

Rules of the TCFUSA

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PART I - THE UNION

1 - NAME

The name of the association shall be the "Textile, Clothing and Footwear Union of South Australia" (hereinafter referred to as "the Union").

2 - OBJECTS

The objects of the Union are and shall be:

- (a) to watch over, improve, foster and protect the interests of its members;
- (b) to uphold the rights of combination of labour for trade or industrial purposes;
- (c) to obtain and maintain for its members by all lawful means reasonable hours of work, fair wages and industrial conditions and to establish a thorough system of apprenticeship and training;
- (d) to improve the social and economic position of its members by all lawful means;
- (e) to render pecuniary and other assistance in repelling any infringement or attempted infringement of its members' rights and privileges;
- (f) to assist kindred Unions;
- (g) to assist in the movement for socialisation of the means of production, distribution and exchange;
- (h) to acquire direct representation of Labour in Federal and State Parliaments;
- (i) to establish and maintain Labour journals;
- (j) to do all things conducive to the welfare and organisation of the working class;
- (k) to protect and secure to any member all the rights, privileges and concessions held or enjoyed by such member, or to which such member may be entitled;
- (l) to foster co-operation and inculcate harmonious relations between members;
- (m) to assist members in enforcing their rights under any law relating to industrial conciliation or arbitration or compensation for illness or injuries;
- (n) to secure preference in employment to members;
- (o) to assist financial members or the families of financial members in distress;
- (p) to provide legal and other assistance for the conduct of negotiations or proceedings for the attainment of any of these objects;
- (q) to provide a mortality fund or funds for the benefit of the nominees or next of kin of deceased members of the Union;
- (r) to provide funds from donations, fines, fees, levies and dues and from interest on capital from which payments may be made for the purposes of any of these objects;

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- (s) to invest funds in securities or projects authorised by law for the investment of trust funds;
 - (t) to support co-operative ventures generally;
 - (u) to formulate and carry into operation schemes for the industrial, social, recreational, intellectual and general advancement of members and to make arrangements with persons engaged in any trade, business or profession for the concession to the members of the Union of any special rights, privileges and advantages and in particular with regard to the supply of goods or services;
 - (v) to establish and maintain clubs and holiday homes for the benefit of members and their families;
 - (w) to purchase, take on lease or in exchange, hire or otherwise acquire any real property and in particular any land, buildings or easements for any purpose connected with the conduct of the Union and its Branches;
 - (x) to borrow or raise or secure the payment of money in such manner as the Union or a Branch may think fit, to secure the same, or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union or a Branch in any way and to redeem or pay off any such securities;
 - (y) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Union or a Branch;
 - (z) to co-operate, affiliate or amalgamate with or absorb any organisation or association which has objects similar to the objects of the Union; and
 - (aa) to undertake and do all such acts matters and things as may be incidental or conducive to the attainment of the above objects or any of them.

3 - INDUSTRY

The industries in or in connection with which the Union is registered are the woollen, worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any vegetable or synthetic fibre or non-woven substance, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels industries and the Felt Hatting Industry and the industry of making hats from materials other than felt and the boots, shoes and slippers industry and the clothing and tailoring industries and the makers and/or trimmers and/or blockers and/or repairers of all articles of headwear, and/or millinery (including berets), the makers or repairers of articles of neckwear of all descriptions, the makers or repairers of gloves, handkerchiefs, serviettes, tablecloths, sheets, pillow-slips, pillow-shams, quilts, bed valances, bed curtains, mosquito nets, towels or aprons, embroidering or otherwise ornamenting any of the abovementioned articles, furriers, makers or repairers of all descriptions of umbrellas.

4 - CONDITIONS OF ELIGIBILITY FOR MEMBERSHIP

The Union shall consist of:

- (a) an unlimited number of persons engaged or usually engaged in or in connection with the following mills or factories in South Australia:-

woollen, worsted, wool tops, spinning, weaving, dyeing, finishing, waste-breaking, flock, wadding, felt and feltex, flax, cotton, carpets, silk and artificial silk, rayon and/or any other synthetic fibre, hosiery, half-hose, knitting, textile printing, textile furnishings, tapestry, braids and tassels;
- (b) an unlimited number of persons engaged or usually engaged in or in connection with the treatment or conversion of any vegetable or synthetic fibre or non-woven substance in the manufacture of infants', table and sanitary napkins, of facial and toilet tissue, of tampons, of mats, towels and

absorbent cloths and wipers, of absorbent pads, and of substitutes for the products of any of the mills or factories listed in paragraph (a) above;

- (c) bona fide male and female artisans, apprentices and employees in the Felt Hatting Industry, and all employees engaged in or in connection with the preparation or manufacture of materials or articles used in or in connection with the Felt Hat Industry or Felt Hat Making; and also all males engaged or usually engaged in the process of making Straw Boaters, Buckram Shapes, wet and spartive stiffening by hand or machine, and all types of Panamas, Pan-dans and Helmets and all types of straw and fabric hoods; and the making of such hoods into hats;
- (d) an unlimited number of employees, whose usual occupation is wholly or partly manufacturing or repairing boots, shoes, slippers and wood lasts of every description; also those engaged in designing, pattern cutting or preparing of patterns for the uppers or other parts of boots, shoes and slippers, mechanics engaged in the maintenance or repair of machinery used in the production of boots, shoes and slippers;
- (e) an unlimited number of employees wholly or partly employed in any one or more of the following industries:-
 - (i) making and/or repairing the whole or any part of any male or female garment or of any article of wearing apparel whatsoever, made from material of any description, including all articles of neckwear, making and/or trimming and/or blocking and/or repairing all articles of headwear and/or millinery (including berets) (other than employees in felt hat manufacturing establishments for whom provision is made in paragraph (c) above) and excluding boots, shoes, slippers and gloves only;
 - (ii) making and/or repairing the whole or any part of any description of umbrella;
 - (iii) making and/or repairing any description of handkerchiefs, serviettes, pillowslips, pillowshams, sheets, tablecloths, towels, quilts, aprons, mosquito nets, bed valances, or bed curtains;
 - (iv) without limiting the generality of the foregoing, embroidering or otherwise ornamenting any of the abovementioned articles, including the making and/or manufacturing of such ornamentations as are made of textiles, felts or similar fabrics, and of artificial flowers;
 - (v) without limiting the generality of the foregoing, the industry of a furrier; and,
 - (vi) without limiting the generality of the foregoing, the making of chenille (except as to spinning and winding) and the making and/or repairing of articles of all descriptions as are made of chenille;
- (f) such other persons as have been elected or appointed officers or organisers or employees (other than clerical employees) of the Union or a Branch and who have been continuously employed in any one or more of the industries of the Union for at least three years.

5 - REGISTERED OFFICE

- (a) The registered office of the Union shall be at 25 Chief Street Brompton South Australia or such other place as the Executive Committee may from time to time determine. It shall be open to the public between 8:30am and 5pm Monday to Friday.

PART II - MEMBERSHIP

6 - ADMISSION TO MEMBERSHIP

- (a) An applicant for Membership shall forward or cause to be forwarded to the Secretary an application in such form as the Executive Committee from time to time determines.
- (b) An applicant for membership of the Union shall be informed in writing of:-
 - (i) the financial obligations arising from membership of the Union; and,
 - (ii) the circumstances, and the manner, in which a member of the Union may resign from the Union.
- (c) Unless such application is referred to the Executive Committee for enquiry as hereinafter provided, the applicant shall be and be deemed to be a member of the Union from the date of the receipt of the applicant's application by the Secretary.
- (d) The Secretary shall have power to refer any application for membership to the Executive Committee for enquiry, and such Executive Committee shall thereupon enquire into the application and advise the Secretary of its decision to admit the applicant to Membership or to refuse the application.
- (e) The Secretary shall:
 - (i) advise the applicant that the application has been referred to the Executive Committee for enquiry; and
 - (ii) advise such applicant of the decision of the Executive Committee to whom the application was referred.
- (f) If such Executive Committee decides to admit such applicant to membership of the Union, the applicant shall be and be deemed to be a Member as from the date the advice of such decision is sent the applicant.
- (g) If such Executive Committee decides to refuse any such application, the applicant shall forthwith be notified of such refusal and may by notice in writing appeal against such decision to the meeting of the Executive Committee to be held next after the date of such notification. The decision of the Executive Committee on such appeal shall be final and the applicant shall be given notice thereof.
- (h) If the Executive Committee admits the applicant to Membership of the Union, the applicant shall be and be deemed to be a Member as from the date of its decision.

7 - CONTRIBUTIONS

- (a) Annual contribution fee for members shall be such amount as determined by the Executive Committee but not exceeding one cent in the dollar on the annual wage or salary provided for by Award, enterprise agreement or former industrial agreement applicable to each such member of the Union, payable in advance. Annual contributions shall be calculated by reference to the relevant wages or salary which apply as at 30 April in each year.
- (b) A person applying for membership of or who is a member of the Union and who is a member of the Textile Clothing and Footwear Union of Australia (an organisation of employees registered pursuant to the Workplace Relations Act 1996 "TCFUA") is exempt from the payment of any annual contribution or other amounts payable pursuant to these rules so long as he or she remains a member of the that Organisation.

8 - LEVIES

- (a) The Executive Committee may from time to time strike a levy or levies on either the whole of the membership of the Union or any part thereof specified in the resolution striking the levy.
- (b) Any levy struck under this Rule shall be payable within fourteen days of the date on which the levy or any instalment thereof is declared to be payable in the resolution striking the same.
- (c) No levy struck under this Rule shall be payable by any member whose earnings are less than \$70.00 per week.

9 - UNFINANCIAL

- (a) Any member, who owes an amount for fines, fees, levies or contributions which exceeds an amount equivalent to one quarter's contribution payable by such member, shall be unfinancial.
- (b) An unfinancial member shall not:
 - (i) be eligible to be a candidate for any office in the Union;
 - (ii) be eligible to hold any office in the Union;
 - (iii) be entitled to attend or vote at any meeting of the Union;
 - (iv) be eligible to vote in any ballot;
 - (v) be entitled to any benefit provided by the Union.
- (c) Any member whose fines, fees, levies and/or dues are in arrears of an amount exceeding \$20.00 may be called before the Executive Committee and, unless the member shows cause to the satisfaction of that Executive Committee that such arrears have accumulated for some reason beyond the member's control, may be fined by such Executive Committee an amount not exceeding the amount of the member 's arrears.

10 - RECOVERY OF CONTRIBUTIONS

- (a) The Secretary is authorised to conduct proceedings for the recovery of contributions, fees, fines and/or levies payable to the Union.
- (b) The Secretary may authorise any other person (who need not be an Officer or Member of the Union) to sue for and recover any contributions, fees, fines and/or levies due to the Union.
- (c) Any contributions, fees, fines and/or levies payable but not paid by a former member of the Union, in relation to a period before the member's resignation from the organisation took effect, may be sued for and recovered in the name of the Union as a debt due to the Union.

11 - TERMINATION OF MEMBERSHIP

- (a) Membership of a member of the Union shall be terminated:
 - (i) by resignation in accordance with these Rules,
 - (ii) by expulsion in accordance with these Rules,
 - (iii) by death of the member, or

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- (iv) By the member ceasing to be eligible to be a member.
 - (b) A member may resign from membership of the Union by notice in writing addressed and delivered to the Secretary.
 - (c) A notice of resignation from membership of the Union shall take effect on the later of the day specified in the notice or 2 weeks after the notice is received by the Union.
 - (d) Any dues payable but not paid by a former member of the Union in relation to a period before the member's resignation from the Union took effect, may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the organisation.
 - (e) A notice delivered to the Secretary shall be taken to have been received by the Union when it was delivered.
 - (f) A notice of resignation that has been received by the Union shall not be invalid because it was not addressed and delivered in accordance with paragraph (b) of this Rule.
 - (g) A resignation from membership of the Union shall be valid even if it is not effected in accordance with the foregoing provisions of this Rule if the member is informed in writing by or on behalf of the Union that the resignation has been accepted.

12 - MISCONDUCT OF MEMBERS

- (a) If any member of the Union is charged in writing by another member of the Union with:-
 - (i) deliberately divulging any of the confidential business of the Union to someone not entitled to know the same;
 - (ii) refusing to obey any of the Union Rules;
 - (iii) refusing knowingly to obey a resolution carried at any meeting of the Executive Committee;
 - (iv) defrauding or attempting to defraud the Union;
 - (v) making a false charge against a fellow member; or,
 - (vi) violating the terms of any industrial award or agreement or entering into any agreement with any employer or any Officer thereof, contrary to the provision of any award or agreement secured by the Union and applicable to the member and such charge is delivered to the Secretary, the member charged may be summoned to a special meeting of the Executive Committee, when, should he or she so desire, he or she shall be allowed to give an explanation of his or her conduct. If the member charged fails to attend the meeting, the matter may be dealt with in the member's absence.
- (b) The member so charged shall be given at least fourteen days' notice in writing of the meeting at which the charge is to be considered and full particulars of the charge made against such member.
- (c) The intention of the Executive Committee to consider the matter of a charge of misconduct against a member shall be stated in the notice convening the meeting. A member unable to attend the meeting may send a written explanation within fourteen days of the date of the notice convening the meeting.

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- (d) A member so charged, who fails at such meeting to give a satisfactory explanation or if unable to attend the meeting fails to tender a satisfactory written explanation within fourteen days of the date of the notice convening the meeting concerning the charge, may be cautioned or be fined a sum not exceeding \$50.00 or be suspended from membership for a period not exceeding twelve months or be expelled from the Union provided:
- (i) the decision to caution, fine, suspend or expel the member must be carried by a two-thirds majority of the persons voting on such resolution; and
 - (ii) a decision to expel a member under this Rule by the Executive Committee shall not become effective unless and until it be confirmed by a two-thirds majority of the financial members voting on such resolution at a general meeting of the Executive Committee to which such member is attached called for the purpose of considering such a resolution.
- (e) Notice of intention to deal with a member under these Rules at such a general meeting shall be notified in an official publication of the Union, or by a circular to be placed upon notice boards in each factory by shop stewards of the Executive Committee, and the purpose of the meeting at which the matter is to be dealt with shall be stated in such notice.
- (f) The member whose conduct is under consideration shall be notified to attend such meeting and may at such meeting give such explanation as the member may desire why action should not be taken under the Rule. Should such member fail to attend the meeting, the matter may be dealt with in the member's absence, provided that a member unable to attend the meeting may tender a written explanation within fourteen days of the date of the notice convening the meeting.
- (g) Any member who has been expelled from the Union shall cease to be a member thereof, and shall not be re-admitted to membership within twelve months of such expulsion, and shall only be re-admitted with the consent of the Executive Council.

13 - RECORD OF MEMBERS

The Secretary shall keep and maintain or cause to be kept and maintained the following lists: -

- (a) a list of members of the Union (herein referred to as the "register of members") showing their postal addresses from time to time, and
- (b) a list of the names, postal addresses and occupations of the Executive Committee, the officers of the Executive Committee and every person holding property in which the Union has a beneficial interest.

14 - PURGING THE REGISTER

- (a) The Secretary shall have power to remove from the register of members of the Union the names of all members who:
 - (i) are six months in arrears; or,
 - (ii) have resigned or received a clearance or otherwise left the Union; or,
 - (iii) any member whose membership has otherwise terminated or been terminated by or in accordance with these Rules.
- (b) The Secretary shall not exercise the powers conferred by clause (a) (i) or clause (a) (ii) of this Rule unless-
 - (i) he or she gives the member concerned one month's written notice of his or her intention to do so, and

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- (ii) where the member concerned, within that month, submits in writing grounds for his or her name not being so removed from the register of members, the Executive Council approves such removal.
- (c) The Secretary shall remove from the register of members of the Union the name of all members who cease to be eligible for membership of the Union.

15 - CHANGE OF ADDRESS

Any member changing his or her postal address shall report such change to the Secretary within fourteen days of such change.

PART III - UNION

16 - MANAGEMENT OF THE UNION

The management of the Union shall be vested in the Executive Committee.

17 - COMPOSITION OF EXECUTIVE COMMITTEE

- (a) The Executive Committee shall consist of:-
- (i) President
 - (ii) Vice-President;
 - (iii) Secretary
 - (iv) One (1) Committee member
 - (v) Two (2) Trustees

18- POWERS OF EXECUTIVE COMMITTEE

- (a) In addition to any powers otherwise conferred upon it by these Rules, the Executive Committee of the Union shall be the supreme governing body of the Union and shall have the management and control of the Union.
- (b) All decisions of the Executive Committee shall be final and binding and shall remain in force unless and until amended, varied or rescinded at a subsequent meeting of the Executive Committee or in accordance with Rules 26 or 30.

19 - MEETINGS OF EXECUTIVE COMMITTEE

- (a) The Executive Committee shall meet at least once in every calendar year.
- (b) Upon resolution of the Executive Committee or upon written request of 5% of the members the Secretary shall call a special meeting of the Executive Committee. Any such request or resolution shall specify the business to be submitted to such special meeting.
- (c) At any other time, meetings of the Executive Committee may be called by the Secretary.
- (d) At all meetings of the Executive Committee, a quorum shall be one half of the members eligible to attend the meeting.
- (e) The Secretary shall give each member of the Executive Committee at least fourteen days' notice of each meeting of the Executive Committee.

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- (f) The Secretary can determine that meetings of the Executive Committee can be held by telephone.
 - (g) Any decision of the Executive Committee may be decided by mail, fax, telephone or other electronic means at the instigation of the Secretary.

20 - OFFICERS OF THE UNION

The Officers of the Union shall be the President, Vice-President, Secretary, Assistant Secretary and a committee member.

21 - POWERS AND DUTIES OF THE OFFICERS AND THE TRUSTEES OF THE UNION

(a) President

The President of the Union shall be the recognised head of the Union and shall:

- (i) preside at meetings of the Executive Committee and upon confirmation of the minutes sign them in the presence of the meeting confirming the same;
- (ii) sign all documents requiring the President's signature;

(b) Vice-President

- (i) In the absence of the President from any meeting of the Executive Committee, the Vice-President shall preside over such meeting.
- (ii) In the absence from any such meeting of the President, and the Vice-President those present shall select one of their number to preside over such meeting.

(c) Secretary

The Secretary of the Union shall:-

- (i) call and attend unless excused, all meetings of the Executive Committee and keep or cause to be kept the minutes of all such meetings;
- (ii) arrange and organise the conduct of the business and correspondence of the Union;
- (iii) receive all moneys and pay the same to the credit of the Union in such bank, building society, credit union or other financial institution as the Executive Committee may from time to time decide;
- (iv) issue receipts for all moneys received on behalf of the Union;
- (v) keep or cause to be kept in appropriate books of account a correct statement of all moneys received and expended by or on behalf of the Executive Committee;
- (vi) have custody of the bank books and produce them for inspection at all reasonable times when requested by the President, the Executive Committee;
- (vii) prepare and submit to a meeting of the Executive Committee at least every six months an up-to-date financial statement and when called upon so to do by the Executive Committee produce all relevant books in support of the same;
- (viii) prepare annually Balance Sheets and Statements of Accounts for submission to the Executive Committee;

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- (ix) assist the Auditor and furnish such person with all such information regarding the financial affairs of the Union as the Secretary may have;
 - (x) keep or cause to be kept a list of the names, postal addresses and occupations of the members of the Executive Committee and of the Officers of the Union;
 - (xi) keep or cause to be kept the records required to be kept pursuant to the provisions of the Act;
 - (xii) lodge and file with and furnish to the Industrial Registrar all such documents as are required to be lodged, filed or furnished under the said Act at the prescribed times and in the prescribed manner;
 - (xiii) subject to any direction of the Executive Committee, appoint, engage, control and dismiss such clerical and other staff as may be necessary for the conduct of the affairs of the Union;
 - (xiv) represent the Union at all conferences and other meetings which he or she is required to attend on its behalf;
 - (xv) have power to submit any question of a legal nature to the Union's legal representatives for opinion (and in the event of his or her doing so, he or she shall supply the Executive Committee with a copy of the question so submitted and the answer received);
 - (xvi) carry out such other duties as the the Executive Committee of the Union may from time to time direct.
- (d) Trustees
- (i) The Trustees shall be responsible for the safe custody of the Seal of the Union and for the safe custody of the securities, documents and funds of the Union. The securities and documents of the Union shall be deposited by the Secretary in the name of the Trustees in such bank, building society, credit union or other financial institution as the Executive Committee may from time to time decide and the funds of the Union shall be deposited by the Secretary in such bank, building society, credit union or other financial institution as the Executive Committee may from time to time decide in the following name: Textile, Clothing and Footwear Union of South Australia Executive Committee - General Account.
 - (ii) The Trustees shall act only on a resolution of the Executive Committee certified under the hands of the President and Secretary.
 - (iii) The Trustees shall, subject to the direction of the Executive Committee, have control of the property of the Union and shall invest any accumulated funds in such securities as trustees are authorised by law to use for the investment of trust moneys.
 - (iv) All cheques for the withdrawal of money from accounts of the Union shall be signed by either of the Trustees and the Secretary.
- (e) Assistant Secretary
- The Assistant Secretary of the Union shall
- (i) assist the Secretary of the Union in the carrying out of the Secretary's duties and powers under these Rules; and
 - (ii) perform such other duties as the Executive Committee may from time to time direct; and
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- (iii) in the event of the Secretary being temporarily unable or unavailable to carry out the duties of Secretary, the Assistant Secretary shall act in his/her stead and exercise all of the functions and powers of the Secretary.

22 - ELECTIONS

- (a) Tenure of Office

- (i) All Officers and Trustees shall be elected by secret postal ballot of all financial members of the Union, shall take office from the completion of the term of office of the person replaced or from the date of declaration of election (whichever is the later) and shall hold office for a period of four years or until a successor thereto has been elected and takes office.

- (b) Qualifications for Office

Any nominee for any office specified in this Rule shall as at the date of nomination be a financial member of the Union.

- (c) Returning Officer

Any Returning Officer appointed pursuant to this Rule: -

- (i) may or may not be a member of the Union; and
- (ii) shall not be the holder of any office in or an employee of the Union.

- (d) Conduct of Elections

- (i) Not less than four months prior to the completion of the current term of office the Executive Committee shall appoint a Returning Officer to conduct an election for all officers and trustees and such Returning Officer shall have absolute control of the election.

- (ii) The Returning Officer shall -

- (a) fix a date for the closing of nominations, being a date not less than three months prior to the completion of the current term of the office, and
- (b) not less than two weeks before the date fixed for the closing of nominations, call for nominations by circular to be placed upon notice boards in each factory by shop stewards or by advertisement in a daily newspaper or newspapers circulating throughout a state or territory in which the Union has members.

- (iii) Nominations shall be in writing, shall be signed by the nominee and shall be delivered to the Returning Officer at the registered office of the Union not later than 12 noon on the date fixed by the Returning Officer for the closing of nominations.

- (iv) The Returning Officer shall -

- (a) check all nominations received for compliance with the requirements of these Rules and shall reject any that do not so comply, provided that in the event of finding a defect in any nomination the Returning Officer shall, before rejecting the nomination, notify the person concerned of the defect, and, where it is practicable, give the person the opportunity to correct the defect within seven days of having been so notified;
- (b) if there be no more than one nomination for a position declare the nominated person elected to the position;

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- (c) ensure that the names and addresses of members who are entitled under these rules to vote in an election shall form the roll of voters for the election. The Returning Officer shall prepare a roll of voters who, on the seventh day before the date determined for the opening of nominations, are entitled to vote in the election;
 - (d) if more nominations than one are received for the position, have ballot papers printed containing the names of the candidates for the position in order as drawn by lot indicating the number to be elected to the appropriate position, the manner in which votes shall be recorded and the date and time of closing of the ballot, which date shall be not less than two weeks prior to the completion of the current term of the appropriate office;
 - (e) be responsible for the safe custody of the ballot papers;
 - (f) obtain from the printer a certificate of the number of ballot papers printed;
 - (g) initial every ballot paper prior to its distribution;
 - (h) forward by prepaid post a ballot paper, a prepaid or business reply paid envelope addressed to the Returning Officer and a declaration envelope for the return of the vote to each member entitled to receive a ballot paper.;
 - (i) arrange for the use of a post office box or other receptacle to which ballot papers may be returned;
 - (j) at the time fixed for the closing of the ballot, collect the ballot papers as returned and, in the presence of the scrutineers (if so requested), count all the votes cast and subject to sub-paragraph (k) of this paragraph declare the result of the ballot;
 - (k) in the event of a tie occurring, determine the result by drawing lots in the presence of the tied candidates, provided that if one of the tied candidates is a retiring office-holder from the position the subject of the ballot, then such candidate shall be declared elected; and
 - (l) report the result of the election to the next meeting of the Executive Committee and submit to the meeting a full report of the ballot indicating the number of ballot papers printed, the number distributed, the number on hand and any other relevant matters.

(e) Scrutineers

Any candidate may appoint a scrutineer who is a member of the Union to represent the candidate at the ballot. The candidate appointing the scrutineer shall before the closing of nominations, notify the Returning Officer in writing of the name of such scrutineer who:

- (i) shall be entitled to be present throughout the ballot and may query the inclusion or exclusion of any vote, in the count but the Returning Officer shall have final determination of any votes so queried;
- (ii) shall not remove, mark, alter or deface any ballot paper or other document used in connection with the election; and
- (iii) shall not interfere with or attempt to influence any member at the time such member is casting a vote.

(g) Extraordinary or Casual Vacancies

- (i) An extraordinary or casual vacancy (howsoever occurring) in the office of Secretary or Assistant Secretary shall be filled by secret postal ballot of all financial members of the Union as soon as practicable following the occurrence of the vacancy and the person so elected shall take office from the declaration of election and shall hold office until the expiration of the term of office of the person replaced or until a successor thereto has been elected and takes office.
- (ii) An extraordinary or casual vacancy (howsoever occurring) in the office of any other Officer or in the office of a Trustee shall be filled by secret postal ballot of the members of the Executive Committee as soon as practicable following the occurrence of the vacancy and the person so elected shall take office from the declaration of election and shall hold office until the expiration of the term of the person replaced or until a successor thereto has been elected and takes office.
- (iii) Any ballot pursuant to this clause shall be conducted by a Returning Officer appointed by the Executive Committee for such purpose and the Returning Officer so appointed shall determine the times and dates for the commencement and close of the period for lodging nominations and the times and dates for the commencement and close of the ballot and shall, in all other respects, conduct the ballot in accordance with the provisions of paragraph (d) of this Rule.
- (iv) Notwithstanding the foregoing provisions of this paragraph:
 - (a) where the unexpired portion of the term of the office in which the vacancy occurs does not exceed 3 years, the Executive Committee may fill such vacancy by appointment of a financial member of the Union qualified pursuant to these Rules to be elected to such office; and
 - (b) where the unexpired portion of the term of the office in which the vacancy occurs exceeds 3 years, the Executive Committee may fill such vacancy by appointment of a financial member of the Union qualified pursuant to these Rules to be elected to such office until an election is held, provided that no person so appointed shall hold office for a period exceeding twelve months.

(h) Absent Voting

In any election conducted in accordance with this Rule by way of secret postal ballot, if a person entitled to receive a ballot paper is absent from the address appearing for that person on the roll of voters, that person may, by notice in writing delivered to the Returning Officer prior to the opening of the ballot, advise the Returning Officer of the address to which such ballot paper is to be forwarded.

23 - REMOVAL OF OFFICE HOLDERS

- (a) Where the Executive Committee at a special meeting called for that purpose finds any Officer of the Union or a Trustee or member of the Executive Committee guilty, in accordance with these Rules, of misappropriation of the Funds of the Union for a substantial breach of the Rules of the Union, or gross misbehaviour or gross neglect of duty, or finds that such a person is not eligible to hold the office held, it may by resolution suspend or remove such person from the office.
- (b) No such resolution shall be moved at a meeting of such Executive Committee unless the person concerned has been given adequate notice of intention to move the resolution and an opportunity to show cause either orally or in writing to such Executive Committee why the resolution should not be passed.

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- (c) Where such a person is, in accordance with this Rule, suspended or removed from office, the person shall, by virtue of such suspension or removal, be deemed to have been suspended or removed from any other office held by virtue of holding the office from which the person has been suspended or removed.

PART IV - OTHER MATTERS

24 - SEAL

- (a) The Union shall have a Seal in a form determined by the Executive Committee.
- (b) The Seal shall be kept at the principal registered office of the Union.
- (c) Any document not required by law to be under seal may be executed by being signed by the Secretary.
- (d) Any document permitted or required by the Act to be under seal may be executed on behalf of the Union by affixing the Seal of the Union thereto and by being signed by the Secretary.
- (e) Any document otherwise required by law to be under seal shall be executed only on the authorisation of the Executive Committee by affixing the Seal of the Union thereto and by being signed by the Secretary.

25 - INDUSTRIAL AGREEMENTS

- (a) The Executive Committee shall have full power and authority to negotiate and enter into industrial agreements. Such agreements shall be signed for and on behalf of the Union by the President or the Secretary.

26 - AUTHORITY TO INSTITUTE PROCEEDINGS

- (a) The Executive Committee shall have power and authority to lodge or file any claims, demands, disputes or other matters relating to the members of the Union with such Courts, Industrial Tribunals or other Tribunals or Authorities as it deems necessary.
- (b) Notwithstanding the foregoing, the Secretary shall have a discretionary power to lodge or file any claims, demands, disputes or other matters relating to the members of the Union provided that any use of such discretionary power shall be reported to the next following meeting of the Executive Committee.
- (c) For the purpose of this Rule, the Secretary shall be authorised to sign any claims, demands, disputes or other matters on behalf of the Executive Committee.
- (d) The Secretary, if authorised by the Executive Committee, shall have power on behalf of and in the name of the Union, to take any proceedings, lay any information or complaint, or do any other act, matter or thing which the Union may do under the provisions of the Act concerning the enforcement of the Act, the regulations or any award or agreement made under the Act or the carrying out of any provisions of the Act or any other legislation affecting the affairs and interests of the Union and its members.
- (e) At the hearing of any matter or in any proceedings in which the Union is concerned, the Union may be represented by the Secretary and/or such other Officer(s) and/or person(s) as the Executive Committee or the Secretary may determine.

27 - VOTING

- (a) Unless otherwise required by these Rules, at all meetings of the Executive Committee of the Union, voting shall be by show of hands or by such other method as the meeting decides.
- (b) At all meetings of the Executive Committee the Chairperson shall not have a casting vote.
- (c) At all meetings of the Executive Committee of the Union, each member of the Committee shall each be entitled to one vote.
- (d) Where any member of the Executive Committee is unable for any reason or at any time to be present at a meeting of the Executive Committee, he/she may in writing or by telegram, lettergram, facsimile or email appoint another member of the Executive Committee to exercise his/her vote at such meeting on any or all matters including an election or appointment which comes before that meeting, provided that no person attending any such meeting shall be entitled to hold more than one proxy vote for that meeting.

28 – ANNUAL GENERAL MEETINGS

- (a) An annual general meeting shall be held in the month of May in each year.
- (b) A special general meeting may be called by either the President or by the Secretary at any time and shall be called by the President upon receipt by him or her of a petition signed by not less than 5 per cent of the members.
- (c) Notice of any general meeting shall be advertised in a daily newspaper circulating in the South Australia. Such notice shall be advertised or circulated not less than fourteen days prior to the date of the meeting and shall specify the date, time and place of the meeting and, in the case of a special general meeting, the purpose for which it has been called.
- (d) A special general meeting shall deal only with the business for which it has been called.
- (e) A member who signs a petition for a special general meeting and who fails to attend such special general meeting without reasonable excuse shall be deemed guilty of a breach of these Rules.
- (f) A quorum at any general meeting of a Branch shall be twenty financial members;
- (g) If no quorum is present at the time specified for the commencement of any general meeting, such meeting shall lapse.
- (h) No ordinary general meeting shall continue for more than two (2) hours and no special general meeting shall continue for more than two and one-half (2-1/2) hours, provided that any such meeting may be extended by thirty (30) minutes by a majority vote of members present.
- (i) No general or special meeting shall be held on a public holiday.

PART V - FINANCE

29 - FUNDS AND PROPERTY OF THE UNION

- (a) The funds and property of the Union shall consist of:
 - (i) any real or personal property of which the Executive Committee of the Union by these Rules or by any established practice not inconsistent with these Rules, has, or, in the absence of any limited term lease, bailment or arrangement, would have the right of custody, control or management;

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- (ii) any interest, rents, dividends, or other income derived from the investment or use of such funds and property;
 - (iii) any superannuation or long service leave or other fund operated or controlled by the Union as a whole in accordance with these Rules for the benefit of its officers or employees;
 - (iv) any sick pay fund, accident pay fund, funeral fund or like fund operated by the Union as a whole in accordance with these Rules for the benefit of its members;
 - (v) any property acquired wholly or mainly by expenditure of the moneys of such funds and property or derived from other assets of such funds and property; and
 - (vi) the proceeds of any disposal of parts of such funds and property.
- (b) All funds and property of the Union shall be vested in the Union.
 - (c) The Executive Committee may cause any moneys of the Union which, in its opinion, are in excess of current requirements to be invested.
 - (d) All cheques or other instruments for the withdrawal of any funds of the Union from any bank or other account shall be signed by the Secretary and one of the Trustees.
 - (e) Moneys of the Union shall be disbursed only upon a resolution of the Executive Committee, provided that, for the expenditure of the funds of the Union on the general administration of the Union and for purposes reasonably incidental to the general administration of the Union, the prior authority of the Executive Committee shall not be necessary before cheques are signed and/or accounts are paid.

30 - FINANCIAL YEAR

- (a) The financial year of the Union shall commence on the 1st day of January in each year and end on the 31st day of December next ensuing.

31 - AUDITORS

- (a) Auditor

The Auditor shall:

- (i) be appointed annually by the Executive Committee;
- (ii) be a qualified Accountant, and not a member or employee of the Union;
- (iii) audit the books and balance sheet of the Union at the end of each financial year and at such other times as the Executive Committee shall direct;
- (iv) have access to and may examine all books, papers, deeds, documents and accounts of the Executive Committee and may question any office-bearer or Officer of the Union with regard to the accounts and be authorised to obtain from any bank or other institution at which the Funds of the Union are deposited or invested any information concerning the same;
- (v) satisfy himself or herself as to the number of banking and/or investment accounts used by the Union;

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- (vi) furnish a written statement that all documents and statements to which he or she certifies are in accordance with law and the Rules of the Union or if unable to certify to the correctness of any of them report forthwith to the Executive Committee the respect in which they are incorrect; and
 - (vii) have power to place before the Executive Committee any suggestions he or she may desire to make concerning the financial affairs of the Union.

PART VI - SALARIES, CONDITIONS OF EMPLOYMENT, HONORARIA AND EXPENSES

32 - HONORARY OFFICERS

All officers and trustees of the Union shall be and be deemed to be an honorary Officers and trustees.

33 – SALARIES AND CONDITIONS OF EMPLOYMENT

The salaries and conditions of employment of any employees of the Union shall be determined by the Executive Committee.

34 – HONORARIA

- (a) Honorary Officers of the Union may be paid such honoraria as is determined from time to time by the Executive Committee or a general meeting of members.
- (b) Any Returning Officer appointed under these Rules, shall be paid such honorarium and/or expenses as may be determined by the body appointing such Returning Officer.

35 – ATTENDANCE EXPENSES AT MEETINGS AND TRAVEL ALLOWANCES

- (a) The following expenses shall be payable to any member of the Executive Committee, or any other member or employee of the Union required to attend a meeting or meetings of, or authorised by, the appropriate body or the appropriate officer of the Union;-
 - (i) where that attendance necessitates his/her absence overnight from his/her usual place of residence, a travel allowance for each day or part day thereof as may be determined from time to time by the Executive Committee; and
 - (ii) where that attendance does not necessitate his/her absence overnight from his/her usual place of residence, such daily allowance for each day or part day thereof as may be determined from time to time by the Executive Committee;
- (b) Should any member of the Union thereof be deprived of work or wages or be required to work overtime in consequence of his or her having been engaged on business of the Union or through any action he or she might have taken in the interests of the Union, shall provide such member with such compensation as it thinks fit, provided always that, in determining the amount of compensation, the fact that the member has received any allowance under paragraphs (a) and/or (b) of this Rule shall be taken into account.

36– RESIGNATION OF OFFICERS, ETC.

- (a) Any person holding an office or position in the Union may resign from the office on giving, in the case of a full-time paid office or position, one month's, and in the case of any other office or position, two weeks' written notice of intention to do so.

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- (b) Notwithstanding the foregoing, in the event that the Executive Committee desires to resign as a body, it shall give one month's notice in writing of its intention to do so.

PART VII – GENERAL RULES

37 – AFFILIATION

- (a) The Executive Committee may by resolution carried by a majority of members of the Executive Committee voting on such a resolution, affiliate the Union with any body having like aims and being of such a kind that the interests of the members and the objects of the Union will be advanced by such affiliation.

38 – AMALGAMATION

The Executive Committee is empowered to negotiate with kindred Unions for the purpose of bringing about amalgamation which, in its opinion, will increase the strength and efficiency of the organisation and further the interests of members. Where agreement in principle has been reached between the negotiating bodies to bring about amalgamation, the Executive Committee has the power to seek an amalgamation under the provisions of the Act.

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A special general meeting shall be the forum for dealing with any disputes between a member and the Association. The dispute shall be decided by a simple majority vote of the members that are present at such a meeting.

39 – ALTERATIONS TO RULES

- (a) The Executive Committee shall have power to alter these Rules or any of them provided that one months written notice of the proposal to make such alterations has been given to each member of the Executive Committee.
- (b) Notwithstanding the provisions of paragraph (a) hereof, where an alteration to these Rules is necessary to bring these Rules into conformity or compliance with the requirements of the Act, or of an Order or Direction of a designated Presidential Member or the Industrial Registrar, the power to alter these Rules may be exercised by either the Executive Committee, provided that two weeks written notice of the proposal to make such alteration has been given to each member of the Executive Committee.
- (c) The Executive Committee may exercise its powers under this Rule either at a meeting or pursuant to Rule 27 provided that any proposal to alter these Rules or any of them may itself be amended when being considered by a relevant meeting of the Executive Committee.

40 – TEMPORARY APPOINTMENTS

In the event of any Officer of the Union being temporarily absent or unable or unavailable to carry out the duties of the office, except where otherwise provided for in these Rules, the Executive Committee as the case may be may appoint a member of the Executive Committee to act in the office of the absent Officer and carry out the duties of that office provided that the person so appointed:

- (a) shall not, by virtue of such appointment, become the holder of that office; and
- (b) shall act in that office only for the period of absence or unavailability of the holder of that office.

41 – REVIEW OF DECISIONS BY MEMBERS

Notwithstanding anything contained in these Rules to the contrary, upon a written request by not less than 100 financial members to the Secretary to that effect in the case of a decision of the Executive Committee, the Secretary shall prepare a question or questions to be submitted to a secret postal ballot of all financial members of the Union and the result of such ballot shall be binding upon the Executive Committee officers and members of the Union.

42 – INSPECTION OF BOOKS

- (a) Any financial member of the Union shall be entitled and shall be permitted to inspect at all reasonable times during ordinary office hours the books and documents of the Union upon production of an authority signed:
 - (i) in the case of the books and documents of the Union, by the President;
- (b) If the appropriate officer refuses to sign such order, the member concerned may appeal to the Executive Committee, against such refusal and the decision of the body appealed to shall be final and binding.
- (c) Notwithstanding the foregoing, no member shall be entitled to inspect the register of members of the Union unless that member is a candidate in an election for an office in the Union.

43 – MINUTES – RIGHT TO INSPECT

- (a) The decisions of the Executive Committee, shall be available to the members of the Union in the minutes.
- (b) A copy of the minutes of each meeting of the Executive Committee shall be forwarded by the Secretary to each member of the Executive Committee.

44 – ORDER OF BUSINESS AND RULES OF DEBATE

- (a) At all meetings whatsoever of the Union, the following order of business shall be observed:
 - (i) Opening of Meeting;
 - (ii) Acceptance of Delegates' Credentials (where required);
 - (iii) Appointment of Agenda Committee (where required);
 - (iv) Reading and adoption of minutes of previous meeting;
 - (v) Consideration of Agenda Committee's Report (where required);
 - (vi) Correspondence (where required);
 - (vii) Auditor's report and Balance Sheet or other financial report;
 - (viii) Elections (where required);
 - (ix) Executive or Committee Report;
 - (x) Other reports;
 - (xi) Other business in order as recommended by Agenda Committee (where required);

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- (xii) Consideration of any Notice of Motion rendered at a previous meeting;
 - (xiii) General and such other business as the meeting determines;
 - (xiv) Closure of meeting.
- (b) At all meetings whatsoever of the Union, the following Rules of debate shall be observed:
- (i) Notice of Motion – how given. Any member may at any meeting give notice of motion to be discussed at a future meeting by handing a copy thereof to the Chairperson who shall at once read it to the meeting.
 - (ii) Member Desiring to Speak – Any member desiring to speak shall rise in his or her place and address the Chairperson. If two or more members rise at the same time, the Chairperson shall call upon the member who, in his or her opinion, first rose to speak.
 - (iii) Member to Resume his or her Seat – any member speaking shall at once resume his or her seat –
 - (a) if the Chairperson rises to speak, or
 - (b) if a point of order is raised,and shall not resume his or her speech until the Chairperson resumes his or her seat or the point of order is decided.
 - (iv) Member to Speak Only Once – A member may only speak once on any subject before the chair, except –
 - (a) in reply upon an original motion, or
 - (b) in explanation or correction of some matter during debate, or
 - (c) upon a point of order raised during the debate, or
 - (d) upon a resolution being carried that “He or she be now heard”.
 - (v) Motion – Duly proposed. When a motion has been duly proposed and seconded, the Chairperson shall at once proceed to take votes thereon, unless some member rises to oppose it or to propose an amendment.
 - (vi) Motions – How Dealt With. All motions shall be –
 - (a) duly proposed and seconded,
 - (b) of an affirmative character,
 - (c) the property of the meeting,
 - (d) withdrawn only by leave of the meeting.A motion may be adjourned from time to time until a decision is arrived at.
 - (vii) Motion May be Amended – A motion may be amended at any time during the debate thereon by –
 - (a) striking out certain words,
 - (b) adding certain words, or
 - (c) striking out certain words and inserting others in place thereof.
 - (viii) Amendment Becomes the Motion – Upon an amendment being carried, it shall take the place of the original motion and may be further amended until a decision is arrived at.

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- (ix) Motions May be Suspended – A motion may be suspended at any time –
- (a) by another motion that it be discharged from the notice paper,
 - (b) by a motion that the next business be proceeded with being resolved in the affirmative.
- (x) No More Than Two Members to Speak – Not more than two members shall speak in succession either for or against any question before the meeting, and if at the conclusion of the second speaker’s remarks no member rises to speak on the other side, the motion or amendment shall be at once put to the meeting.
- (xi) Time Allowed For Speaking – The mover of any original motion shall be allowed five minutes to introduce it and notwithstanding the closure motion, “That the question be now put” being carried, the mover shall be allowed five minutes in reply. No other member shall be allowed to speak for more than three minutes at any one time unless a majority of the members present by resolution agree to that time limit of any speaker being extended to such lengths as may be specified in such resolution.
- (xii) Motions Cannot Be Again Moved – Any motion agreed to or negatived by the meeting cannot again be moved at or during that meeting.
- (xiii) Motions – How Put. The Chairperson shall put all questions in a distinct, audible voice to the meeting, by asking the “Ayes” to vote first, and afterwards the “Noes” (such votes to be indicated by a show of hands) and shall declare his or her opinion as to which has the majority. Any seven financial members rising may demand a division when the Chairperson shall take the vote by asking the “ayes” to go to his or her right and “noes” to his or her left.
- (xiv) Motion to Disagree with Chairperson’s Ruling – When a motion to disagree with the ruling of the Chairperson has been duly proposed and seconded, the Chairperson shall leave the chair and some Officer or member to be appointed by the meeting shall take the chair until the motion has been disposed of by the meeting. On the mover giving his or her reason for the dissent motion the Chairperson may reply. The motion to disagree with the Chairperson’s ruling shall then be put to the meeting.
- (xv) No Member to Speak – No member shall speak on any question after it has been put by the Chairperson, nor during a division, except to a point of order.
- (xvi) No Member May Vote – No member shall be allowed to vote who was not present when the question was first put.
- (xvii) Members Must Vote on Division – All members present during a division must vote or his or her vote will be counted with the side on which he or she is sitting.
- (xviii) Adjournment of Debate – A motion for the adjournment of the meeting may be proposed at any time, or for the adjournment of the debate at any time during such debate, and shall be at once put to the meeting by the Chairperson, unless time is mentioned. When time is mentioned in a resolution for adjournment of the debate, the discussion shall be strictly confined to the question of time and any amendments in connection therewith.
- (xix) Rescission of Resolutions – No Resolution shall be rescinded at any meeting unless notice of motion, which shall be in writing, has been given at the previous meeting of an intention to move for the rescission of such resolution at the next meeting and unless such motion when moved is carried by a two thirds majority of the members voting.
- (c) A majority of members present at any general or special meeting of members of a Branch may by resolution suspend the order of business, but such resolution shall not rescind any resolution
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previously adopted by the Branch. No such resolution suspending the order of business shall be moved before the reading of the minutes of the previous meeting or after one (1) hour from the commencement of the meeting.

- (d) Any member who at any meeting strikes or threatens to strike another member thereat or at such meeting makes use of threatening, obscene or abusive language or attends any such meeting in a state of intoxication may be fined a sum not exceeding \$10.00 by the Chairperson of such meeting.
- (e) If any member continues to speak after a call to order by the Chairperson, such member may be fined a sum not exceeding \$2.00 by the Chairperson.
- (f) No member owing any sum for fines under this Rule shall be entitled to be admitted to any meeting of the Union or a Branch.

45 – ILLEGAL MEETINGS

Except as provided in these Rules, no officer or member of the Union shall cause or authorise, or permit to be called, or attend a meeting with members of the Union where such meeting is not authorised by the Rules.

46– EQUALITY OF VOTING

Where at a meeting under any of these Rules a person is to be appointed to a position (other than an office or position in the Union) by the persons present at the meeting and it becomes necessary to choose between two or more of the candidates who have obtained an equal number of votes, the issue shall be determined by the casting vote of the Chairperson of the meeting.

47 – DELEGATES AND REPRESENTATIVES

The Executive Committee of the Union shall have power to appoint such delegates and/or representatives of the Union as may be necessary or required to represent the Union on any body whatsoever upon which it is or is entitled to be represented.

48 – CONSTRUCTION OF RULES

In these Rules, except where otherwise clearly intended:

- (a) “the Act” shall mean the Fair Work Act 1994 (SA) as amended from time to time and shall include the Regulations made pursuant to that Act;
- (b) words importing the singular shall include the plural and vice versa;
- (c) words importing the masculine gender shall include the feminine gender;

49 – WINDING UP OF ASSOCIATION

- (a) The Association shall be wound up if a resolution to such effect is passed by a two-thirds majority of the members present and voting at a general meeting of the Association of which 21 clear days notice in writing specifying the intention to move such resolution shall have been given to each member as hereinbefore provided but no action to carry out the terms of such resolution shall occur until such resolution is confirmed by a two-thirds majority of members of the Association at a plebiscite taken as hereinbefore provided and in or prior to the taking of which notice shall have been given to the members of the nature of such resolution.
- (b) Any assets of the Association remaining after satisfaction of its debts and liabilities shall be disposed of in accordance with a majority resolution of that general meeting or of a subsequent General Meeting of the persons who were members at the date of the winding-up.