

TRADE UNION (AMENDMENT) ACT 1986 No. 128

NEW SOUTH WALES



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TRADE UNION (AMENDMENT) ACT 1986 No. 128

NEW SOUTH WALES



Act No. 128, 1986

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

Trade Union (Amendment) 1986

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

Short title

1. This Act may be cited as the "Trade Union (Amendment) Act 1986".

Commencement

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

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

Amendment of Act 45 Vic. No. 12

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

Savings

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

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE TRADE UNION ACT 1881**(1) Section 14 (Regulations for registry)—****(a) Section 14 (6)—**

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

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

(b) Section 14 (6)—

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

(2) Section 15A—

Omit the section, insert instead:

References and appeals

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

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

(3) Section 23C—

After section 23B, insert:

Registration of alteration to rules

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

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

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

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

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

(4) **Section 27A (Regulations)—**

Omit the section.

(5) **Section 32—**

After section 31, insert:

Regulations

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

(2) A provision of a regulation may—

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

or may do any combination of those things.

(3) Section 41 of the Interpretation Act 1897 applies in respect of a regulation made under this Act as if this Act had been passed after the commencement of the Interpretation (Amendment) Act 1969.

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

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