

Unvalidated References:
Industrial Organizations Act 1962

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 January 2003.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 173.

Industrial Organizations Regulation 1963

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Industrial Organizations Regulation 1963

MADE under the *Industrial Organizations Act 1962*.

Dated 200 .

PART I. – REGISTRATION.

1. REGISTER OF INDUSTRIAL ORGANIZATIONS.

The Register shall be in Form 1.

2. APPLICATION FOR REGISTRATION.

An application for registration under Section 9 of the Act shall be in Form 2, in duplicate, and shall be accompanied by two copies of—

- (a) a list of the members of the industrial organization, showing the name, occupation and postal address of each member, and the name of the branch (if any) to which he belongs; and
- (b) a list of the officers of the industrial organization, showing the name, office, occupation and postal address of each officer; and
- (c) Form 13 in respect of each of the branches of the industrial organization; and
- (d) the rules of the industrial organization and of its branches; and
- (e) the resolution agreeing to the registration of the organization as an industrial organization, with details of the date and place on and at which the resolution was passed.

3. NOTIFICATION OF ALTERATION OF RULES BEFORE REGISTRATION.

A notification under Section 13(2) of the Act of the alteration of the rules of an organization shall be in Form 3, in duplicate, and shall be accompanied by a statutory declaration certifying that the alterations to the rules were properly passed by resolution in accordance with the Act and this Regulation.

4. OBJECTION TO REGISTRATION.

A notice of objection under Section 14(1) of the Act shall be in Form 4, in duplicate.

5. CERTIFICATE OF REGISTRATION.

A certificate of registration shall be in Form 5.

PART II. – CONSTITUTIONS.**6. NOTICE OF AMALGAMATION.**

A notice under Section 41(3) of the Act shall be in Form 6, and shall contain the particulars specified in that form.

7. NOTICE OF FEDERATION.

A notice under Section 42(4) of the Act shall be in Form 7, and shall contain the particulars specified in that form.

8. REGISTRATION OF FEDERATION.

Where, under Section 42(6) of the Act, the Registrar registers a federation, he shall—

- (a) issue a certificate of registration in Form 8, on which there shall be endorsed the names of the industrial organizations within the federation; and
- (b) record in the Register details of the certificate of registration; and
- (c) amend the entries in the Register in respect of the organizations that are members of the federation to record that they are members of the federation; and
- (d) require each of the organizations referred to in Paragraph (c) to surrender to him their certificates of registration, which the organization shall surrender accordingly, and—
 - (i) endorse on the certificates particulars of registration as a federation; and
 - (ii) return them to the organizations concerned.

9. CHANGE IN MEMBERSHIP OF FEDERATION.

On being notified under Section 42(4) of the Act that an industrial organization has federated with a registered federation, the Registrar shall—

- (a) require the registered federation to surrender its certificate of registration, which the federation shall surrender accordingly; and
- (b) require the industrial organization to surrender its certificate of registration, which the organization shall surrender accordingly; and
- (c) amend the entry in the Register relating to the federation to show that the organization has joined the federation; and
- (d) amend the entry in the Register relating to the organization that has joined the federation to show that it is a member of the federation; and

- (e) amend the certificates of registration to show that the industrial organization has joined the federation, and return them to the federation and the organization respectively.

10. NOTIFICATION OF AFFILIATION.

(1) A notice under Section 43(4) of the Act shall be in Form 9, in duplicate, and contain the particulars specified in that form.

(2) On receipt of a notice referred to in Subsection (1), the Registrar shall require the organizations and the federations concerned in the affiliation to surrender their respective certificates of registration (which the organizations and federations shall surrender accordingly) and shall—

- (a) endorse the certificates accordingly; and
- (b) return them to the respective organizations and federations.

11. NOTICE OF ESTABLISHMENT OF BRANCH.

A notice under Section 44(2) of the Act—

- (a) shall be in Form 10, in duplicate; and
- (b) shall contain the particulars specified in that form; and
- (c) shall be accompanied by two copies of the branch rules.

12. NOTIFICATION OF CHANGE OF NAME.

A notice under Section 45(2) of the Act shall be in Form 11, in duplicate, and shall contain the particulars specified in that form.

13. REGISTRATION OF AMALGAMATION, ETC.

(1) Where, under Section 41 or 45 of the Act, the Registrar registers—

- (a) an amalgamation of industrial organizations; or
- (b) a change in the name of an industrial organization,

he shall require each of the organizations concerned to surrender to him the certificate of registration issued to it for cancellation or amendment which the organizations shall surrender accordingly.

(2) On the surrender under Subsection (1) of a certificate of registration, the Registrar shall—

- (a) issue a new certificate of registration or, if he thinks fit, amend the original certificate to record details of the amalgamation or change of name; and
- (b) cancel or amend the original entry in the Register; and
- (c) if a new certificate is issued, enter in the Register particulars of it.

14. REGISTERED OFFICE.

(1) Details of the situation and postal address of the registered office of an industrial organization, as required under Section 47(2) of the Act shall initially be included in Form 2.

(2) Where there is any subsequent change in the situation or particulars originally stated, notification in duplicate, of the following details shall be given to the Registrar:—

- (a) the address of the registered office as stated in Form 2;
- (b) the location and postal address of the new office;
- (c) the date on which the new office was or is to be occupied.

15. NOTIFICATION OF DISSOLUTION.

(1) A notice under Section 53(1) of the Act—

- (a) shall be in Form 12; and
- (b) shall contain the particulars specified in that form; and
- (c) shall be accompanied by the certificate of registration of the organization.

(2) Where the Registrar has caused notice of dissolution to be published in the National Gazette under Section 53(3)(b) of the Act, he shall, by endorsement on the certificate, cancel the certificate of registration of the organization.

PART III. – FUNDS AND ACCOUNTS.

16. BOOKS AND ACCOUNTS.

The books of account to be kept under Section 56 of the Act are–

- (a) books containing original and duplicate receipts consecutively numbered; and
- (b) a bank deposit book containing original and duplicate sheets; and
- (c) a cash journal; and
- (d) a general journal; and
- (e) a ledger; and
- (f) a petty cash journal; and
- (g) a register of receipt books; and
- (h) a register of fixed and other assets; and
- (i) such other books of account as the Registrar requires.

17. FORM OF ACCOUNT.

The form of account to be given under Section 57(2) of the Act shall be in Form 13, or in such other form as the Registrar in a particular case approves.

18. RECORDS.

The records to be kept under Section 59(2) of the Act are–

- (a) a register of members in a form approved by the Registrar, in which there shall be recorded–
 - (i) the names of members, alphabetically; and
 - (ii) particulars of their respective occupations and postal addresses; and
 - (iii) the payment of fees, levies and other sums required to be paid; and
- (b) a register of officers and trustees in a form approved by the Registrar, recording–
 - (i) their names and the positions to which they are appointed; and
 - (ii) the dates of their respective appointments, terminations of office and resignations; and
- (c) an account of the receipts, payments, funds and effects of an organization and each branch kept in the books of account specified in Section 16; and

- (d) a financial statement in duplicate for the period ending on 31 December in each year in Form 14, or in such other form as is approved by the Registrar; and
- (e) such other records as are required by the Registrar.

19. DATE FOR FILING OF RECORDS.

A copy of the records referred to in Section 59(4) of the Act shall be forwarded so as to reach the Registrar not later than 28 February in each year, and shall be a true and certified copy of those records as at 31 December of the previous year.

20. INSPECTION OF DOCUMENTS FILED WITH THE REGISTRAR.

On payment of the prescribed fee, a document filed with the Registrar under Section 59 of the Act may be inspected by any person during the usual office hours observed at the office of the Registrar.

PART IV. – MISCELLANEOUS.

20A. NOTIFICATION TO DEDUCT UNION CONTRIBUTIONS.

A notice under Section 63A(1) of the Act shall be in Form 15.

21. LACK OF PRESCRIBED FORM.

Where—

- (a) a form is not prescribed for a document; or
- (b) a prescribed form is not suitable to the circumstances of a particular case,

the form shall be such as the Registrar directs or approves for the purpose.

22. FEES.

The fees specified in Schedule 2 are payable to the State in respect of the matters specified in that Schedule.

SCHEDULE 1

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 1 – Register of industrial Organizations.

Act, Sec. 7(1).

Form 1.Reg., Sec. 1.

No.:

Name of organization:

Date of registration:

Registered as an organization of:

Situation of registered office:

Industry in connection with which organization is registered:

Constitution of organization (conditions of eligibility):

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

***Form 2 – Application for the Registration of an Industrial
Organization.***

Act, Secs. 8,9,47. Form 2.Reg., Sec. 2.

In accordance with the provisions of Section 9 of the *Industrial Organizations Act*, I/we (*names*) in full, *office held, address(es) and occupation(s) of applicant(s)*) being members of the executive committee (or the secretary) of an industrial organization, make application for the registration of an industrial organization, details of which are set out below:—

Name of organization:

Postal address:

Date and place of establishment of organization:

Industry or industries:

Situation of registered office:

I/We certify that—

- (a) there have not been less than . . . members of the organization within a period of three months from the date of formation of the organization; and
- (b) the details accompanying this application of—
 - (i) the members of the organization; and
 - (ii) the officers of the organization; and
 - (iii) the branches (if any) of the organization; and
 - (iv) the rules of the organization and its branches (if any); and
 - (v) the resolution agreeing to the registration of the organization,
 and the particulars set out in regard to those matters meet the requirements of Section 2 of the *Industrial Organizations Regulation*.

And I/we do solemnly and sincerely declare that the particulars supplied and the statements contained in this application are to the best of my/our belief true in every particular.

And I/we make this solemn declaration by virtue of the *Oaths, Affirmations and Statutory Declarations Act*.

(*Signature of Applicant(s)*)

Declared before me at . . . 20...

(*Person before whom declaration is made and his title.*)

The following additional signatures are to be provided:—

- (i) in the case of an organization of employers, to bring the total number of signatures on this application to at least four officers or members of the organization; and
- (ii) in the case of an organization of employees, to bring the total number of signatures on this application to at least 20 officers or members of the organization,

or alternatively, under Section 68 of the Act—

- (iii) In the case of a small organization, all of the officers or members may sign.

Dated . . . 20...

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 3 – Application for Leave to Alter Rules.

Act, Sec. 13(2).

Form 3.Reg., Sec. 3.

In the matter of an application by *(name of organization)* for leave to alter rules.
To the Industrial Registrar:
The *(name of association)*, which has applied for registration as an industrial organization, applies to the Registrar for leave to alter its rules to enable it to comply with the prescribed conditions (or to remove a ground of objection taken by an objector or by the Registrar).
Particulars of the proposed alterations of the rules are as follows:—*(text of proposed alterations)*
The necessary statutory declaration is attached.
Dated . . . 20...

On behalf of *(name of organization)*.

(Signature.)

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 4 – Notice of Objection.

Act, Secs. 14(1), 41(8), 42(9), 45(7).

Form 4.Reg., Sec. 4.

To the Industrial Registrar:

(Name of objecting organization or person and its or his address and his occupation)

objects to—

- (a) the registration of *(name of organization applying for registration)* as an industrial organization; or
- (b) the name of *(name of organization applying for change of name)* being changed to *(the proposed name of the organization)*; or
- (c) the amalgamation of *(name of organization)* and *(name(s) of other organization(s) concerned with the amalgamation)*; or
- (d) the federation of *(name of organization)* with *(name(s) of federation or organizations)*; or
- (e) the *(name of organization)* joining the *(name of federation)*; or
- (f) *(nature of any other objection and name(s) of organization(s) involved)*

under the Act on the following grounds:—

(set out the grounds and particulars of the grounds in numbered paragraphs).

A statutory declaration in accordance with Section 15 of the Act accompanies this notice.

Dated . . . 20...

(Signature(s) or Seal(s) of Objector(s).)

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 5 – Certificate of Registration.

Act, Sec. 21(1).

Form 5.Reg., Sec. 5.

No.

I, . . . , the Industrial Registrar, certify that on . . . 20... an industrial organization called (*name of the organization*) was registered by that name under the *Industrial Organizations Act* as an industrial organization of . . . in, or in connection with, the (*name of industry*).

I further certify that the conditions of eligibility for membership of the organization are as follows:—

Dated . . . 20...

Industrial Registrar.

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 6 – Notice of Amalgamation.

Act, Sec. 41(3).

Form. 6.Reg., Sec. 6.

To the Industrial Registrar:

(Name of industrial organization) an industrial organization of . . . registered under the *Industrial Organizations Act*, has amalgamated with *(name(s) of industrial organization(s))*, a registered industrial organization (or registered industrial organizations) under the Act. The resolution (a certified copy of which is attached) agreeing to the amalgamation was passed according to the provisions of the *Industrial Organizations Act*.

Dated . . . 20..

Secretary.

(To be signed, in addition to the secretary, by at least two members in the case of an organization of employers, and six members in the case of an organization of employees, or alternatively, under Section 68 of the Act, in the case of a small organization by all the members.)

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 7 – Notice of Federation.

Act, Sec. 42(4).

Form 7.Reg., Sec. 7.

To the Industrial Registrar:

(Name of industrial organization) has federated (or joined) with *(name(s) of industrial organization(s))*, an industrial organization (or industrial organizations or a federation of industrial organizations *as the case may be*), which is a registered industrial organization (or which are registered industrial organizations) under the *Industrial Organizations Act*. The resolution (a certified copy of which is attached) agreeing to the federation was passed according to the provisions of the *Industrial Organizations Act*.

Dated . . . 20...

Secretary.

(To be signed by, in addition to the secretary, at least two members in the case of an organization of employers, and six members in the case of an organization of employees, or alternatively, under Section 68 of the Act, in the case of a small organization by all the members.)

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 8 – Certificate of Registration of a Federation of Industrial Organizations.

Act, Sec. 42(6). Form 8.Reg., Sec. 8.

No.

I, . . . , the Industrial Registrar, certify that on . . . 20 . . . a federation of industrial organizations called (*name of the federation*) was registered by that name under the *Industrial Organizations Act*.

The names of the industrial organizations within that federation and the dates on which they joined that federation are as set out below—

Members. Date.

(*The Registrar shall also include such further particulars as he thinks necessary*).

Dated . . . 20...

Industrial Registrar.

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 9 – Notice of Affiliation.

Act, Sec. 43(4).

Form 9.Reg., Sec. 10(1).

To the Industrial Registrar:

(Name of industrial organization) has affiliated with *(name of organization or federation)* an industrial organization (or a federation of industrial organizations), which is a registered industrial organization under the *Industrial Organizations Act*.

The resolution (a certified copy of which is attached) agreeing to the affiliation was passed according to the provisions of the *Industrial Organizations Act*.

Dated . . . 20...

Secretary.

(To be signed by, in addition to the Secretary, at least two members in the case of an organization of employers, and six members in the case of an organization of employees, or alternatively, under Section 68 of the Act, in the case of a small organization by all the members.)

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

***Form 10 – Notification of the Establishment of a Branch of an
Industrial Organization.***

Act, Sec. 44(2). Form 10.Reg., Sec. 11.

To the Industrial Registrar:

I, . . . , the secretary of (*name of registered industrial organization*) give notice of the establishment of a branch of that industrial organization, details of which are set out below:—

Name of branch:

Postal address:

Date and place of establishment of branch:

Industry or industries:

Situation of registered office:

Number of members as at date of this notification:

Name, occupation, postal address, office held of each officer of the branch:

I certify that the above particulars are to the best of my knowledge and belief true and correct, that the copies of the rules of the branch accompanying this notification are true and correct copies, and that the rules were made in accordance with the *Industrial Organizations Act*.

Dated . . . 20...

Secretary.

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 11 – Notice of Change of Name of an Industrial Organization.

Act, Sec. 45(2). Form 11.Reg., Sec. 12.

To the Industrial Registrar:

(Name of industrial organization) has changed its name to *(new name of organization)* under Section 45(1) of the *Industrial Organizations Act*, by resolution (a certified copy of which is attached) passed in accordance with the rules of the organization.

Dated . . . 20 . . .

Secretary.

(To be signed by, in addition to the secretary, at least two members in the case of an organization of employers, and six members in the case of an organization of employees, or alternatively, under Section 68 of the Act, in the case of a small organization by all the members.)

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

***Form 12 – Notification of the Dissolution of an Industrial
Organization.***

Act, Sec. 53(1). Form 12.Reg., Sec. 15(1).

To the Industrial Registrar:

I, . . . the secretary of (*name of industrial organization*) give notice that that organization was dissolved by resolution (a certified copy of which is attached) passed according to the rules of the organization and the provisions of the *Industrial Organizations Act*.

Dated . . . 20..

Secretary.

(To be signed by, in addition to the secretary, at least two members in the case of an organization of employers, and six members in the case of an organization of employees, or alternatively, under Section 68 of the Act, in the case of a small organization by all the members.)

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 13 – Form of Account.

Act, Sec. 57(2).

Form 13.Reg., Sec. 17.

(Name of industrial organization.)

Statement of Receipts and Payments for period from . . . to . . .

	K		K
<i>Receipts.</i>		<i>Payments.</i>	
Subscriptions		Salaries and wages	
Receipts No. . . . to No. . . .		Office rent	
Interest on investments		Stationery and postage	
Donations		Assets purchased (in detail)	
Fines			
Other:		Essential services (electricity, etc.)	
		Other:	
* Cash balance at beginning of period		* Cash balance at end of period	
* Includes both cash and bank balances.			
		Treasurer:	

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 14 – Financial Statement.

Act, Sec. 59(2). Form 14.Reg., Sec. 18(d).

(Name of industrial organization.)

Balance Sheet as at 31 December 20...

K			K
<i>Assets.</i>	<i>Liabilities.</i>		
Cash on hand (including petty cash)	Bank overdraft		
Bank credit	Subscriptions in advance		
Subscriptions in arrears	Creditors		
Other debtors	Accumulated funds as at		
Investments	<i>and</i> surplus for period		
Office furniture and equipment			or
Buildings and land	<i>less</i> loss for period		
Other:			

PAPUA NEW GUINEA.

Industrial Organizations Act 1962.

Form 15 – ¹Notice to Deduct Union Contributions.

Act, Sec. 63A.

Form 15.Reg., Sec. 20A.

¹ Schedule 1, Form 15 added by No. 17 of 1978, s2.

To *(name and address of employer)*.

From *(name and address of employee)*.

You are required to deduct *(state amount to be deducted)* from my wages or salary each *(state week, fortnight or month, etc.)* and to pay the amount deducted to *(name and address of industrial organization)* until you receive contrary instructions from me.

Dated . . . , 20...

(Signature of Employer.)

SCHEDULE 2 – FEES.

	FEES	² Reg., Sec. 22 K
1.	For issue of certificate of registration of an industrial organization.	1000.0 0
2.	For issue of certificate of registration after amalgamation.	1000.0 0
3.	For issue of certificate of registration of a federation.	1000.0 0
4.	For issue of certificate on change of name of an industrial organization.	1000.0 0
5.	For amendment or alteration to a certificate of registration of an industrial organization or a federation.	60.00
6.	For lodging a notice of objection.	20.00
7.	For registering a new rule or an alteration in the rules.	10.00
8.	For registering a notice of change of officers.	200.00
9.	For inspection of documents filed with the Registrar (each document).	15.00
10.	For preparation of the original of any form required to be lodged with the Registrar.	15.00
11.	For each additional copy of a form prepared with the original.	15.00
12.	For providing a copy of any form filed with the Registrar.	10.00
13.	For each additional copy prepared at the same time.	10.00

² Schedule 2 replaced by the *Industrial Organizations (Amendment) Regulation 1998* (No 34 of 1998).

Industrial Organizations Regulation 1963