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GOVERNMENT OF THE SOVEREIGN DEMOCRATIC REPUBLIC OF FIJI DECREE NO. 42

INDUSTRIAL ASSOCIATIONS ACT (AMENDMENT) DECREE 1991

A DECREE TO AMEND THE INDUSTRIAL ASSOCIATIONS ACT

IN exercise of the powers vested in me and pursuant to section 5 of the Constitution of the Sovereign Democratic Republic of Fiji (Promulgation) Decree, 1990 and as amended by section 2 of the Constitution of the Sovereign Democratic Republic of Fiji (Promulgation) Decree 1990 (Amendment No. 1) Decree, 1990, I as the person appointed to perform the functions of the office of the President of the Republic of Fiji and acting in accordance with the advice of the Prime Minister and the Cabinet, hereby make the following Decree:

Short title

1. This Decree may be cited as the Industrial Associations Act (Amendment) Decree, 1991.

Interpretation

2. In this Decree the Industrial Associations Act is referred to as "the principal Act".

Section 2 of the principal Act amended

3. Section 2 of the principal Act is amended by:
 - (a) repealing the definition of "association" and substituting the following definition:

"association" means any number of employers or employees or other persons in any particular industry associated together primarily for the purpose of promoting their profession interse with other persons or association and for protecting and furthering their professional interests and those of their associations:

Provided that an association registered under this Act shall not be engaged in any trade dispute or matters connected with the regulations of relations between employees and employees or between employees and employers or between employers and employers;"

- (b) inserting the expression "execuave committee" immediately below the meaning of the expression "employer" but before the expression "industrial association" to mean—"the body to which the management of the affairs of an association is entrusted by the members and include any person for the time being carrying out the functions of a president, Secretary or treasurer of an Association;" and
- (c) deleting the expression "industrial dispute" and the meaning ascribed to it; and
- (d) inserting the expression "officer" immediately below the meaning of the expression "industry" but before the expression "Registrar" to mean—

"when used in reference to an association includes any member of its executive committee and any officer of a branch of that association but does not include an Auditor;"

New Section 5A

4. The principal Act is amended by the addition of a new Section 5A immediately after Section 5 but before Section 6, as follows—

"Officers of the association"

- 5A (1) (a) All the officers of every association shall subject to paragraph (b) of this subsection be persons who have been and still are engaged or occupied for a period of not less than one year in an industry, trade or occupation with which the industry is directly concerned, and no officer of any such association shall be an officer of any other association or trade union.

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- (b) The offices of secretary and treasurer may be filled by persons not actually engaged or employed in an industry, trade or occupation with which the association is directly concerned provided that the office of treasurer may be filled by such a person at the Registrar's discretion and for the avoidance of doubt a secretary or treasurer of an association shall not be an officer of any other association or trade union.
 - (2) No person shall hold the post of secretary or treasurer of a registered association who, in the Registrar's opinion, has not acquired a sufficiently high standard of literacy so as to enable him to perform his duties effectively.
 - (3) No person who has been convicted of any crime involving fraud, dishonesty, or extortion shall be an officer of a registered association during the period of five years immediately following the date of such conviction.
 - (4) Any person who contravenes the provisions of this Section shall be guilty of an offence and shall be liable to a fine not exceeding two thousand dollars or to imprisonment for a period not exceeding twelve months."

Section 29 of the principal Act amended

5. Section 29 of the principal Act is amended by:
- (a) deleting the words "fifty dollars" in paragraph (a) of subsection (1) and substituting the words "one thousand dollars";
 - (b) deleting the words "one hundred dollars" in paragraph (b) of subsection (1) and substituting the words "two thousand dollars";
 - (c) deleting the words "ten dollars" in paragraph (c) of subsection (1) and substituting the words "one hundred dollars";
 - (d) deleting the words "fifty dollars" in line two of subsection (2) and substituting the words "one thousand dollars";
 - (e) deleting the words "four dollars" in line two of subsection (2) and substituting the words "one hundred dollars".

Commencement

6. This Decree shall come into force on the 1st day of November, 1991.

Made the 31st day of October, 1991.

INOKE TAKIVEIKATA
Person appointed to perform the functions
of the office of the President