

TRADE UNION (AMENDMENT) BILL.

SCHEDULE of Amendments referred to in Message of *March, 1916.*

- Page 1, clause 1, line 7. *Omit "1915" insert "1916"*
Page 2, clause 3. *Omit clause 3.*
Page 2, clause ~~4~~, 3, line 32. *Omit "Minister" insert "registrar"*
Page 3, clause ~~6~~. 5. At end of clause *add "and the insertion of the following new proviso in lieu thereof":—*
 " Provided that any rule setting out any purpose of a trade union that
 " is unlawful shall be cancelled by the registrar after hearing any parties
 " interested; and any person aggrieved by such action of the registrar may
 " appeal to the Court of Industrial Arbitration."
Page 3, clause 7. *Omit clause 7 insert new clause to stand as clause 6.*
Page 6, clause ~~8~~. 7, line 22. *Omit "Minister" insert "registrar"*
Page 6, clause ~~8~~. 7, line 37. *Omit "Minister" insert "registrar"*
Page 8, clause ~~12~~. 11, line 6. *Omit "Minister" insert "registrar"*
Page 8, clause ~~12~~. 11, line 9. *Omit "Minister" insert "registrar"*
Page 8, clause ~~13~~. 12, line 20. *Omit "by him"*
Page 8, clause ~~14~~. 13, line 21. *Omit "short heading" insert "Schedule"*
Page 8, clause ~~14~~. 13, line 27. *Omit "1915" insert "1916"*
Page 8, clause ~~14~~. 13, line 30. *Omit "1915" insert "1916"*
Page 8, clause ~~14~~. 13. At end of clause *add new proviso.*
Page 11, paragraph 11, line 8. *Omit "membership of the union executive" insert "the*
 " offices of president, general secretary, treasurer, and executive of the
 " union"
Page 11, paragraph 12. *Omit paragraph.*
Page 12, paragraph 18, line 13. *Omit "A member" insert "The secretary, at the*
 " request of the president, or at the request in writing of three or more
 " members"
Page 12, paragraph 18, line 15^a. *Omit "may" insert "shall"*
Page 19, paragraph 67, line 38. *Omit "executive"*
Page 19, paragraph 67, line 39. *Omit "such" insert "the"*

TRADE UNION (AMENDMENT) BILL

SCHEDULE of Amendments referred to in Message of March, 1916.

- Page 1, clause 1, line 7. Omit "1915" insert "1916"
- Page 2, clause 2. Omit clause 3.
- Page 2, clause 4-8, line 22. Omit "Minister" insert "register"
- Page 2, clause 4-5. At end of clause add "and the insertion of the following new proviso in lieu thereof":—
- "Provided that any rule setting out any purpose of a trade union that is unlawful shall be cancelled by the registrar after hearing any parties interested; and any person aggrieved by such action of the registrar may appeal to the Court of Industrial Arbitration."
- Page 3, clause 7. Omit clause 7 insert new clause to stand as clause 6.
- Page 6, clause 8, line 22. Omit "Minister" insert "register"
- Page 6, clause 8, line 27. Omit "Minister" insert "register"
- Page 6, clause 12, line 6. Omit "Minister" insert "register"
- Page 8, clause 12, line 9. Omit "Minister" insert "register"
- Page 8, clause 12, line 20. Omit "by him"
- Page 8, clause 14, line 21. Omit "short heading" insert "Schedule"
- Page 8, clause 14, line 27. Omit "1915" insert "1916"
- Page 8, clause 14, line 30. Omit "1915" insert "1916"
- Page 8, clause 14, line 30. At end of clause add new proviso.
- Page 11, paragraph 11, line 8. Omit "membership of the union executive" insert "the office of president, general secretary, treasurer, and executive of the union"
- Page 11, paragraph 12. Omit paragraph.
- Page 12, paragraph 15, line 13. Omit "A member" insert "The secretary, at the request of the president, or at the request in writing of three or more members"
- Page 12, paragraph 18, line 19. Omit "may" insert "shall"
- Page 13, paragraph 67, line 28. Omit "executive"
- Page 13, paragraph 67, line 38. Omit "such" insert "the"

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.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 29th March, 1916.*

New South Wales.



ANNO SEXTO

GEORGII V REGIS.

Act No. , 1916.

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 Short title. (Amendment) Act, ~~1915~~ 1916." It shall be construed with the Trade Union Act, 1881, hereinafter referred to as the Principal Act.

31673

418—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Trade Union (Amendment).

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

5 “The Minister” means the Minister of the Crown
for the time being charged with the adminis-
tration 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 workmen, or between employers and em-
ployers, or the imposing of restrictive condi-
tions 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.

(2) Any combination which is for the time being
20 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.

(3) The fact that a combination has under its con-
stitution objects (including political objects) or powers
25 other than statutory objects shall not prevent the com-
bination 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.

3. The Principal Act is amended by substituting
30 “the Minister” for the expression “the Registrar” or
“such Registrar”. “Minister”
substituted
for “Regis-
trar”.

4. 3. Any person aggrieved by any refusal of the Minister
Registrar to register a combination as a trade union, or
by the withdrawal under this Act of a certificate of
35 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.

5. 4. Sections four and five of the Principal Act are
40 repealed. Repeal of
ss. 4 and 5.

Trade Union (Amendment).

6. **5.** Section six of the same Act is amended by repealing the proviso to the said section and the insertion of the following new proviso in lieu thereof:—

Amendment
of s. 6.

5 **5.** Provided that any rule setting out any purpose of a trade union that is unlawful shall be cancelled by the registrar after hearing any parties interested; and any person aggrieved by such action of the registrar may appeal to the Court of Industrial Arbitration.

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

New s.7.

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—

Additional
powers of
trade unions.

20 (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;

35 (b) publish and maintain a newspaper and subscribe to the maintenance of a member of Parliament or to the funds of a political party;

40 (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.

6.

Trade Union (Amendment).

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

7. (1) The money and property of the union shall not be applied either directly or in conjunction with any other trade union, association or body, or otherwise indirectly in the furtherance of the political objects to which this section applies unless rules are in force providing—

Additional
powers of
trade unions.

5
10
15
(a) that any payments in the furtherance of these objects are to be made out of a separate fund (in this Act referred to as the political fund of the union) and for the exemption in accordance with this Act of any member of the union from any obligation to contribute to such fund if he gives notice in accordance with this Act that he objects to contribute; and

20
25
(b) that a member who is exempt from the obligation to contribute to the political fund of the union shall not be excluded from any benefits of the union or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the union (except in relation to the control or management of the political fund) by reason of his being so exempt, and that contribution to the political fund of the union shall not be made a condition for admission to the union.

30 (2) The political objects to which this section applies are the expenditure of money—

35 (a) on the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament or to any public office, before, during, or after the election in connection with his candidature or election; or

40 (b) on the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c)

Trade Union (Amendment).

- (c) on the maintenance of any person who is a member of Parliament or who holds a public office ; or
- 5 (d) in connection with the registration of electors, or the selection of a candidate for Parliament or any public office ; or
- 10 (e) on the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind, unless the main purpose of the meeting or of the distribution of the literature or documents in the furtherance of statutory objects within the meaning of this Act ;
- 15 (f) on the maintenance and publication of a newspaper other than a non-political trade journal.

20 The expression "public office" in this section means the office of member of any shire or municipal council, or the municipal council of Sydney, or of any public body who have power to raise money, either directly or indirectly, by means of a rate.

25 (3) A resolution under this section approving political objects as an object of the union shall take effect as if it were a rule of the union and may be rescinded in the same manner and subject to the same provisions as such a rule.

30 (4) The provisions of this Act as to the application of the funds of a union for political purposes shall apply to a union which is in whole or in part an association or combination of other unions as if the individual members of the component unions were the members of that union and not the unions ; but nothing in this Act shall prevent any such

35 component union from collecting from any of their members who are not exempt on behalf of the association or combination any contributions to the political fund of the association or combination.

40 (5) If any member of a trade union alleges that he is aggrieved by a breach of any rule made in pursuance of this section, he may complain to the Court of Industrial Arbitration, which court, after giving the complainant and any representative of the union the opportunity of being heard, may,
if

Trade Union (Amendment).

if it considers that such a breach has been committed, make such an order for remedying the breach as it thinks just under the circumstances, and any such order shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction, and on being recorded in the Supreme Court in its equitable jurisdiction may be enforced as if it had been a decree of the Court of Equity.

A ballot for the purposes of this section shall be taken in accordance with the rules of the union to be approved for the purpose by the registrar, but the registrar shall not approve of any such rules unless he is satisfied that every member has an equal right, and if reasonably possible a fair opportunity of voting and that the secrecy of the ballot is properly secured.

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

Registration.
Amendment
of s. 14.

(a) After subsection five insert two new subsections (5A) and (5B) as follows:—

(5A) The Minister registrar 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) 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.

(5B) The Minister registrar 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.

(b)

Trade Union (Amendment).

(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".

5 ~~9.~~ **8.** Section fifteen of the same Act is amended as Amendment of s. 15. follows:—

- (a) Substitute the words "the union is being dissolved" for the words "where the same is shown to have become void as aforesaid"
- 10 (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:—

15 (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

20 objects.

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

25 the interests of employees.

(5) On dissolution of the trade union.

10 ~~9.~~ **9.** Section sixteen of the same Act is amended by Amendment of s. 16. the addition of a new subclause as follows:—

- 30 (3) Upon registration effected after the passing Third Schedule. 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
- 35 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
- 40 union may from time to time repeal, amend, or add to its rules, including those in the Third Schedule.

Trade Union (Amendment).

11. **10.** 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. **11.** 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~~ registrar of a determination by the members of a trade union, authorising the dissolution of such union, the ~~Minister~~ registrar 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. **12.** 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. **13.** The following section and ~~short heading~~ New s. 32. Schedule are added at the end of the said Act:—

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 the Trade Union (Amendment) Act, 1915, 1916, 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, 1916, had then been in force, be deemed to have been and to be valid for all purposes: Validation of acts of trade unions.

Provided that no levy made by any trade union prior to the passing of this Act for any political purpose as defined by this Act shall be recoverable in any court, and any person refusing to pay such levy shall be entitled to all the rights, privileges, and immunities provided in section seven of this Act.

Trade Union (Amendment).

THIRD SCHEDULE.

Rules for the Constitution of Trade Union.

NAME.

1. This union shall be called

5

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
10 employees; and subsidiarily—

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

(2)

(3)

REGISTERED OFFICE.

- 15 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
20 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 hereinafter prescribed, by a union executive consisting of four members elected by
40 each branch: Provided that if the membership does not exceed 300,
and

Trade Union (Amendment).

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 the offices of president, general secretary, treasurer, and executive of the union
10 must be in writing, and signed by the member nominated, and by not less than five other members of the union, and must be lodged with the secretary of the union on or before the 24th 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
15 such retiring member alone, and lodged on or before the date above 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.

20 13. Any member of the union executive shall be subject to removal 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
25 fill the same shall proceed to do so by ballot taken for the purpose 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
30 the happening of any of the following events, namely:—

(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
35 a resigning member of the union executive may continue to act as a member of such executive until the appointment of 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-
45 first day of December. A copy of such report shall, seven days prior 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.

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

Trade Union (Amendment).

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 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 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~~ **The secretary, at the request of the president, or at the request in writing of three or more members** of the union executive, ~~may~~ shall at any time summon a meeting of such executive.

19. The president of the union shall be chairman of the meetings of 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 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 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 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 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.

40 *Trustees.*

23. The union executive may, subject to the controls provided by 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 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
30 general meetings of the members of branches specially called for the 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.

Trade Union (Amendment).

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.

(Stamp or seal of the union.) E. F.

15

G. H.

I. J.

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 .

Trade Union (Amendment).

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 30 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.

Trade Union (Amendment).

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.

Trade Union (Amendment).

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.

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 the 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.

Trade Union (Amendment).

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.

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.

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 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 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.

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.

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.

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.

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.

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.

REGULATIONS.

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.

UNIVERSITY OF CHICAGO
LIBRARY
520 EAST 57TH STREET
CHICAGO, ILL. 60637

1952
UNIVERSITY OF CHICAGO
LIBRARY
520 EAST 57TH STREET
CHICAGO, ILL. 60637

UNIVERSITY OF CHICAGO
LIBRARY
520 EAST 57TH STREET
CHICAGO, ILL. 60637

UNIVERSITY OF CHICAGO
LIBRARY
520 EAST 57TH STREET
CHICAGO, ILL. 60637

UNIVERSITY OF CHICAGO
LIBRARY
520 EAST 57TH STREET
CHICAGO, ILL. 60637

UNIVERSITY OF CHICAGO
LIBRARY
520 EAST 57TH STREET
CHICAGO, ILL. 60637