

Trade Union.

Definition of trade union.

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

Provided that this Act shall not affect—

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

The terms "secretary" and "treasurer" shall respectively include any officer of a trade union acting in the capacity of such secretary or treasurer, or any other person so acting, whether an officer of the union or not.

CRIMINAL PROVISIONS.

Trade union not criminal.

3. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful so as to render any member of such trade union liable to criminal prosecution for conspiracy or otherwise.

Trade union not unlawful.

4. The purposes of any trade union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust.

Trade union contracts when not enforceable.

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

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

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

Certain Acts not to apply to trade unions.

6. The following Acts, that is to say,—

- (1.) "The Joint Stock Companies Act, 1860," and the Acts amending the same ;
- (2.) "The Limited Liability Joint Stock Companies Dissolution Act, 1872 ;"

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- (3.) "The Life Assurance Companies Act, 1873;"
 (4.) "The Friendly Societies Act, 1877;" and
 (5.) "The Industrial and Provident Societies Act, 1877,"

shall not apply to any trade union, and the registration of any trade union under any of the said Acts shall be void, and the deposit of the rules of any trade union made under any Act relating to friendly societies before the passing of this Act shall cease to be of any effect.

7. Notwithstanding anything in the last foregoing section contained, a trade union, whether registered or unregistered, which insures or pays money on the death of a child under ten years of age, shall be deemed to be within the provisions of section twenty-nine of "The Friendly Societies Act, 1877."

Trade unions to be subject to section 29 of "The Friendly Societies Act, 1877."

REGISTERED TRADE UNIONS.

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

Registry of trade unions.

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

Buildings for trade unions may be purchased or leased.

For the purpose of this section every branch of a trade union shall be considered a distinct union.

10. All real and personal estate whatsoever belonging to any trade union registered under this Act shall be vested in the trustees for the time being of the trade union appointed as provided by this Act, for the use and benefit of such trade union and the members thereof, and the real and personal estate of any branch of a trade union shall be vested in the trustees of such branch, or of the trustees of the trade union, if the rules of the trade union so provide, and be under the control of such trustees, their respective executors or administrators, according to their respective claims and interests.

Property of trade unions vested in trustees.

Upon the death or removal of any such trustees the same shall vest in the succeeding trustees for the same estate and interest as the former trustees had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of funds invested in any debentures, bonds, or Treasury bills issued under any Act of the General Assembly, which shall be transferred into the names of such new trustees.

In all actions, or suits, or indictments, or summary proceedings before any Court of summary jurisdiction, touching or concerning any such property, the same shall be stated to be the property of the person or persons for the time being holding the said office of trustee, in their proper names, as trustees of such trade union, without any further description.

11. When any person, being or having been a trustee of a trade union or of any branch of a trade union, and whether appointed before or after the legal establishment thereof, in whose name any funds, debentures, securities, or moneys belonging to such union or branch are standing, either jointly with another or others, or solely, is absent from the colony, or becomes bankrupt, or files any petition, or executes any deed, assignment, arrangement, or composition with his

Provision in case of absence, &c., of trustee.

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creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the Registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of such funds, debentures, securities, or moneys into the names of any other persons as trustees for the union or branch.

Such transfer shall be made by the surviving or continuing trustees, and if there be no such trustees, or if such trustees refuse or be unable to make such transfer, the Registrar may direct that, where such funds, debenture, securities, or moneys—

- (a.) are standing in the books of the Colonial Treasurer, or are in his control,—such transfer be made by the Colonial Treasurer or some officer of the General Government to be named in the order;
- (b.) are standing in the books or in the control of any bank or banking corporation or other corporation or body,—such transfer be made by some officer of such bank or banking corporation or other corporation or body, to be named in the order;
- (c.) are standing in the books or are in the hands or control of any other person or persons,—such transfer be made by such person or persons.

The Colonial Treasurer and every such bank and banking corporation, and all corporations, companies, and persons, and their officers and servants respectively, are hereby indemnified for anything done by him or them, or any of his or their officers, in pursuance of the provisions of this section, against any claim or demand of any person injuriously affected thereby.

Actions by or against trustees.

12. The trustees of any trade union registered under this Act, or any other officer of such trade union who may be authorized so to do by the rules thereof, are hereby empowered to bring or defend, or cause to be brought or defended, any action, suit, prosecution, or complaint, in any Court of law or equity, touching or concerning the property, right, or claim to property of the trade union.

In all cases concerning the real or personal property of such trade union, the trustees shall and may sue and be sued, plead and be impleaded, in any Court of law or equity, in their proper names, without other description than the title of their office.

No such action, suit, prosecution, or complaint shall be discontinued or shall abate by the death or removal from office of such persons or any of them, but the same shall and may be proceeded in by their successor or successors as if such death, resignation, or removal had not taken place; and such successor shall pay or receive the like costs as if the action, suit, prosecution, or complaint had been commenced in their names for the benefit of or to be reimbursed from the funds of such trade union, and the summons to be issued to such trustee or other officer may be served by leaving the same at the registered office of the trade union.

Limitation of responsibility of trustees.

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

Treasurer, &c., to account.

14. Every treasurer of a trade union registered under this Act, at such times as by the rules of such trade union he should render such account as hereinafter mentioned, or upon being required so to do, shall render to the trustees of the trade union,

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or to the members of such trade union, at a meeting of the trade union, a just and true account of all moneys received and paid by him since he last rendered the like account, and of the balance then remaining in his hands, and of all bonds or securities of such trade union; which account the said trustee shall cause to be audited by some fit and proper person or persons by them to be appointed.

Such treasurer, if thereunto required, upon the said account being audited, shall forthwith hand over to the said trustees the balance which on such audit appears to be due from him, and shall also, if required, hand over to such trustees all securities and effects, books, papers, and property of the said trade union in his hands or custody.

If he fail to do so the trustees of the said trade union may sue such treasurer in any competent Court for the balance appearing to have been due from him upon the account last rendered by him, and for all the moneys since received by him on account of the said trade union, and for the securities and effects, books, papers, and property in his hands or custody, leaving him to set off in such action the sums, if any, which he may have since paid on account of the said trade union; and in such action the said trustees shall be entitled to recover their full costs of suit, to be taxed as between attorney and client.

15. If any officer, member, or other person being or representing himself to be a member of a trade union registered under this Act, or the nominee, executor, administrator, or assignee of a member thereof, or any person whatsoever, by false representation or imposition obtain possession of any moneys, securities, books, papers, or other effects of such trade union, or, having the same in his possession, wilfully withhold or fraudulently misapply the same, or wilfully apply any part of the same to purposes other than those expressed or directed in the rules of such trade union, or any part thereof, he shall, upon a complaint made by any person on behalf of such trade union, or by the Registrar, be liable on summary conviction to a penalty not exceeding fifty pounds and costs, and to be ordered to deliver up all such property, or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding six months; but nothing herein contained prevents any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

Punishment for withholding money.

REGISTRY OF TRADE UNIONS.

16. The Registrar of Friendly Societies shall be the Registrar under this Act.

Registrar of trade unions.

The Registrar shall make an annual report to the Governor with respect to the matters transacted by him in pursuance of this Act, and the Governor shall cause copies of such report to be laid before both Houses of the General Assembly within one month from the commencement of the next sitting thereof, unless it be then in session: then such copies shall be laid forthwith before the said Assembly.

Annual report to Governor.

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

Regulations for registry.

- (1.) An application to register the trade union and printed copies of the rules, together with a list of the titles and names of the officers, shall be sent to the Registrar.
- (2.) The Registrar, upon being satisfied that the trade union has complied with the regulations respecting registry in

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force under this Act, shall register such trade union and such rules.

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

Rules of registered trade unions.

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

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

Registered office of trade unions.

19. Every trade union registered under this Act shall have a registered office to which all communications and notices may be addressed; if any trade union under this Act is in operation for seven days without having such an office, such trade union and every officer thereof shall each incur a penalty not exceeding five pounds for every day during which it is so in operation.

Notice of the situation of such registered office, and of any change therein, shall be given to the Registrar and recorded by him: until such notice is given the trade union shall not be deemed to have complied with the provisions of this Act.

Withdrawal or cancelling of certificate.

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

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

Not less than two months' previous notice in writing, specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid, in which case it shall be the duty of the Registrar to cancel the same forthwith), shall be given by the Registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or can-

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celling, absolutely cease to enjoy as such the privileges of a registered trade union, but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancelling had not taken place.

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

Membership of unions.

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

Nominees of deceased members may receive under £50.

23. A trade union may, with the approval in writing of the Registrar, change its name by the consent of not less than two-thirds of the total number of members.

Change of name.

No change of name shall affect any right or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

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

Amalgamation.

25. Notice in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade union changing its name, and accompanied by a declaration by such secretary that the provisions of this Act in respect of changes of names have been complied with, and in the case of an amalgamation signed by the seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with, shall be sent to the Registry Office established by "The Friendly Societies Act, 1877," and registered there, and until such change of name or amalgamation is so registered the same shall not take effect.

Registration of changes and amalgamations.

26. The rules of every trade union shall provide for the manner of dissolving the same, and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same shall be sent within fourteen days thereafter to the Registry Office hereinbefore mentioned.

Dissolution.

27. A trade union which fails to give any notice or send any document which it is required by this Act to give or send, and every

Penalty for failure to give notice.

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

Annual returns to be prepared as Registrar may direct.

28. A general statement of the receipts, funds, effects, and expenditure of every trade union registered under this Act shall be transmitted to the Registrar before the first day of June in every year, and shall show fully the assets and liabilities at the date, and the receipts and expenditure during the year preceding the date to which it is made out, of the trade union.

Such statement shall show separately the expenditure in respect of the several objects of the trade union, and shall be prepared and made out up to such date, in such form, and shall comprise such particulars as the Registrar may from time to time require; and every member of and depositor in any such trade union shall be entitled to receive, on application to the treasurer or secretary of that trade union, a copy of such general statement, without making any payment for the same.

Together with such general statement there shall be sent to the Registrar a copy of all alterations of rules and new rules and changes of officers made by the trade union during the year preceding the date up to which the general statement is made out, and a copy of the rules of the trade union as they exist at that date.

Every trade union which fails to comply with or acts in contravention of this section, and also every officer of the trade union so failing, shall each be liable to a penalty not exceeding five pounds for each offence.

Every person who wilfully makes or orders to be made any false entry in or any omission from any such general statement, or in or from the return of such copies of rules or alterations of rules, shall be liable to a penalty not exceeding fifty pounds for each offence.

Circulating false copies of rules, &c., a misdemeanour.

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

MISCELLANEOUS.

Summary proceedings for offences, penalties, &c.

30. With respect to offences and penalties thereon made, the following provisions shall have effect:—

- (1.) All offences and penalties under this Act may be prosecuted and recovered in a summary way, in the manner directed by "The Justices of the Peace Act, 1866," or any Acts amending the same, as respects a prosecution against a trade union or branch, or its officers, in the place where the registered office of the trade union is, or where the offence has been committed, or as respects any prosecution against any person other than a trade union or branch, or

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its officers, in the place where such a person is resident at the time of the institution of such prosecution, or where the offence has been committed.

- (2.) In any information or complaint under this Act it is sufficient to describe the offence in the words of this Act, and no exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived.

31. The Governor may from time to time make regulations respecting registry and procedure under this Act, and the seal and forms to be used for such registry, and the duties and functions of the Registrar, and the inspection of documents kept by the Registrar under this Act, and generally for carrying this Act into effect.

Governor may make regulations, &c.

All such regulations shall be laid before both Houses of the General Assembly within ten days after the approval thereof if the General Assembly is then sitting, or if not then sitting, then within ten days from the then next meeting of the General Assembly.

To be submitted to Assembly.

A copy of such regulations shall, if the Houses be not then sitting, be sent by post to every registered trade union or branch at least one month previous to being laid before both Houses.

32. The Governor may from time to time determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act.

Governor may fix fees, &c.

All fees which may be received by the Registrar under or by virtue of this Act shall be paid into the consolidated revenue of the colony.

33. The expenses of carrying this Act into execution shall be defrayed by the Colonial Treasurer out of money to be appropriated by the General Assembly for the purpose.

Expenses of Act.

34. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the Registrar, shall be received in evidence without further proof; and every document purporting to be signed by the Registrar shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

Proof of instruments, &c.

SCHEDULE.

Schedule.

OF MATTERS TO BE PROVIDED FOR BY THE RULES OF TRADE UNIONS REGISTERED UNDER THIS ACT.

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

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