

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Acting Clerk of the Legislative Assembly.

Legislative Assembly Chamber,
Sydney, 10 December, 1915.

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. , 1915.

An Act to amend the law with respect to Trade Unions and their objects and powers; to amend the Trade Union Act, 1881, and certain other Acts; and for other purposes.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Trade Union (Amendment) Act, 1915." It shall be construed with the Trade Union Act, 1881, hereinafter referred to as the Principal Act.

Trade Union (Amendment).

2. (1) For the purposes of the Principal Act and of this Act unless the context requires another meaning—

Definitions.

5 "The Minister" means the Minister of the Crown for the time being charged with the administration of this Act.

10 "Statutory objects" means the objects mentioned in section thirty-one of the Principal Act, namely, the regulation of the relations between workmen and employers, or between workmen and employers, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members.

15 "Trade union" includes any combination, whether temporary or permanent, the principal objects of which are under its constitution statutory objects.

20 (2) Any combination which is for the time being registered as a trade union shall be deemed to be a trade union for the purposes of the Principal Act and this Act so long as it continues to be so registered.

25 (3) The fact that a combination has under its constitution objects (including political objects) or powers other than statutory objects shall not prevent the combination being a trade union for the purposes of the Principal Act and this Act, so long as the combination is a trade union, as defined by this Act.

30 **3.** The Principal Act is amended by substituting "the Minister" for the expression "the Registrar" or "such Registrar".

"Minister substituted for "Registrar".

35 **4.** Any person aggrieved by any refusal of the Minister to register a combination as a trade union, or by the withdrawal under this Act of a certificate of registration may appeal to the Supreme Court in its equitable jurisdiction within the time and in the manner and on the conditions directed by rules or by an order of that court.

Appeal by trade union.

40 **5.** Sections four and five of the Principal Act are repealed.

Repeal of ss. 4 and 5.

6. Section six of the same Act is amended by repealing the proviso to the said section.

Amendment of s. 6.

7.

Trade Union (Amendment).

7. Section seven of the same Act is repealed and replaced by the following :—

- 5 7. A trade union shall have power to apply and use the moneys and other property of the union to or in connection with any lawful object or purpose adopted after ballot taken in such a manner as to give every member an equal right and, if reasonably possible, a fair opportunity of voting and to secure the complete secrecy of the voting and, without limiting the generality of this provision, may—
- 10 (a) acquire, purchase, take on lease, hold, sell, lease, mortgage, exchange, and otherwise own, possess, and deal with in the names of the trustees for the time being of such union any real or personal property (including shares in any registered company whether registered in New South Wales or not), 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. For the purpose of this section every branch of a trade union shall be considered a distinct union ;
- 15 (b) publish and maintain a newspaper and subscribe to the maintenance of a member of Parliament or to the funds of a political party ;
- 20 (c) apply to any court of competent jurisdiction for an order directing the payment by any of its members of any fine, levy, penalty, call, or subscription in pursuance of the rules of the union.
- 25
- 30

8. Section fourteen of the same Act is amended as follows :—

- 35 (a) After subsection five insert two new subsections (5A) and (5B) as follows :—
- 40 (5A) The Minister shall not register any combination as a trade union unless he is satisfied—
- (a) that, having regard to the constitution of the combination the principal objects of the combination are statutory objects ;
- (b)

New s. 7.
Additional powers of trade unions.

Registration.
Amendment of s. 14.

Trade Union (Amendment).

5 (b) that the persons comprising the combination should not in the public interest or for other good reason join a trade union which has been already registered;

(c) that the registration of the applicants will not unjustly affect any other trade union.

10 (5B) The Minister may and shall on the complaint of any person aggrieved refer to the Court of Industrial Arbitration or to any other court either for inquiry and report or determination in manner prescribed any matter or issue arising under this or the next following section.

15 (b) In subsection six insert after "Second Schedule to this Act" the words "or repealing, amending, or adding to the rules in the Third Schedule to this Act".

20 **9.** Section fifteen of the same Act is amended as follows:— Amendment of s. 15.

(a) Substitute the words "the union is being dissolved" for the words "where the same is shown to have become void as aforesaid"

25 (b) in subsection two omit the words "or that the registration of the trade union has become void under section six of this Act";

(c) after subsection two insert three new subsections as follows:—

30 (3) On proof to his satisfaction that the constitution of the union has been altered in such a manner as to make the statutory objects no longer the principal objects of the union; or that the principal objects for which the union is actively carried on are not statutory
35 objects.

(4) If a trade union exercises its privileges mala fide and corruptly or exhibits gross and scandalous incompetence as a representative of the interests of employees.

40 (5) On dissolution of the trade union.

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10. Section sixteen of the same Act is amended by the addition of a new subclause as follows :—

Amendment
of s. 16.

(3) Upon registration effected after the passing of this Act a trade union, branch, or combination shall be deemed to have adopted, in addition to its other rules, if any, all the rules in the Third Schedule hereto, except in so far as these or any of them have been expressly or impliedly excluded by the rules of such union, and its members shall be bound by the same as from the date of the said registration as if they had been duly passed according to the constitution and rules of the union, branch, or combination: Provided that a trade union may from time to time repeal, amend, or add to its rules, including those in the Third Schedule.

Third
Schedule.

11. Section twenty-two of the same Act is amended by substituting the words "a majority" for the words "two-thirds".

Amendment
of s. 22.

12. The following section is inserted next after section twenty-four of the Principal Act :—

New s. 24,
appointment
of receiver.

24A. Upon notice to the Minister of a determination by the members of a trade union, authorising the dissolution of such union, the Minister shall appoint a receiver of the property of such union. Such receiver shall have all the powers of a receiver appointed by the Supreme Court in its equitable jurisdiction and shall forthwith distribute the assets of the union amongst the creditors or other persons, including members, entitled to the same.

13. Section twenty-six of the same Act is repealed and the following is inserted in its place :—

New s. 26.

26. The Minister shall lay before Parliament annual reports with respect to the matters transacted by him in pursuance of this Act.

14. The following section and short heading are added at the end of the said Act :—

New s. 32.

Validation.

32. All acts of a registered trade union performed after the twenty-sixth day of October, one thousand nine hundred and fourteen, and prior to the passing of

Validation of
acts of trade
unions.

Trade Union (Amendment).

of the Trade Union (Amendment) Act, 1915, shall, provided that they were in accordance with the rules of such union, and would have been valid if the Trade Union (Amendment) Act, 1915, had then been in force, be deemed to have been and to be valid for all purposes.

THIRD SCHEDULE.

Rules for the Constitution of Trade Unions.

NAME.

10 1. This union shall be called

OBJECTS.

2. This union shall have for its principal objects the purposes authorised by the Trade Union Act, 1881, by the Trade Union (Amendment) Act, 1915, and by any Acts amending the same; the promotion of the general moral and material welfare of its members as employees; and subsidiarily—

(1) the provision and distribution of funds in accordance with the terms of this constitution.

(2)

20 (3)

REGISTERED OFFICE.

3. The registered office of the union shall be at or at such other place as may from time be determined upon and notified to the Minister charged with the administration of the Trade Union Act, 1881. The registered office of the union shall be the official address of the general secretary of the union, and the books of the union shall be kept there, and shall there be open to inspection upon application to the secretary by any person having an interest in the funds of the union.

MEMBERSHIP.

Trade Union (Amendment).

MEMBERSHIP.

Qualification for Membership.

4. Persons who are occupied, or desirous of being occupied, as employees in the industry of
5 shall be qualified for membership, subject to the following conditions:—

5. Any person who is qualified, and desires to become a member of the union, shall first make application in writing to the union executive, and, upon the allowance of his application, shall be entitled to be enrolled as a member upon payment of the entrance fee and of his
10 subscription to the general secretary of the union or to the secretary of a branch of the union. Upon refusal of any application for membership by the union executive, the applicant shall have a right of appeal to the Court of Industrial Arbitration.

6. The membership year shall commence on the first day of February
15 in each year, and expire on the thirty-first day of January in the following year.

7. Membership shall continue until determined in either of the following ways, namely:—

20 (a) Upon receipt by the secretary of a notice of resignation signed by the resigning member: Provided that all sums due from the resigning member to the union have been paid.

25 (b) Upon expulsion for such conduct as, in the opinion of the union executive, after inquiry, is injurious to the welfare and interests of the union: Provided that no member shall be so expelled without first being given an opportunity of appearing before the union executive, and of being heard in his defence; and provided also that any member so expelled shall have the right of appeal to the Court of Industrial Arbitration.

30

ORGANISATION.

Branches.

8. The union shall, unless its total membership does not exceed 300, be divided into local or other branches as determined under the constitution of the union, to one of which every member shall belong.
35 No branch shall consist of more than 300 members.

Union Executive.

9. The union shall be governed, subject to controls exercisable by members through general conference and ballots taken as herein after prescribed, by a union executive consisting of four members elected by
40 each branch: Provided that if the membership does not exceed 300,
and

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and the union is not divided into branches, the union executive shall consist of eight members, who shall be elected annually by ballot of the members taken as hereinafter prescribed, in the month of January of each year.

5 10. Members of the union executive shall hold office from the first day of February following their election until the thirty-first day of January in the succeeding year, or until their successors are elected.

11. Nominations for membership of the union executive must be in writing, and signed by the member nominated, and by not less than
10 five other members of the union, and must be lodged with the secretary of the union on or before the 21st day of December in each year: Provided that a retiring member of the union executive may offer himself for re-election by notice to the secretary, signed by such retiring member alone, and lodged on or before the date above
15 specified.

12. The persons elected to be members of the union executive shall forthwith meet for the purpose of electing amongst themselves a president, general secretary, and treasurer of the union.

13. Any member of the union executive shall be subject to removal
20 from his office at any time by a determination of the constituency which has appointed him to the executive adopted by ballot of that constituency alone. Upon any place upon the executive becoming vacant from any cause whatever, the constituency which is entitled to fill the same shall proceed to do so by ballot taken for the purpose
25 within one month from the occurrence of such vacancy, or such vacancy shall be filled by co-option of a member of the union by the union executive itself.

14. A member of the union executive shall cease to be such upon the happening of any of the following events, namely:—

- 30 (a) Upon his ceasing to be a member of the union.
(b) Upon the receipt by the general secretary of a notice of resignation signed by such resigning member: Provided that a resigning member of the union executive may continue to act as a member of such executive until the appointment of
35 a successor.
(c) Upon his absence from three successive meetings of the union executive without leave granted upon his own application or on the motion of the president of the union executive: Provided that he shall be disqualified for a period of six months
40 from the conclusion of such third meeting from again becoming a member of the union executive.

15. In January of each year the union executive shall prepare a report of its proceedings for the year ending on the preceding thirty-first day of December. A copy of such report shall, seven days prior
45 to the meeting of the general conference held in the last week of January of each year or the holding of the general meeting before which it is to be laid, be served on every member in the manner in which notices are hereinafter directed to be served.

16. Subject to regulations made under this constitution the president,
50 general secretary, and treasurer shall perform the duties and have the powers commonly appertaining to those officers respectively: Provided that

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that all cheques and all contracts in writing and documents dealing with property shall be signed on behalf of the union executive by at least two of the officers named and one of the other members of the union executive, except that receipts and discharges for sums not
5 exceeding five pounds may be signed on behalf of the executive by the treasurer alone.

17. Members of the union executive may meet together for the despatch of business, adjourn, and otherwise regulate their meetings as they think fit, and determine the quorum necessary for the transaction
10 of business.

18. Questions arising at any meeting shall be decided by a majority of votes. In the case of an equality of votes, the chairman shall have a second or casting vote. A member of the union executive may at any time summon a meeting of such executive.

19. The president of the union shall be chairman of the meetings of
15 the union executive, but if there be no such president, or if at any meeting he is not present at the time appointed for holding the same, or if he leaves the meeting or is removed from the chair, the members of the executive present shall choose someone of their number to be
20 chairman of such meeting.

20. The union executive may delegate any of its powers to committees consisting of such member or members of their body as they think fit. Any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed upon them by the
25 union executive. A committee may meet and adjourn as they think proper. Questions arising at any meeting of a committee shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman of the committee shall have a second or casting vote.

21. All acts done by any meeting of the union executive or by any
30 person acting as a member of the union executive shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any members of such executive or person acting as aforesaid, or that they or any of them were disqualified, be as valid as
35 if every such person had been duly appointed.

22. All actions, suits, and proceedings in any court of law or equity shall be brought or defended by the secretary of the union.

Trustees.

23. The union executive may, subject to the controls provided by
40 this constitution, appoint the trustees of the union.

General conference.

24. Once at least in each year, and if once only then in the last week in January of each year, there shall be held at a time and place to be fixed by the union executive (subject to the control provided by this
45 constitution) a general conference of the members of the union executive and of delegates elected by each branch to the number of one delegate for every fifty members of such branch. A special general conference may be convened by the executive at any time and for any purposes specified in the notice convening the same; and shall
be

Trade Union (Amendment).

be convened by the executive upon a requisition in writing, setting forth the purpose and business of such conference made by not less than fifty members. Not less than ten days' notice shall be served on each member of any conference, and given by advertisements in two
5 daily metropolitan newspapers; and if the registered office of the union is not in Sydney, in a provincial newspaper circulating in the locality in which the registered office is situated. If the executive do not convene a conference within fourteen days of receipt of the requisition, the requisitionists or any fifty members may summon a special general
10 conference in the manner directed for the summoning of such conferences by the union executive.

25. Subject to any expression of the will of members by ballot as hereinafter provided, the general conferences shall control the operations of the union executive in all connections, and direct the method of
15 government of the union generally; and without limiting the generality of this provision, general conferences—

- (a) shall be furnished with annual reports, statements of account, and balance-sheets by the union executive;
- (b) shall determine upon a general policy for the union;
- 20 (c) shall entertain and determine appeals by branches against the directions of the union executive, and may confirm, rescind, or modify or otherwise affect any judgments, declarations, or acts of the union executive;
- (d) shall fix the amount of entrance fee and subscriptions to be
25 paid for membership during the ensuing union year;
- (e) may, subject to the provisions hereinafter contained, alter the constitution and repeal, amend, or add to the rules of the union.

26. Delegates to the general conference shall be elected by ballot at general meetings of the members of branches specially called for the
30 purpose.

Ballot.

27. The supreme authority in the union shall be the will of its members as expressed by ballot, taken as follows:—

Upon a resolution of a general meeting of the union, when its total
35 membership does not exceed 300, and the union is not divided into branches, or upon a resolution of any branch of the union passed at a general meeting of the members of such branch specially called for the purpose, the union executive shall refer to a ballot of the members of the union any operation, proceeding, question of policy, proposal, or
40 other matter affecting, or pertinent to, the objects or purposes, conduct, policy, or government of the union, or of its branches, or upon which, by the terms of the resolution, it is deemed expedient to have a pronouncement by all the members of the union.

28. The ballot shall be conducted in such a way as to give every
45 member an equal right, and, if reasonably possible, a fair opportunity of voting, and to secure the complete secrecy of the voting.

29. The union executive shall cause to be printed a number of ballot papers, in the form hereinafter provided, and also a number of copies of these ballot rules equal respectively to the number of the members
50 of the union, and shall cause every such ballot-paper to be stamped with the stamp or seal of the union, and shall not provide for voting purposes any ballot-paper which is not so stamped. 30.

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30. Every ballot-paper shall, according to the use for which it is intended, being either the election of officers or the expression of the will of the members in any other connection, be in one or other of the following forms, respectively:—

5 If to be used in connection with elections :

The Union, New South Wales
Ballot-paper.

Ballot of members of the abovenamed union (or of the branch of the abovenamed union) for election of

10

CANDIDATES.

- A. B.
- C. D.
- E. F.
- G. H.
- I. J.

(Stamp or seal
of the union.)

15

N.B.—Indicate your vote by making a cross in the squares opposite the names of the candidates for whom you vote.

20 You must not make any other mark on the paper ; if you do your vote will not be counted.

If you place a cross in more or less than of the squares provided above your vote will not be counted.

25 This paper must be enclosed in the envelope sent herewith and returned so as to reach the registered office of the union on or before the day of 191 .

Otherwise :
The

Union, New South Wales.

Ballot-paper.

30 Ballot of members of the abovenamed union for purposes other than elections.

Do you vote in favour of the proposal that
(Here set out proposal.)

35

(Stamp or seal
of union.)

Yes.
No.

N.B.—You must place a cross thus (X) in one, and one only, of the two spaces provided above ; otherwise your vote will not be counted.

40 You must not sign or make any other mark on the paper ; if you do your vote will not be counted.

This paper must be enclosed in the envelope sent herewith and returned so as to reach the registered offices of the union on or before , 19 .

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31. There shall be sent with every ballot-paper an envelope on which shall be printed "Ballot paper : The scrutineers, Union," followed by the address of the registered office.

32. No member shall be entitled to more than one vote, or shall
5 vote on or send in more than one ballot-paper.

33. Nothing shall be written or printed, and no mark shall be made on any part of any ballot-paper or envelope or be inserted in any envelope save as stated above, and, in particular, nothing shall be marked or indicated on any ballot-paper or envelope or inserted in any
10 envelope by any person which can in any way identify the member voting. Any contravention of this rule by a member voting shall render the ballot-paper invalid, and the vote shall not be counted.

34. The union executive shall determine on what date or dates the ballot-paper shall be sent to the members and before what date they
15 shall be returned, and the date and time when the votes shall be counted.

35. A notice, stating the time or times and place of the ballot, and a copy of these ballot rules, shall be posted up and kept posted up for at least fourteen days before the earliest time appointed for the
20 taking of the ballot in a conspicuous place, accessible to members at the registered office of the union, and at the meeting places of each branch, and the date or dates on which the ballot papers are to be sent to members, and to be returned, and upon which the votes shall be counted must be advertised in two daily metropolitan newspapers, or if
25 the registered office of the union is not situated within the metropolitan area, then also in one of the provincial newspapers circulating in the locality where such office is situated, at least seven days before the date upon which the ballot papers are to be returned.

36. It shall be the duty of the president and general secretary of the
0 union to take all reasonable steps to secure that every member of the union is informed, so far as practicable, of the time or times and place of the ballot, and that he is entitled to receive a ballot-paper, copy of the ballot rules, and an envelope as hereinbefore prescribed, and that each ballot-paper sent or delivered to a member is checked off against
35 the name of the member in the general register or other record of membership.

37. Every member desiring to vote must return his ballot-paper, duly marked, on or before the date mentioned on the ballot-paper, to the registered office in the envelope provided ; and the general secretary
40 shall place such envelope unopened as and when received in a locked receptacle, and so retain them until the time fixed for the counting of the votes.

38. The union executive shall appoint three members of the union, who are not members of the executive, to be scrutineers ; and at the
45 date and time appointed for the counting of the votes, the scrutineers shall destroy any ballot-papers at the registered office which have not been used for voting, and shall then open the envelopes and count the votes in the presence of the president, the general secretary, and as many members of the union executive as desired to attend.

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39. The scrutineers, or a majority of them, shall decide whether any ballot paper shall be rejected as being invalid as hereinbefore provided and shall forthwith separate any paper so rejected and mark it "rejected."

5 40. The scrutineers shall add up the total number of votes given for and against and the total number of votes rejected, and the result shall be certified on as many forms of return as there are branches of the union and on one additional form, signed by the scrutineers, the president, and general secretary of the union. One of such return shall be
10 forthwith posted up and kept posted up in a conspicuous place accessible to members at the registered office of the union and at the principal place of meeting of each branch for at least one month.

41. A copy of such return shall be sent forthwith to the secretary of each branch and shall be handed by him for perusal to any member at
15 his request, and the contents of such return shall be published in two daily metropolitan newspapers, or if the registered office of the union is not situated within the metropolitan area, then also in one of the provincial newspapers circulating in the locality where such office is situated.

20 42. As soon as the result has been certified as aforesaid the president of the union shall secure the ballot papers which have been counted and those which have been rejected, respectively, in two sealed parcels, and shall forthwith deposit them with the union's trust securities and keep them so deposited for twelve months, at the end of
25 which time they may be destroyed by and under the supervision of the president and general secretary of the union.

Meetings.

43. General meetings which in unions having a total membership not exceeding 300 and not divided into branches shall have the
30 authority and powers hereinbefore provided for general conferences shall be held as follows:—

44. An ordinary general meeting of the members of the union shall be held in the first week of the month of February in every year, at such place and hour as may be determined by the union executive.
35 Special or extraordinary general meetings of the members may be convened by the union executive for such purposes as and whenever they think fit, and shall be convened by the union executive upon a requisition in writing setting forth the purposes or business for which the meeting is to be called made by not less than twenty members of the
40 union. Not less than seven days' notice of time and place at which and the business or purposes for which the meeting is to be held shall be given by letter addressed to each member and by advertisement in two daily metropolitan newspapers, and if the registered office of the union is not in Sydney, in a provincial newspaper circulating in the
45 locality in which the registered office is situated. If the meeting is not so convened by the union executive within fourteen days from the date of service of the requisition, the requisitionists or any other members amounting to the required number may themselves convene a special general meeting in the manner indicated for the convening of extra-
50 ordinary or special general meetings by the union executive.

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45. No business other than the reading of reports shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; and such quorum shall be ascertained as follows, that is to say, if the members of the
5 union at the time of the meeting do not exceed 100 in number the quorum shall be 20; if they exceed 100 and do not exceed 200, the quorum shall be 30; if they exceed 200 and do not exceed 300, the quorum shall be 40; and if they exceed 300, the quorum shall be 60.

46. If within three-quarters of an hour from the time appointed for
10 the meeting a quorum is not present, the meeting, if convened upon a requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week at the same time and place, and if at such adjourned meeting a quorum is not present it shall be adjourned sine die.

15 47. The president of the union shall preside as chairman at every general meeting of the union.

If there is no such president or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting, or leaves the meeting or is removed from the chair, the members
20 present shall choose someone of their number to be chairman.

48. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

25 49. At any general meeting, unless a division is demanded, a declaration by the chairman that a resolution has been carried and an entry to that effect in the minute book of the union shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution. In the case of
30 an equality of votes at a general meeting the chairman shall be entitled to a second or casting vote.

50. No member shall be entitled to vote at any general meeting unless his subscription and all calls due from him to the union by way of levies or fines have been paid.

35 *Branch management.*

51. Each branch may, subject to the exercise by the union and its executive of plenary powers of control and direction, act corporately within itself, and the rules of the union as undivided shall, mutatis mutandis, be the rules of each branch: Provided that all real and
40 personal property acquired or from time to time in the possession or under the control of any branch, or member of a branch as such, shall become the property of the union, or subject to the direction of the union, and shall be conveyed, transferred, or otherwise surrendered to the union executive on demand.

45 *FINANCE.*

Subscriptions.

52. The entrance fee and annual subscription to the union shall be as for the time being fixed under the constitution of the union, but shall not, in the case of the entrance fee, exceed 40s., or, in the case of
50 subscriptions, exceed 104s. per annum. *Levies.*

Trade Union (Amendment).

Levies.

53. The union executive may from time to time make such levies or calls for the payment of moneys in addition to annual subscriptions by members as may be necessary for carrying out the objects of the union: 5 Provided that twenty-one days' notice at least is given of each such levy and that the total amount of the levies made in any one year shall not exceed five pounds; and each member shall be liable to pay the amount of levies so made to the persons and at the times and places appointed by the union executive.

10 54. A levy shall be deemed to be made at the time when the resolution of the union executive authorising such levy was passed.

55. If a levy is not paid before or on the day appointed for payment thereof by any member, such member shall be liable to pay interest for same at the rate of £10 per centum per annum from the day 15 appointed for payment thereof till the time of actual payment.

Notice of dues.

56. It shall be the duty of the secretary to notify all members whose subscriptions, dues, or any fines remain unpaid for more than twenty-one days by notice containing a reference to section 7 (c) of 20 the Trade Union Act, 1881: Provided that non-receipt of such notice or failure of the secretary to comply with this clause shall not prevent proceedings being taken under the said section.

The name of any member who fails to pay his subscriptions, dues, or fines within seven days of the service of such notice by the secretary 25 may be posted on the union notice boards as a defaulter, and any member so posted shall thereupon forfeit all privileges of membership until payment of such subscriptions, dues or fines.

Application and investment of funds.

57. The funds of the union shall, subject to the direction of the 30 executive, be expended in carrying out the objects mentioned in Rule 2, and in necessary expenses of management.

58. The trustees of the union shall, subject to the direction of the executive, from time to time invest any surplus funds of the union on fixed deposit in any bank in the State of New South Wales, or in 35 purchase of New South Wales funded stock.

Accounts.

59. The union executive shall cause true accounts to be kept of the moneys received and expended by the union and the matter in respect of which such receipt and expenditure takes place, and of the credits 40 and liabilities of the union.

60. The books of account shall be kept at the registered office of the union, and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed, shall be open to the inspection of members during the hours of business.

45 61. Once at least in every year the union executive shall lay before a general conference or the union in general meeting a statement of the income and expenditure for the past year, made up to a date not more than three months before such conference or meeting. 62.

Trade Union (Amendment).

62. The statement so made shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived, and the amount of gross expenditure, distinguishing the working expenses of the union as a whole and those of each branch, salaries, the cost of the pursuit of the various objects of the union, and other like matters. Every item of expenditure fairly chargeable against the year's income shall be brought into account, so that a just balance may be laid before the union, and in cases where any item of expenditure which may in fairness be distributed over several years has been incurred in any one year, the whole of the amount of such item shall be stated with the conditions and the reason why only a portion of such expenditure is charged against the income of the year.

63. A balance-sheet shall be made out in every year and laid before the union in general conference or in general meeting, and such balance-sheet shall contain a summary of the property and liabilities of the union, arranged in such a manner as to show clearly and succinctly the financial position of the union.

64. A copy of such balance-sheet shall, seven days prior to the meeting of the general conference or the holding of the general meeting before which it is to be laid, be served on every member of the union in the manner in which notices are hereinafter directed to be served.

Bank provisions.

65. All moneys received by any member of the union on behalf of the union shall be paid forthwith to the treasurer. The treasurer shall forthwith pay into the bank account of the union all sums whatsoever received by him on behalf of the union so that all moneys received shall pass through the bank account. Wherever practicable disbursement shall be made by cheque.

Trustees.

66. The union executive may, subject to the controls provided by this constitution, appoint the trustees of the union.

Audit.

67. Once at least in every year the accounts of the union shall be examined and the correctness of the balance-sheet ascertained free of charge by the Registrar of Friendly Societies, unless one or more auditors shall be appointed by the union executive from amongst persons who are not members of such executive.

68. If one auditor only is appointed all the provisions herein contained relating to auditors shall apply to him.

69. The auditors may be members of the union, but no person shall be eligible as an auditor who is interested otherwise than as a member of the union in any transaction of the union.

70. The remuneration of auditors other than the Registrar of Friendly Societies shall be fixed by a general conference or general meeting of members of the union.

71. Any auditor shall be re-eligible on his quitting office.

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72. Every auditor shall be supplied with a copy of the balance-sheet, and it will be his duty to examine the same with the accounts and vouchers relating thereto.

5 73. Every auditor shall have a list delivered to him of all books kept by the union, and shall at all reasonable times have access to the books of account of the union; he may at the expense of the union employ accountants or other persons to assist him in investigating such accounts, and he may in relation to such accounts examine the members of the union executive.

10 74. The auditors shall make a report to the union upon the balance-sheet and accounts, and in every such report they shall state whether in their opinion the balance-sheet is a full and fair balance-sheet containing the particulars required by this constitution and properly drawn up so as to exhibit a true and correct view of the state
15 of the union's affairs, and in case they have called for explanations or information from the union executive, whether such explanations or information have been given by members of the union executive, and whether they have been satisfactory, and such report shall be laid
20 before the general conference or general meeting of the union with the balance-sheet, and shall be served with such balance-sheet on every member in the manner in which notices are hereinafter directed to be served.

REGISTER OF MEMBERS.

25 75. A register of the names and addresses of members of the union shall be kept by the secretary of the union, and shall be submitted to meetings of the union executive for revision in the months of April, July, October, and January of each year.

UNION BADGE.

30 76. The union executive may require that each member shall possess a union badge indicating that he has complied with all the conditions of membership; also that he shall produce it upon request of any office-bearer or other person authorised by the union executive.

DEEDS OF THE UNION.

35 77. The deed of the union shall be evidenced by the affixing of the seal thereof in the manner hereinafter provided.

NOTICES.

78. A notice may be served by the union upon any member either personally or by sending it through the post in a prepaid letter addressed to such member at his registered place of abode.

40 79. Any notice if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post, and in proving such service it shall be sufficient to prove that the letter containing the notices was properly addressed and put into the post office.

45 80. All notices required to be served under the constitution or the regulations shall be exhibited upon a notice board at the registered office of the union, and also upon notice-boards at the usual places of meeting of each branch of the union.

Trade Union (Amendment).

REGULATIONS.

81. The union executive may, subject to the controls provided by this constitution, enact regulations for the purpose of securing the objects and giving effect to the provisions of this constitution, and of
5 regulating in greater detail the matters provided for by this constitution.

82. Any regulation repugnant to this constitution shall be void and of no effect.

83. Regulations shall be enacted by resolution of the executive, and the following provisions shall apply :—

- 10 (a) The mover of the proposed resolution must give six days' notice thereof in writing to the secretary, who shall set out such proposed resolution in full in the notice convening the meeting of the union executive.
- 15 (b) A copy of any regulation passed by the union executive shall forthwith be served upon every member of the union.
- (c) Such regulation may be disallowed, subject to an appeal to a ballot of members by a simple resolution of the next general conference of the union, or, if the union be not divided into branches, by a simple resolution of the next general meeting
20 of members of the union.
- (d) The regulations may contain provisions for imposing and enforcing fines for breaches thereof. Any member may appeal to an industrial magistrate against the imposition of a fine.

ALTERATION OF CONSTITUTION.

25 84. The constitution shall not be altered except by resolution passed by a general conference of the union, and sanctioned by a ballot of the members subject to the following conditions :—

- 30 (a) the mover of the proposed resolution must give notice thereof in writing to the general secretary, who shall set out such proposed resolution in full in the conference of the business paper.
- (b) such resolution shall not pass unless carried by a majority of two-thirds of the delegates present and voting at such conference.
- 35 (c) a copy of such resolution, if so passed by conference, shall forthwith be served upon every member of the union.

DISSOLUTION.

85. Dissolution of the union shall be effected by the cancellation of the registration of the union and the appointment of a receiver
40 following on the taking of a ballot of the members authorising such dissolution.

SEAL.

86. The seal of the union shall be kept in such custody as the union executive directs, and shall be used only by order of the executive, and
45 in the presence of a majority of the executive, who shall sign any instrument to which the seal is affixed.