

6 GEO. V. No. 31, 1915. *Trade Union Act.*

**An Act to Amend the Law relating to Trade Unions and "The Criminal Code" in certain particulars.**

6 Geo. V.  
No. 31.  
THE TRADE  
UNION ACT  
OF 1915.

[ASSENTED TO 29TH DECEMBER, 1915.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Trade Union Act of 1915.*" Short title.

2. This Act is divided into Parts as follows:—

Parts of Act.

PART I.—TRADE UNIONS;

PART II.—AMENDMENTS OF "THE CRIMINAL CODE."

3. "*The Trade Unions Act, 1886,*"\* is repealed.

Repeal of  
50 Vic. No.  
29.

All records and other documents relating to the said repealed Act, and filed or recorded in the office of the registrar under that Act, shall be handed over to the registrar under this Act, and be by him filed or recorded.

PART I.—TRADE UNIONS.

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4. In this Part, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

Interpreta-  
tion.  
Ib. s. 2.

"Certifying barrister"—The Attorney-General or such other barrister as the Governor in Council may appoint to be certifying barrister for the purposes of this Act; Certifying barrister.

"Industrial dispute"—An industrial dispute as defined by "*The Industrial Peace Act of 1912*"†; Industrial dispute.

"Minister"—The Minister of the Crown charged for the time being with the administration of this Act; Minister.

\* 50 Vic. No. 29, *supra*, page 1332.

† 3 Geo. V. No. 19, *supra*, page 5467.

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Political  
objects.  
2 & 3 Geo. 5  
c. 30, s. 3.

- “Political objects”—The expenditure of money—
- (a) On the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office before, during, or after the election in connection with his candidature or election; or
  - (b) On the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
  - (c) In connection with the registration of electors or the selection of a candidate for Parliament or any public office; or
  - (d) On the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind;

Public office.  
Ib. s. 3.

“Public office”—The office of member of any Local Authority or of any local public body which has power to raise money, either directly or indirectly, by means of a rate;

Registered.  
Registrar.

“Registered”—Registered under this Act;

“Registrar”—The Director of Labour appointed under “*The Labour Exchanges Act of 1915*”<sup>\*</sup> or other officer appointed by the Governor in Council to be registrar for the purposes of this Act;

Statutory  
objects.  
Ib. s. 1.

“Statutory objects”—The regulation of the relations between workmen and employers, or between workmen and workmen, or between employers and employers; the imposing of restrictive conditions on the conduct of any trade, calling, business, or industry; the promotion of the general and material welfare of members of trade unions, and the enforcement and defence of their rights and privileges; the assistance by federation or otherwise of kindred organisations having the like objects; also the establishment and maintenance of newspapers or political objects as herein defined if combined with all or any of the aforesaid objects; and also the provision of benefits to members of trade unions;

<sup>\*</sup> 6 Geo. V. No. 6, *supra*, page 6851.

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“Trade Union”—Any combination, whether temporary or permanent, the principal objects of which are under its constitution statutory objects.

Trade Union.  
2 & 3 Geo. 5  
c. 30, s. 2.

5. Except as hereinafter provided, “*The Companies Acts, 1863 to 1913*,”\* and “*The Friendly Societies Act of 1913*,”† and any Acts amending the same respectively, shall not apply to any Trade Union.

Companies  
Acts and  
Friendly  
Societies Act  
not to apply.  
34 & 35 Vict.  
c. 31, s. 5.  
39 & 40 Vict.  
c. 22, s. 2.

The registration of any Trade Union under any of the said Acts, whether before or after the passing of this Act, shall be void.

But 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 rule twenty-eight of the Second Schedule of “*The Friendly Societies Act of 1913*.”†

6. The Governor in Council may from time to time appoint a registrar and such other officers as may be necessary for the administration of this Act, and appoint a barrister of the Supreme Court of Queensland to be the certifying barrister for the purposes of this Act.

Registrar,  
certifying  
barrister, &c.

7. (1.) Any seven or more members of a Trade Union may, upon subscribing their names to the rules of the union, and otherwise complying with this Act with respect to registration, register such union under this Act.

Registration  
of Trade  
Unions.  
34 & 35 Vict.  
c. 31, s. 6.  
2 & 3 Geo. 5  
c. 30, s. 2.

(2.) An application to register a 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 accompanied by a fee of two guineas to be paid to the certifying barrister for his own use.

(3.) Where a Trade Union applying to be registered has been in operation for more than a year before the date of the application, there shall also be delivered to the registrar before the registration thereof a general statement of the receipts, funds, effects, and expenditure of such 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.

(4.) The registrar shall not register any combination as a Trade Union unless in his opinion, having

\* 27 Vic. No. 4 and amending Acts, pages 186 *et seq.* and 5829.

† 4 Geo. V. No. 13, *supra*, page 5991.

regard to the constitution of the combination, the principal objects of the combination are statutory objects.

(5.) No Trade Union shall be registered under a name identical with that by 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.

(6.) The registrar shall submit such rules for the approval of the certifying barrister, who, upon being satisfied that the union has complied with the provisions of this Act with respect to registration, and that such rules are in conformity with this Act, and that the purposes of the union are lawful, shall issue a certificate to that effect; and the registrar shall thereupon register such union and such rules.

(7.) The registrar, upon registering a Trade Union, shall issue a certificate of registration, which certificate, so long as it is in force, shall be conclusive evidence that the provisions of this Act with respect to registration have been complied with, and of the validity of the registration.

(8.) No amendments of any of the rules of a registered Trade Union shall be valid until the same have been in like manner submitted to and certified by the certifying barrister and registered by the registrar. Every application for the registration of any amendment of such rules shall be accompanied by a fee of one guinea, which shall be paid to the certifying barrister for his own use.

(9.) Every existing Trade Union heretofore registered under the Act hereby repealed shall be deemed to be also registered for the purposes of this Act, and shall be subject in all respects to this Act, unless the certifying barrister, within six months after the passing of this Act, by notice in writing to the Trade Union, disapproves of any of the rules of such union or requires such union to be re-registered, in either of which cases the registration of the union shall become void.

Rules of  
registered  
Trade Unions.  
34 & 35 Vict.  
c. 31, s. 14.  
Sched. 1.

8. (1.) The rules of every registered Trade Union shall contain provisions in respect of the several matters mentioned in the First Schedule to this Act.

(2.) A copy of the rules shall be delivered by the union to every person on demand, on payment of a sum not exceeding one shilling.

Registered  
office of Trade  
Union.  
34 & 35 Vict.  
c. 31, s. 15.

9. (1.) Every registered Trade Union shall have a registered office to which all communications and notices may be addressed.

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(2.) If any registered Trade Union is in operation for seven days without having such an office, such union and every officer thereof shall each be liable to a penalty not exceeding five pounds for every day during which it is so in operation.

(3.) Notice of the situation of such registered office, and of any change therein, shall be given to the registrar and recorded by him; and until such notice is given the union shall not be deemed to have complied with this Act.

10. (1.) No certificate of registration of a Trade Union shall be withdrawn or cancelled except by the registrar, and in the following cases:—

Cancellation  
or withdrawal  
of certificate.  
39 & 40 Vict.  
c. 22, s. 8.  
2 & 3 Geo. 5.  
c. 30, s. 2.

- (i.) At the request of the union, to be evidenced in such manner as the registrar may from time to time direct; or
- (ii.) On proof to the satisfaction of the registrar that—
  - (a) The certificate of registration has been obtained by fraud or mistake; or
  - (b) The registration of the union has become void under the provisions hereinbefore contained; or
  - (c) The constitution of the union has been altered in such a manner that the principal objects of the union are no longer statutory objects; or
  - (d) The principal objects for which the union is actually carried on are not statutory objects; or
  - (e) The union has wilfully and after notice from the registrar violated any of the provisions of this Act; or
  - (f) The union has ceased to exist.

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

(3.) A Trade Union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancellation, absolutely cease to enjoy

the privileges of a registered Trade Union, but without prejudice to any liability actually incurred by such union, which may be enforced against it as if such withdrawal or cancellation had not taken place.

Certificate  
that  
combination  
is a Trade  
Union.  
2 & 3 Geo. 5  
c. 30, s. 2.

**11.** Any unregistered Trade Union may, if it thinks fit, at any time without registering the union, apply to the registrar for a certificate that the union is a Trade Union within the meaning of this Act, and the registrar, if satisfied, having regard to the constitution of the union and the mode in which the union is being carried on, that the principal objects of the union are statutory objects, and that the union is actually carried on for those objects, shall grant such certificate, but the registrar may, on an application made by any person to him for the purpose, withdraw any such certificate if satisfied, after giving the union an opportunity of being heard, that the certificate is no longer justified.

A certificate of the registrar that a Trade Union is a Trade Union within the meaning of this Act shall, so long as it is in force, be conclusive for all purposes.

Appeal.  
Ib. s. 1.

**12.** If the registrar refuses to register a combination as a Trade Union, or any rules, or refuses to give a certificate that an unregistered Trade Union is a Trade Union within the meaning of this Act, or withdraws or cancels a certificate of registration of a Trade Union, or a certificate that an unregistered Trade Union is a Trade Union within the meaning of this Act, or the certifying barrister refuses to issue a certificate under this Act, or gives notice of his disapproval of any of the rules of an existing registered Trade Union, or requires it to be re-registered, the combination, union, or any person aggrieved may appeal to the Industrial Court established under "*The Industrial Peace Act of 1912.*"\* Rules of Court may be made under that Act as to the time and form of appeals, and the hearing thereof, and otherwise in relation thereto.

Objects other  
than statutory  
objects.  
Ib

**13.** The fact that a combination has under its constitution objects or powers other than statutory objects shall not prevent the combination being a Trade Union for the purposes of this Act so long as the combination is a Trade Union as defined by this Act, and shall have power to apply the funds of the union for any lawful objects or purposes for the time being authorised under its constitution.

\* 3 Geo. V. No. 19, *supra*, page 5467.

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**14.** A Trade Union may, with the approval in writing of the Registrar and the consent of the members obtained in accordance with its rules, change its name.

Change of name.  
34 & 35 Vict.  
c. 31, s. 11.

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

**15.** Any two or more Trade Unions may, with the consent of the members of each such union obtained in accordance with the rules of each such union respectively, become amalgamated as one Trade Union, with or without any dissolution or division of the funds of such unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

Amalgamation.  
Ib. ss. 12, 13.

**16.** Notice in writing of every change of name or amalgamation—

Registration of changes of names and amalgamations.  
Ib. s. 13.

(a) In the case of a change of name, signed by seven members and countersigned by the secretary of the Trade Union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this Act with respect to changes of name have been complied with; and

(b) In the case of an amalgamation, signed by seven members and countersigned by the secretary of each and every Trade Union party thereto, and accompanied by a statutory declaration by each and every such secretary that the provisions of this Act with respect to amalgamations have been complied with;

shall be sent to the registrar, and registered by him.

Until such change of name or amalgamation is so registered, the same shall not take effect.

**17.** A person under the age of twenty-one but above the age of sixteen may—

Membership of minors.  
Ib. s. 9.

(a) Be a member of a Trade Union, unless provision is made in the rules thereof to the contrary, and

(b) Subject to the rules of the union, enjoy all the rights of a member except as herein provided, and

(c) 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 union.

Nomination.  
34 & 35 Vict.  
c. 31, s. 10.

**18.** 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 union, nominate any person not being an officer or servant of the union (unless such officer or servant of the union is the husband, wife, father, mother, child, brother, sister, 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.

On receiving satisfactory proof of the death of a nominator the union shall pay to the nominee the amount due to the deceased member, not exceeding the sum aforesaid.

Application  
of funds  
generally.

**19.** Any Trade Union shall have power to apply its funds for any lawful objects or purposes for the time being authorised under its constitution.

Buildings for  
Trade Unions  
may be  
purchased or  
leased.  
Ib. s. 7.

**20.** (1.) A registered Trade Union may purchase or take upon lease in the names of the trustees for the time being of such union any land, and may 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.

(2.) For the purpose of this section every branch of a Trade Union shall be considered a distinct union.

Property of  
the Trade  
Unions vested  
in trustees.  
Ib. s. 8.

**21.** (1.) All real and personal property whatsoever belonging to a registered Trade Union shall be vested in and be under the control of the trustees for the time being of the union for the use and benefit of the union and the members thereof.

The real or personal property of any branch of a Trade Union shall be vested in and be under the control of the trustees of such branch, unless the rules of the union provide that it shall be vested in and be under the control of the trustees of the union, in which case it



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shall be vested in and be under the control of such last-mentioned trustees accordingly.

(2.) Upon the death or removal of any trustee the same shall vest in the continuing or 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.

In all actions or proceedings, whether civil or criminal, before any court 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 union, without any further description.

**22.** Every secretary or other officer of a registered Trade Union shall, at such times as are prescribed by its rules, render to the trustees, and shall, at such other times as may be required by a resolution of the members, render to such members, at a meeting of the 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 the union.

Secretaries,  
&c., to  
account.  
34 & 35 Vict.  
c. 31, s. 11.

The trustees shall cause such account to be audited by such auditor or auditors as the union may in accordance with its rules appoint, or if no such appointment is made, or if the registrar is dissatisfied with the manner in which any audit is made, or with the general statement hereinafter mentioned, then by such auditor or auditors as he may appoint, and the cost of such audit shall be borne by the union.

Such secretary or other officer shall, if thereunto required, upon the said account being audited, forthwith hand over to the 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 union in his hands or custody.

If he fails to do so, the trustees may sue him in any court of competent jurisdiction for the balance appearing to be due from him upon the account last rendered by him, and for all the moneys since received by him on account of the 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 union;

and in such action the trustees shall be entitled to recover their full costs of suit, to be taxed as between solicitor and client.

Duties of  
officers, &c.  
58 Vic. No. 17,  
s. 14 (1) (d).

**23.** Every officer of a registered Trade Union shall from time to time furnish to the registrar such information with respect to the funds and accounts of the union as he may require, and, if the registrar has cause to believe that the books or accounts of such union are improperly kept, shall from time to time comply with the requirements of the registrar in relation to the books and forms of account kept or to be kept, and the entries made or to be made therein, and the manner in which such entries are made or are to be made therein.

The registrar may at any time require the production to him or to an auditor or auditors appointed by him of any books of the union.

Any such officer who acts in contravention of this section shall be liable, on complaint of the registrar or any person authorised by him in that behalf, to a penalty not exceeding fifty pounds.

Annual  
statement to  
be prepared as  
registrar may  
direct.  
34 & 35 Vict.  
c. 31, s. 16.

**24.** A general statement of the receipts, funds, effects, and expenditure of every registered Trade Union shall be transmitted to the registrar before the first day of February 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; and shall show separately the receipts and expenditure in respect of the several funds of the union, and shall be prepared and made out up to the thirty-first day of December next preceding, and in such form and comprising such particulars as the registrar may from time to time require.

Every member of and depositor in the union shall be entitled to receive, on application to the treasurer or secretary of the 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 union during the preceding year, and a copy of the rules of the union as they exist at the date up to which the general statement is made out.

Every Trade Union which fails to comply with or acts in contravention of this section, and also every officer of

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the 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 alteration of rules, shall be liable to a penalty not exceeding fifty pounds.

**25.** If any officer, member, or other person being or representing himself to be a member of a registered Trade Union, or the nominee, executor, administrator, or assignee of a member thereof, or any other person whatsoever, by false representation or imposition obtains possession of any moneys, securities, books, papers, or other effects of such union, or, having the same in his possession, wilfully withholds or fraudulently misapplies the same, or wilfully applies any part of the same to purposes other than those expressed or directed in the rules of such union, any police magistrate, upon a complaint made by any person on behalf of such union, may order such officer, member, or other person to deliver up all such money, securities, books, papers, or other effects to the union, or to repay the amount of money applied improperly, and to pay, if the court thinks fit, a further sum of money not exceeding twenty pounds, together with costs not exceeding forty shillings.

Punishment  
for  
withholding  
money, &c.  
34 & 55 Vict.  
c. 31, s. 12.

In default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, the police magistrate may order the person so convicted to be imprisoned, with or without hard labour, for any time not exceeding three months:

Provided that nothing herein contained shall prevent the person guilty of such offence from being proceeded against by information; but no person shall be proceeded against by information if he has been previously convicted of the same offence under this Act.

**26.** If a Trade Union fails to give any notice or send any document which it is required by this Act to give or send, such union and every officer or other person bound by its rules to give or send the same, or if there is no such officer, then every member of the committee of management of the union, unless he is proved to have been ignorant of or to have attempted to prevent the omission to give or send the same, shall be liable to a penalty not exceeding five pounds and not less than one

Penalty for  
failure to give  
notice.  
39 & 40 Vict.  
c. 22, s. 15.

pound, recoverable upon complaint 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.

How union  
may be  
dissolved.  
59 & 60 Vict.  
c. 25, ss. 78,  
79.

27. (1.) A Trade Union may be dissolved—

- (a) Upon the happening of any event declared by the rules to be the termination of the union ;  
or
- (b) By the consent of three-fourths of the members, testified by their signatures to the instrument of dissolution.

(2.) The instrument of dissolution shall set forth—

- (a) The liabilities and assets in detail ;
- (b) The number of members and the nature of their respective interests ;
- (c) The claims of creditors (if any) and the provision to be made for their payment ;
- (d) The intended appropriation or division of the funds and property.

Alterations in the instrument of dissolution may be made with the like consents as hereinbefore provided, testified in the same manner.

Statutory  
declaration.

(3.) A statutory declaration shall be made by one of the trustees or by three members and the secretary that this Act has been complied with, and shall be sent to the registrar with the instrument of dissolution.

Any person who makes a false or fraudulent declaration in the matter shall be liable to a penalty not exceeding fifty pounds.

Registry of  
instrument.

(4.) The instrument of dissolution and all alterations therein shall be registered in manner provided by this Act for the registry of rules, and shall be binding upon all the members.

Notice of  
dissolution.

(5.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the union in the *Gazette* and in some newspaper generally circulating in the district where the principal office of the union is situated.

Effect of  
dissolution.

(6.) Unless within three months from the date of the *Gazette* in which such advertisement appears a member or other person interested in or having any claim on the funds commences proceedings to set aside the dissolution, and such dissolution is set aside accordingly, the union shall be legally dissolved from the date of such advertise-

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ment, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

(7.) If any member of a dissolved union, or person Appeal. claiming any other benefit from the funds thereof, is dissatisfied with the provisions made for satisfying his claim, such member or other person may, by a plaint, apply to the District Court of the district within which the principal office of the union is situated for relief or other order.

Such Court shall have jurisdiction to hear and determine the matter, and for that purpose the plaint shall be deemed to be the commencement of an action in such Court.

**28.** (1). An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of an industrial dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable. Restriction of civil remedies against individuals. 6 Edw. 7 c. 47, ss. 1, 3.

(2.) An act done by a person in contemplation or furtherance of an industrial dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills. Removal of liability for interfering with another person's business, &c.

**29.** (1.) The trustees of a registered Trade Union, or any other officer of such union who may be authorised so to do by the rules thereof, is hereby empowered to bring or defend, or cause to be brought or defended, any action, prosecution, or complaint in any court, touching or concerning any property, or any right or claim to property, of the union; and shall and may, in all cases concerning any property of the union, sue and be sued in any court of justice, in their proper names, without other description than the title of their office. Actions, &c., by or against trustees, &c. 34 & 35 Vict. c. 31, ss. 9, 10.

No such action, 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 successors shall pay or receive the like costs as if the action, prosecution, or complaint had been commenced in their names on behalf of the union.

Any summons or other process issued against any such trustee or other officer may be served by leaving the same at the registered office of the union.

Limitation of  
responsibility  
of trustees.

(2.) A trustee of a registered Trade Union shall not be liable to make good any deficiency which may arise or happen in the funds of such union, but shall be liable only for the moneys which are actually received by him on account of such union.

Prohibition of  
actions of tort  
against trade  
unions.  
6 Edw. 7,  
c. 47, s. 4.

**30.** (1.) An action against a trade union, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any Court.

34 & 35 Vict.  
c. 31, s. 9.

(2.) Nothing in this section shall affect the liability of the trustees of a trade union to be sued in the events provided for in the last preceding section hereof, except in respect of any tortious act committed by or on behalf of the union in contemplation or in furtherance of an industrial dispute.

Trade Union  
not criminal  
nor unlawful.  
39 & 40 Vict.  
c. 22, ss. 3, 4.

**31.** The purposes of any Trade Union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful—

- (a) So as to render any member of such Trade Union liable to a criminal prosecution for conspiracy or otherwise; or
- (b) So as to render void or voidable any agreement or trust.

Trade Union  
contracts,  
when not  
enforceable.  
50 Vic. No. 29,  
s. 26.

**32.** Nothing in this Act shall enable any court to entertain any legal proceeding instituted with the object of 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 union shall or shall not sell their goods, transact business, employ or be employed;
- (2) 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 union, in consideration of such employer or workman acting in conformity with the rules of such union; or

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- (c) To discharge any fine imposed upon any person by sentence of a court of justice; or,
- (3) Any agreement made between one Trade Union and another; or
- (4) 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.

**33.** Nothing in this Act shall 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, calling, or handicraft.

Exception.  
34 & 35 Vict.  
c. 31, s. 23.

**34.** (1.) All offences against this Act may be prosecuted in a summary way under "*The Justices Acts, 1886 to 1909.*"\*

Summary  
proceedings  
for offences,  
penalties, &c.  
*Ib.* s. 21.

(2.) A person who is an employer, or the father, son, or brother of an employer, in the particular manufacture, trade, or business in or in connection with which any offence under this Act is charged to have been committed, shall not act as a member of a court before which any matter is brought under this Act.

**35.** (1.) The Governor in Council may from time to time make regulations respecting registration of Trade Unions under this Part of this Act, and respecting the seal (if any) to be used for the purposes of such registration, and the forms to be used for such registration, and the inspection of documents kept by the registrar under this Act, and respecting the fees (if any) to be paid on registration, not exceeding the fees specified in the Second Schedule to this Act, and generally for carrying this Act into effect.

Regulations.

(2.) All such regulations shall be published in the *Gazette*, and thereupon shall be of the same effect as if they were contained in this Act.

Such regulations shall be laid before both Houses of Parliament within fourteen days after such publication, if

\* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

Parliament is in session, and, if not, then within fourteen days after the commencement of the next session.

(3.) If either House of Parliament passes a resolution disallowing any such regulation, of which resolution notice has been given at any time within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime.

## PART II.—AMENDMENTS OF "THE CRIMINAL CODE."

**36.** In section five hundred and thirty-four of "*The Criminal Code*,"\* the paragraph beginning with the word "Attending" and ending with the word "section" is repealed, and the following paragraphs are inserted in lieu thereof:—

It is lawful for one or more person or persons acting in contemplation of or during the continuance of any industrial dispute to attend peaceably and in a reasonable manner at or near a house or place where a person resides or works or carries on business, or happens to be, if he or they so attend merely for the purpose of obtaining or communicating information, and such attending is not deemed a besetting within the meaning of this section.

Notification or warning of an intention to lock out or strike, or of an intention on the part of any workman or workmen to refuse to enter into or continue in the employment of any employer, is not deemed a threat or intimidation or molestation or obstruction within the meaning of this section.

The following definition is added to the said section:—

For the purposes of this section—

"Industrial dispute" has the same meaning as in "*The Industrial Peace Act of 1912.*"†

**37.** After section five hundred and forty-three of "*The Criminal Code*,"\* the following section is inserted under the following breviate:—

*Industrial Disputes.*

[543A.] Notwithstanding anything contained in section five hundred and thirty-four or the last preceding

\* 63 Vic. No. 9, Sch. I., *supra*, page 344.† 3 Geo. V. No. 19, *supra*, page 5467.



1915.

*Trade Union Act.*

PART II.—  
AMENDMENTS  
OF “THE  
CRIMINAL  
CODE.”

section, no act done or omission made by any two or more persons in contemplation or furtherance of any industrial dispute, and no agreement or combination by any two or more persons to do any act or make any omission or to procure any act to be done or omission to be made in contemplation or furtherance of any industrial dispute, shall render any of such persons guilty of any offence if such act or omission when done or made by an individual person would not have rendered such person guilty of an offence. For the purposes of this section, the expression “industrial dispute” has the same meaning as in “*The Industrial Peace Act of 1912.*”\*

SCHEDULES.

FIRST SCHEDULE.

*Matters to be provided for by the Rules of Registered Trade Unions.*

34 & 35 Vict.  
c. 31.  
1st Schedule.

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 are to 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.  
The keeping separate accounts of all moneys received or paid on account of every particular fund, and the keeping separate accounts of the expenses of management and of all contributions on account thereof.
3. The manner of making, altering, amending, and rescinding rules.
4. A provision for the appointment and removal of a general committee of management, of a trustee or trustees, a secretary, 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.
7. The appropriation or division of the funds and property upon the dissolution of the Trade Union.

SECOND SCHEDULE.

*Maximum Fees.*

34 & 35 Vict.  
c. 31.  
2nd Schedule.

			£	s.	d.
For registering a Trade Union ...	...	...	1	0	0
For registering alterations in rules ...	...	...	0	10	0
For inspection of documents ...	...	...	0	2	6

\* 3 Geo V. No. 19, *supra*, page 5467.