

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

New South Wales



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Act No. 164, 1980.

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

Trade Union (Amalgamations) Special Provisions.

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

Short title. **1.** This Act may be cited as the "Trade Union (Amalgamations) Special Provisions Act, 1980".

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

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

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

“amalgamation” means amalgamation or purported amalgamation under the Principal Act;

“name” includes style;

“Principal Act” means the Trade Union Act 1881.

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

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

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

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

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

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

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

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

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

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

Evidence.

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

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

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

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