rules. . . .	5-00
(c) on application to register a change of officers or of the titles of officers	0-50
(d) on application to register a change of name of trade union ...	3-00
(e) on application to register a trade union formed by the amalgamation of two or more registered trade unions. . . .	4-00
(f) for a copy of a certificate of registration or for an authentication not otherwise provided for.....	1-00
(g) for any inspection under regulation 6(1) relating to any one trade union.....	0-50
(h) for a copy of, or extract from, any document available for inspection under regulation 6(1)- for the first folio of 100 words or part thereof	1-00
for every folio of 100 words or part thereof thereafter	0-40
(i) for certification of any document or extract provided for above.....	0-50
(j) on application to register a document not otherwise provided for.....	1-00

SECTION 63.- TRADE UNIONS (ACCOUNTS) REGULATIONS

Regulations 11th Jan., 1965.
[in force 15th Jan., 1965].

Made by the Governor in Council

Short title

1. These Regulations may be cited as the Trade Unions (Accounts) Regulations.

Interpretation

2. In these Regulations, "treasurer" includes any person for the time being acting as a treasurer.

Receipts to be issued by collectors

3.-(1) Every person who collects or receives subscriptions, entrance fees, donations or other contributions for or on behalf of a trade union (such person being hereinafter referred to as a collector), shall issue to any person making payments to him, a receipt in form P in the Schedule, such receipt being taken from a book of printed receipt forms, the forms being each in duplicate and numbered serially:

(Form P.)

Provided that an employer shall not be required to issue a receipt to his employee for any money collected by him on behalf of a trade union.

(2) The collector shall, when issuing a receipt, ensure that the particulars entered on the receipt form are legibly duplicated by carbon copy on the printed duplicate thereof, and shall preserve in the book the printed duplicate of every receipt issued.

(3) The collector (other than a treasurer) shall hand over or remit to the treasurer of his trade union, or of his branch of the trade union, at intervals of not more than two weeks, all moneys which he has collected on behalf of the trade union, together with all used receipt books in his possession relating to such moneys and shall produce for inspection all receipt books, in his possession, which have not been completely used.

(4) Every collector shall issue receipts from receipt books issued to him in proper sequence in accordance with their serial numbering.

(5) Any person collecting money for a trade union who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence against these Regulations.

Receipts to be issued to the collectors by the treasurer

4.-(1) The treasurer of every union or of a branch of a trade union shall, when receiving money from a collector, issue to him a receipt in form Q in the Schedule, such receipt being taken from a book of printed receipt forms, the forms being each in duplicate and numbered serially.

(Form Q.)

(2) The treasurer of every trade union or of a branch of a trade union shall, when issuing a receipt, ensure that the particulars entered on the receipt form are legibly duplicated by carbon copy on the printed duplicate thereof, and shall preserve in the book the printed duplicate of every receipt issued.

(3) No treasurer of a trade union or of a branch of a trade union shall issue a receipt from

a fresh receipt book unless all receipts from receipt books already in use are completed.

(4) Every treasurer of a trade union or of a branch of a trade union shall issue receipts and receipt books in proper sequence in accordance with their serial numbering.

(5) Every treasurer of a trade union or of a branch of a trade union shall ensure that each collector accounts to such treasurer for all receipt books issued to such collector at the time when the collector accounts for the money collected by him.

(6) Any treasurer of a trade union or of a branch of a trade union who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence against these Regulations.

Records of receipt books to be kept

5.-(1) The treasurer of every trade union shall be responsible for the issue of all receipt books, whether to treasurers of branches or to collectors, and the treasurer of a branch of a trade union shall be responsible for the issue to collectors of all receipt books which he receives from the treasurer of the trade union.

(2) The treasurer of every trade union or branch of a trade union shall keep a record of all receipt books which he issues, and shall record the name of the person to whom each book has been issued, the serial numbers of the receipts therein, the date when he issued it and the date when the duplicates of the receipts were returned to him, and when he has issued books or receipts to any person (other than the treasurer of a branch) he shall not issue any further books to such person until the duplicate of the first-mentioned books have been returned to him.

(3) Any treasurer of a trade union or branch of a trade union who contravenes or fails to comply with any of the provisions of paragraph (2) shall be guilty of an offence against these Regulations.

Payment vouchers to be made out

6.-(1) No person shall make a payment out of trade union funds unless he shall have first made out a payment voucher in form R in the Schedule and-
(*Form R.*)

(a) obtained the signature thereto by the person empowered to authorise such a payment;

(b) signed it;

(c) obtained the signature of the payee (excepting when payment is made by a crossed cheque); and

(d) where the payment is for travelling expenses, recorded therein-

(i) the name of the person travelling;

- (ii) the places from which and to which the person has travelled;
- (iii) the mode of transport; and
- (iv) the reason for the journey and the date thereof.

(2) Any person who contravenes or fails to comply with the provisions of this regulation shall be guilty of an offence.

Cash book and branch analysis cash book

7.-(1) The treasurer of every trade union shall keep a cash book as indicated in form S in the Schedule and shall record therein all moneys received and all moneys paid by the trade union, including receipts from and payments to branches, in the appropriate columns according to the nature of the receipts and payments and according to whether the moneys are received or paid in cash or are received into or paid out of a bank account or other deposit or savings account of the trade union.

(Form S.)

(2) Every such treasurer shall also keep in respect of every branch of the trade union a branch analysis cash book as indicated in form T in the Schedule and shall record therein an analysis of all money received and all moneys paid by every such branch, according to the copies of the cash book sheets received from branch treasurers under the next succeeding regulation, and the receipts and payments shall be entered in the appropriate columns as prescribed by paragraph (1).

(Form T.)

(3) Any treasurer of a trade union who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence against these Regulations.

Branch cash book

8.-(1) The treasurer of every branch of a trade union shall keep a cash book in form U in the Schedule with the pages thereof numbered serially and shall record therein all money received and all money paid by the branch, including receipts from and payments to the trade union headquarters, in the appropriate columns as prescribed by paragraph (1) of regulation 7. *(Form T.)*

(2) The treasurer of every branch of a trade union shall balance such cash book at the end of every month and shall forward to the treasurer of the trade union within seven days after the end of the month a copy of every page of the cash book which relates to that month and particulars of the balances.

(3) Any treasurer of a branch of a trade union who contravenes or fails to comply with any of the provisions of this regulation shall be guilty of an offence against these Regulations.

Special funds

9.-(1) The treasurer of every trade union or branch of a trade union shall maintain in the trade union's accounts separate records of any contributions or donations which are collected or received for a specific purpose and, subject to any resolution of the members of the trade union authorising the use thereof for any other purpose, the treasurer shall not disburse any such contributions or donations other than for the specific purpose for which they were collected or donated.

(2) Any treasurer of a trade union or of a branch of a trade union who contravenes or fails to comply with the provisions of this regulation shall be guilty of an offence against these Regulations.

Reservation of documents

10.-(1) The treasurer of every trade union or of a branch of a trade union shall preserve all the books of account and documents which it keeps or makes under the provisions of these Regulations and all books of duplicate receipts and other supporting documents, for a period of at least three years after the end of the trade union's financial year to which they relate and shall take all such precautions as are reasonably necessary for their safe custody.

(2) Any treasurer of a trade union or of a branch of a trade union who contravenes the provisions of this regulation shall be guilty of an offence against these Regulations.

Bank account to be maintained

11.-(1) The treasurer of every trade union or of a branch of a trade union shall cause a bank account to be opened and maintained in the name of the trade union or branch thereof, as the case may be, and whenever he receives any moneys belonging to the

trade union or branch thereof he shall within seven days of such receipt pay it into the bank account.

(2) The provisions of paragraph (1) shall not apply to the treasurer of a branch of a

trade union who is permitted by the rules of the trade union to retain in cash a sum not exceeding fifty dollars.

(3) Any treasurer of a trade union or of a branch of a trade union who contravenes or fails to comply with the provisions of this regulation shall be guilty of an offence against these Regulations.

Power to exempt

12. The Registrar may, in his discretion and upon application being made to him in that behalf by any trade union, grant permission in writing to such trade union to keep its accounts and records in a form or according to a system other than that prescribed in the

Schedule, if he is of the opinion that the form or system adopted by such trade union is adequate and satisfactory in all the circumstances.

Penalty

13. Any person who is guilty of an offence against these Regulations shall be liable to a fine not exceeding fifty dollars or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.
