No. 1235.

An Act to make further provision for dealing with Industrial Matters and Disputes.

[Assented to, December 23rd, 1915.]

Be it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited alone as the "Industrial Arbitration Act Amendment Act, 1915."

(2) The Industrial Arbitration Act, 1912 (hereinafter referred to as "the principal Act"), and this Act may be cited together as the "Industrial Arbitration Acts, 1912 and 1915."

2. This Act is incorporated with the principal Act, and that Act and this Act shall be read as one Act.

3. In this Act—

"Registered association" means an association registered under this Act;

"This Act," except where the context shows that a different construction is intended, includes the principal Act and Rules of Court and Regulations, as well as this Act.

4. (1) Subject
4. (1) Subject to the provisions of this Act, any of the following associations may, on compliance with the prescribed conditions, be registered under this Act, namely:—

Any association of not less than twenty employés in or in connection with any industry.

(2) The conditions to be complied with by associations applying for registration shall, until otherwise prescribed, be as prescribed by the Schedule to this Act.

(3) The Governor may, by regulation, prescribe model rules for associations dealing with the matters mentioned in the said Schedule, or with any of such matters. The adoption of any such model rules by an association shall be sufficient compliance with such of the conditions prescribed by the said Schedule as are dealt with by the adopted rules.

5. Any association applying to be registered under this Act may, on application to the Court, obtain power to adopt, and may thereupon adopt, any rules to enable it to comply with the prescribed conditions as part of its rules; and any rules adopted in pursuance of this section shall, notwithstanding anything in the constitution or rules of the association, be binding on the association and the members thereof.

6. (1) Upon receipt of an application by any association to be registered under this Act, the Registrar shall, by notice in writing,—

(a) inform all registered associations of the fact of such application, and

(b) fix a day, not being earlier than thirty days after the receipt of such application, for the consideration by the Registrar of any objections (made in the prescribed manner), on the ground that the association is not qualified to be registered or on the ground mentioned in section 7, to the granting of such application.

(2) The decision of the Registrar in respect of any such objection shall be subject to appeal to the Court in the prescribed manner and time, and on such appeal the Court, after making full inquiry, shall direct whether the association shall be registered or not.

7. In order to prevent the needless multiplication of registered associations connected with the same industry in the same locality, the following provisions shall apply:—

(a) The Registrar shall, notwithstanding that no objection has been made by any registered association, refuse an application to register an association where, in the same locality and connected with the same industry, there exists a registered association to which, in his opinion, the members of the association applying for registration (hereafter in this section referred to as “the applicant association”) might conveniently belong.

(b) If
(b) If the applicant association is dissatisfied with the Registrar's refusal to register, or if any registered association is dissatisfied with the Registrar's registration of the applicant association on the ground that such registration should have been refused in accordance with paragraph (a) hereof, the applicant association or such registered association may, in the prescribed manner and time, appeal against the Registrar's decision to the Court, unless the matter has already been decided on appeal under section 6; whereupon the Court, after making full inquiry, shall direct whether the applicant association shall be registered or not, or, if it has been registered, whether it shall continue to be registered or not, and the Registrar shall act accordingly: Provided that on such appeal it shall lie on the applicant association to satisfy the Court that, owing to distance, diversity of interest, or other substantial reason, it will be more convenient for its members to belong to an association separately registered than to join any such existing registered association.

8. (1) Subject to subsection (3) of this section, and to section 7 of this Act, on being satisfied that the association is qualified to be registered under this Act, and that the prescribed conditions have been complied with, the Registrar shall, without fee, register the association, and shall issue a certificate of registration, which shall be conclusive evidence of the fact of such registration and of the validity thereof.

(2) The Registrar shall at the same time register the rules and also the address of the registered office of the association.

(3) The association shall not be registered before the day fixed by the notice by the Registrar under section 6, nor until all objections made in the prescribed manner under that section have been finally dealt with, and the association shall not be registered if, on appeal under that section or under section 7, the Court has directed that it shall not be registered.

9. Every registered association shall, for the purposes of this Act, and as from the date of registration, be a body corporate by the registered name, having perpetual succession and a common seal, and by that name may sue and be sued for the purposes of this Act.

10. Any branch of an association may be treated as a distinct association for the purposes of this Act, and, with the approval of the Registrar, may be separately registered under this Act: Provided that no branch shall be registered as an association unless, in the opinion of the Registrar, it is a bona fide branch of sufficient importance to be registered separately.

11. In
11. In no case shall an association be registered under a name identical with that of any other registered association, or with the name under which any other trade union is for the time being registered under the Trade Union Act, 1876, or so nearly resembling any such name as to be likely to deceive members of any such registered association or trade union or the public.

12. Copies of all additions to or amendments or rescissions of the rules of a registered association, verified by the statutory declaration of the secretary or some other prescribed officer of the association, shall be sent to the Registrar, who shall register the same upon being satisfied that they are not in conflict with this Act. No such addition, amendment, or rescission shall be valid until registered.

13. A printed copy of the rules for the time being of a registered association shall be delivered by the secretary of the association to any person applying therefor, on payment of a sum not exceeding One Shilling.

14. In all proceedings affecting a registered association, the production of what purports to be a copy of the rules of the association, and to be certified under its seal and the hand of the secretary or other prescribed officer thereof as a true copy of such rules, shall be prima facie evidence of the rules of the association and of their validity.

15. (1) In addition to its registered office, a registered association may have a branch office in any other locality in which any of its members reside or exercise their calling.

(2) Upon application by the association, under its seal and the hand of its president or chairman or secretary, specifying the address of the branch office, the Registrar shall register such branch office.

(3) The address of the registered office or of any registered branch office may be changed from time to time in the prescribed manner.

(4) Every such change shall be forthwith notified to the Registrar by the secretary of the association and shall thereupon be registered.

16. Every dispute between a registered association and any of its members shall be decided in a manner directed by the rules of the association.

17. (1) Any subscription payable by any member of a registered association in pursuance of the rules of the association, or any levy so payable for the purpose of providing funeral or sick or accident allowances, may be recovered by the trustees or other officers authorised to sue on behalf of or in the name of the association.

(2) Such
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(2) Such subscription or levy may be recovered summarily in the manner provided by section 64 of the principal Act.

(3) The production of a document, purporting to be under the seal of the registered association, authorising a trustee or other officer thereof therein named to sue on behalf of or in the name of the association, shall be sufficient evidence that such trustee or officer has been duly authorised by the association for that purpose, and shall be *prima facie* evidence that the person producing such document is the person thereby authorised.

18. The Court may, on the application of any registered association, made in the manner prescribed by Rules of Court, order that any member of a registered association shall cease to be a member thereof from a date to be named in the order and either absolutely or for a period named in the order.

19. During the pendency of any industrial dispute or industrial matter before the Court, or of any proceedings for an offence against this Act, in which dispute, matter, or proceedings a registered association is concerned, no resignation of or discharge from membership of such association shall have effect.

20. A registered association may purchase or take on lease in the name of the association or of trustees for the association, any land or buildings; and may sell, mortgage, exchange, or let the same or any part thereof; and no person shall be bound to inquire whether the association or the trustees have authority for the purchase, lease, sale, mortgage, exchange, or letting. The receipt of the said association or the trustees shall be a discharge for all moneys payable in respect of any such transaction.

21. (1) In the month of January in every year there shall be forwarded to the Registrar by every registered association a list of the members and officers (including trustees) of such association, as on the preceding thirty-first day of December; and in the month of July in every year there shall be forwarded to the Registrar by every registered association lists of all persons who have, during the six months ending on the preceding thirtieth day of June, become or ceased to be members or officers of such association: Provided that no association of employees shall return as a member thereof any employé whose subscription is twelve months in arrear.

(2) Each such list shall be verified by the statutory declaration of the president or chairman or secretary of the association.

(3) An association making default in forwarding any such list shall be liable to a penalty not exceeding Two Pounds for every week during which such default continues; and every member of the committee of management of any association who permits such default shall be liable to a penalty not exceeding Five Shillings for every week during which he permits such default. Such penalties shall be recoverable on the information or complaint of the Registrar.

22. (1) The
22. (1) The secretary of every registered association shall, within one month after the completion of the yearly audit of the accounts of the association, deliver to the Registrar a duly audited balance-sheet of the assets and liabilities of the association made up to the date of closing the accounts, and also a duly audited statement of the receipts and expenditure of the association during the year covered by such audit.

(2) If any secretary neglects to furnish such balance-sheet and statement within the time aforesaid, he shall be liable to a penalty not exceeding Ten Pounds, recoverable on the information or complaint of the Registrar.

23. (1) Neither the Registrar, nor any person acting on his behalf, nor any officer of his department, shall, except by direction of the President, divulge to any person, other than an officer of the registered association—

(a) the name of any member of such association;
(b) the number of members of such association; or
(c) the financial position of such association.

(2) Any person contravening any provision of this section shall be liable to a penalty not exceeding Five Pounds, which shall be recoverable on the information or complaint of any officer of the association.

24. Service of any process, notice, or document of any kind on a registered association may be effected by leaving the same at its registered office (not being a branch office), or by posting the same to such registered office in a duly registered letter addressed to the secretary of such association, or in manner ordered under section 75 of the principal Act.

25. Deeds and instruments to be executed by a registered association for the purposes of this Act may be made and executed under the seal of such association and the hands of the president or chairman and secretary thereof, or in such other manner as the rules of such association prescribe.

26. (1) If it appears to the Court, on the application of any registered association, or person interested, or of the Registrar,—

(a) that an association has been registered under this Act erroneously or by mistake; or

(b) that the rules of a registered association have been altered so as no longer to comply with the prescribed conditions, or have not bona fide been observed; or

(c) that the rules of a registered association or their administration do not or does not provide reasonable facilities for the admission of new members, or impose or imposes
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imposes unreasonable conditions upon the continuance of membership, or are or is in anyway tyrannical or oppressive; or

(d) that the proper authorities of a registered association wilfully neglect to levy and collect the subscriptions or levies referred to in section 17 of this Act; or

(e) that the accounts of a registered association have not been audited in pursuance of its rules, or that the accounts of a registered association or of its auditor do not disclose the true financial position of the association; or

(f) that a registered association has wilfully neglected to obey any judgment, award, or order of the Court; or

(g) that the number of the members of a registered association or of the employés of the members of a registered association (according to the nature of the case), at the time of the application, would not, having regard to section 4 of this Act, entitle the association to registration; or

(h) that a majority in number of the members of a registered association has, by ballot taken as prescribed, indicated a desire to have the registration of such association cancelled; or

(i) that for any other reason the registration of an association ought to be cancelled,

the Court shall order the registration of the association to be cancelled, and thereupon it shall cease to be registered under this Act.

(2) The cancellation of the registration of an association shall, as from the making thereof, dissolve the incorporation of the association, in so far as this Act and the principal Act are concerned, but shall not relieve the association, or any member thereof, from the obligation to comply with any judgment, award, or order of the Court made before the cancellation, or from any penalty, liability, or obligation incurred or created prior to the cancellation.

(3) On making an order for cancellation, the Court may direct that the order shall be suspended for a specified period and that if a requisition stated in the direction be complied with by the association, to the satisfaction of the Court, within that period, then the order shall be annulled, but that if such requisition is not so complied with, then the order shall have effect from the making thereof; and every such direction shall have effect according to the tenor thereof.

27. (1) Whenever two or more registered associations connected with the same industry amalgamate so as to form one association, and such association becomes registered under this Act as one new association, the Registrar shall cancel the registration of the associations
associations so amalgamated and shall place upon the certificate of registration of such new association a memorandum of the names of the associations whose registration is so cancelled.

(2) Where there is more than one award in force relating to that industry within the same locality, the Court, on the application of any party to any such award, may by order adjust the terms of such awards, and such order shall have effect as if it were a new award.

(3) Until such order is made neither the amalgamation nor the registration of the new association shall have effect.

28. A certificate of the Registrar that any specified person was at any specified time a member of any specified registered association shall, subject to review by the President, be conclusive evidence that the facts were as stated.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

H. L. GALWAY, Governor.
THE SCHEDULE.

Conditions to be Complied with by Associations Applying for Registration under this Act.

1. The affairs of the association shall be regulated by rules specifying the purposes for which it is formed, and providing for the following matters in relation to the association:

(a) A committee of management and officers;
(b) The powers and duties of the committee and of officers;
(c) The removal of members of the committee and of officers;
(d) The control of the committee by the members, either as a whole, or in district meetings, or by a general governing body, or otherwise;
(e) The times when and terms on which persons shall become or cease to be members;
(f) The control of the property and the investment of the funds of the association and the periodical audit of the accounts of the association; such audit to be made at least once a year;
(g) The conditions under which funds may be disbursed for ordinary expenses and extraordinary purposes;
(h) The keeping of a register of the members;
(i) The registered office; and
(j) The repeal and alteration of and additions to the rules.

11. The rules may also provide for any other matters not contrary to law.

111. An application for registration of an association must be made in the prescribed form to the Registrar, and shall be signed by two or more officers of the association.

IV. Every application for registration shall be in duplicate, and shall be accompanied by—

(a) Two copies of a list of the members and officers of the association, so far as known to those signing the application;
(b) Two copies of the rules of the association; and
(c) Two copies of a resolution, passed in accordance with the rules by a majority of the members present at a general meeting of the association, in favor of registration of the association; or
(d) Two copies of a resolution, passed by an absolute majority of the committee of management, in favor of registration of the association.
LICENSING ACTS FURTHER AMENDMENT ACT (No. 2), 1915.

(No. 1236 of 1915).

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