

AM 68

DRAFT CONSTITUTION.

1. NAME.

The name of the organisation shall be S.A. TRADES AND LABOUR COUNCIL (1955) (hereinafter referred to as the "Council").

2. HEADQUARTERS.

not Sactu

The headquarters of the Council shall be situated in Johannesburg, or such other place as the N.E.C. or the Annual Conference may decide.

3. OBJECTS.

The objects of the Council shall be to co-ordinate the activities and interests of organised workers in the Union of South Africa, and assist member Unions morally, financially or otherwise, as circumstances may dictate. The Council shall also assist generally in the formation of new trade unions, where deemed expedient. The Council shall do all other things, not inconsistent with anything contained in this Constitution, designed to promote the welfare of trade unionism.

4. POWERS AND FUNCTIONS OF THE COUNCIL.

- (a) The Council shall constitute a channel for communication between affiliated unions and the Government, any national or international trade union movement, organisations or co-ordinating bodies.
- (b) The Council shall not usurp any of the functions or authority of any of its affiliated unions, nor interfere in the domestic affairs of any such unions, but shall confine itself to work of a consultative, organising and co-ordinating nature, provided that it shall enjoy such powers in respect of any affiliated union as may be specially delegated to and conferred upon it by such union.

5. MEMBERSHIP - AFFILIATIONS.

- (a) The membership of the Council shall consist of all BONA FIDE trade unions, subject to the further terms of this Constitution.
- (b) Application for affiliation to the Council shall be made in writing and shall be lodged with the Secretary of the Council. Applicants shall be required to subscribe and conform to the Constitution of the Council, as then or thereafter in force, and shall, in submitting such application, provide a copy of the applicant's constitution, a certificate showing the number of members in good financial standing and shall furnish such other particulars or information as may be required by the National Executive Committee.
- (c) The National Executive Committee may refuse any application for membership.
- (d) In the event of an application for membership being rejected by the National Executive Committee, the applicant union shall have the right to appear before the National Executive Committee to state a case for admission to membership.
- (e) Should the applicant union fail in obtaining membership, it shall have the right to appeal to the next Annual Conference of the Council, and such conference shall have the power to reverse or confirm the decision of the National Executive Committee.
- (f) Any union which has failed in its application for admission to membership shall not be eligible to re-apply for membership for a period of nine months, as from the date of its original application.

- (g) A member union may resign from the Council upon giving three months' written advice to the National Executive Committee to that effect, provided that the National Executive Committee need not necessarily accept such resignation unless and until the said union has paid all affiliation fees due up to and including the date of such resignation; provided further that a union which has resigned shall not have any claim on the funds or assets of the Council.
- (h) No union which has given notice of its intention to resign shall have the right to be represented at any Conference or take part in any ballot. The provisions of this sub-section shall also apply in a case where notice of resignation is given during the proceedings of a Conference. In this event, the delegation of the union concerned shall withdraw from the Conference and take no further part in its proceedings.
- (i) Affiliated unions who are more than three months in arrears with their affiliation fees, shall be deemed to be out of financial standing, and shall not have the right to be represented at any Conference of the Council or take part in any ballot.
- (j) Any affiliated union who in terms of Sub-section (i) of this Section has been declared to be out of financial standing, and who, after due notice has been given by the Secretary of such arrears, fails to pay the affiliation fees due, may be removed by the National Executive Committee from the roll of membership, provided that not less than three months' notice of such intention has been given to the union concerned.

6. ADMINISTRATION - N. E. C.

The affairs of the Council shall, between Annual Conferences, be conducted by a National Executive Committee (hereinafter referred to as the N.E.C.) which shall consist of a President, Treasurer, two Vice-Presidents, Secretary and one member for each three thousand affiliated members or terminal part thereof.

7. ELECTION OF OFFICERS OF THE COUNCIL.

- (a) The President, Vice-President, Treasurer, Secretary and National Executive Committee members shall be nominated and elected at the Annual Conference of the Council.
- (b) The President, Vice-Presidents, Treasurer and Secretary shall be resident within fifty miles of the Council's head office.

8. DUTIES AND POWERS OF THE NATIONAL EXECUTIVE COMMITTEE.

- (a) The management and administration of the affairs and funds of the Council shall be vested in the National Executive Committee, subject to the general direction and control of Annual Conferences of the Council and in accordance with the provisions of this Constitution.
- (b) Subject to the provisions of sub-section (a) hereof, the National Executive Committee shall have, in addition to the powers conferred upon it by this Constitution, the following other powers :-
 - (i) To appoint from time to time such Committees as it may consider necessary or desirable to deal with special problems, whether of a permanent or temporary nature. Members of such Committees need not necessarily be members of the N.E.C.
 - (ii) To establish local committees of the Council in various areas throughout South Africa.
 - (iii) To determine the terms and conditions of service of the Secretary.
 - (iv) To engage an assistant secretary and other employees of the Council as required and determine their conditions of employment.

- (v) To appoint Auditors, who shall be Chartered Accountants.
- (c) Meetings of the N.E.C. shall be held at least once in every month and the quorum shall be 50% of the members. If within thirty minutes from the time shown on the notice of any meeting of the N.E.C., or of any Committee appointed by the N.E.C., a quorum is not present, such meeting shall stand adjourned for at least seven days but not more than fourteen days and at such adjourned meeting, of which notice shall be given in the usual way, the members present shall constitute a quorum and shall conduct the business of the meeting.
- (d) Should any members of the N.E.C. fail to attend three consecutive ordinary meetings without a reasonable excuse acceptable to the N.E.C., he shall vacate his seat on the N.E.C. Any vacancies on the N.E.C. between Conferences shall be filled by the N.E.C. by successively inviting the unsuccessful candidates at the previous annual election in the order of the votes then received by such candidates, and any vacancy that cannot be filled in that manner shall be filled as determined by the National Executive Committee.
- (e) The rules of procedure at all N.E.C. meetings shall be as follows :-
- (i) The Chair shall be taken by the President or, in his absence, by a Vice-President, or, in the absence of all such officers, by such member as the meeting may decide.
 - (ii) Business shall be proceeded with in accordance with the agenda, except by consent of the meeting.
 - (iii) No questions other than those appearing on the agenda shall be debated; provided, however, that in the event of any urgent questions arising, the N.E.C. may, upon a majority vote, agree to discuss a matter not included on the agenda.
 - (iv) Except where otherwise stated, all questions and elections shall be decided by the highest vote cast, each member being entitled to one vote, on a show of hands. The Chairman shall have a deliberative vote only, and, in the event of equality of votes, the question shall lapse.
 - (v) No question which has been debated and determined shall be re-opened in the same meeting, except on a motion carried by a two-thirds majority.
 - (vi) A member with the consent of the meeting shall be allowed to withdraw any motion or amendment submitted by him.
 - (vii) A ruling given by the Chairman shall be final, provided that it shall be in order to move and second a motion to overrule and rescind a ruling from the Chairman, and a majority of the members present shall be sufficient to carry such a motion; provided, further, that there shall be no discussion of any such motion to overrule or rescind the Chairman's ruling at any meeting.

9. FINANCE AND AFFILIATION FEES.

- (a) Affiliated unions shall pay a basic affiliation fee to the Council of 10/- per month, irrespective of the size of such unions. In addition, unions shall pay such additional fees to the Council as may be determined by the Annual Conference from time to time. It shall be in order for the Annual Conference to lay down varying scales of additional affiliation fees for the various affiliated unions and to vary the scales from year to year.

Provided/..... 4.

Provided that the N.E.C. shall have authority to grant any affiliated union exemption from payment of the full or a portion of the additional fees, for any reason deemed sufficient by the N.E.C.

- (b) Affiliation fees shall be paid monthly in advance.
- (c) An annual return submitted by an affiliated union to the General Secretary at the time of application for affiliation and thereafter as the 31st December in each year shall be deemed evidence of that union's membership, provided that, if an objection be raised, the N.E.C. shall have the right to inspect the books of the union concerned. Affiliation fees for any one calendar year shall be based on such return.
- (d) It shall be competent for the N.E.C., in order to finance projects for which general funds are either inadequate or inappropriate, to request member unions to make a contribution towards such projects.
- (e) Funds contributed by affiliated unions for any specific purpose shall not be alienated for any other purpose, save with the written consent of the respective affiliated unions.
- (f) It shall be the aim of the N.E.C. to establish a General Reserve Fund and at the end of each financial year the N.E.C. may vote a sum to be determined for this purpose.
- (g) The N.E.C. shall, at the end of each financial year, prepare estimates of revenue and expenditure for the ensuing year; such estimates shall be submitted to the Annual Conference for consideration.
- (h) The Council's financial year shall be from 1st January to 31st December.
- (i) All accounts other than recurring expenditure, e.g. rent, salaries, telephone and petty cash, shall be submitted to the N.E.C. for approval prior to payment. An amount not exceeding £10 shall be granted from time to time as petty cash.

10. DUTIES OF OFFICERS.

(a) President:

The President shall be the Chairman of all Conferences, N.E.C. and other Committee meetings at which he is present, and shall conduct such meetings and conferences in accordance with this Constitution. He shall sign all minutes and endorse all accounts for payment after approval by the N.E.C. He shall generally exercise, in conjunction with the other officers, supervision over the affairs of the Council.

(b) Vice Presidents:

The Vice-Presidents shall exercise the powers and carry out the duties of the President in the absence of the latter.

(c) Treasurer:

The Treasurer shall submit a statement of income and expenditure to the N.E.C. at the end of each month, and, in conjunction with the Secretary, be responsible for all monies and property of the Council. He shall also draw up a statement of income and expenditure and balance sheet for inclusion in the Annual Report of the N.E.C.

(d) Secretary:

- (i) The Secretary shall keep such books and accounts as may be required, conduct all correspondence of the Council and collect affiliation

fees. He shall send out notices of all Conferences and meetings of the N.E.C. and other Committees, with agenda attached of the business to be transacted. He shall attend all meetings, take minutes of the proceedings, present all correspondence, applications for affiliation, and matters for attention of the N.E.C. and shall undertake the general organising work of the Council. He shall draw up an Annual Report of the activities of the N.E.C., which shall include the Treasurer's statements of income and expenditure, for the year ending 31st December, certified by auditors appointed by the N.E.C.

- (ii) He shall have the right to resign on giving three months' notice to the N.E.C. The N.E.C. shall have the right to suspend or dismiss the Secretary, should he be guilty of misconduct or neglect of duty. The Secretary shall have the right to appeal to the Annual Conference against the decision of the N.E.C. to dismiss or suspend him.

11. DISCIPLINE.

The N.E.C. shall have the power to suspend any affiliated union which acts in a manner detrimental to the Council and/or the trade union movement, provided that no suspension shall take place until statements or charges against the union have been handed to the union in writing and that its representatives have been given the opportunity of appearing before the N.E.C. to answer the charges laid against it. In the event of the N.E.C. finding that the charges are well-founded and deciding to suspend the union, such suspension shall be effective until the next succeeding Annual Conference, following the date of suspension, which Conference shall either confirm or reverse such suspension. If Conference confirms the suspension, the union concerned shall cease to be affiliated to the Council from the date of such suspension.

12. ANNUAL AND SPECIAL CONFERENCES.

- (a) An Annual Conference of delegates from affiliated unions, which have been affiliated for at least three calendar months before the date of such Annual Conference, shall be held at such time and place as may be decided upon by the previous Conference.
- (b) Special Conferences may be called by the N.E.C. in cases of emergency, provided that upon receipt of a requisition signed by a number of affiliated unions whose members, on which affiliation fees are paid, represent more than half the total number of members of all affiliated unions on which affiliation fees are paid, a special Conference shall be called by the N.E.C. in connection with the subject matter of the requisition, within six weeks of the date of receipt of the requisition by the Secretary or President.
- (c) If the N.E.C. considers it essential to alter the venue and/or date of Conference, a vote of affiliated unions shall be taken by post before such alteration can be made. Each affiliated union shall have one vote only.
- (d) Affiliated unions who are in full compliance with their affiliation fees shall be entitled to be represented at a Conference by one delegate for 500 members on which affiliation fees are paid, with a minimum of one delegate for any affiliated union.
- (e) Any affiliated union which is more than three months in arrear with its affiliation fees shall not have the right to participate in any Conference or any ballot between Annual Conferences.
- (f) An agenda shall be framed by the N.E.C. and circulated to all affiliated unions at least SIX WEEKS before the date fixed for the holding of an Annual Conference. To secure inclusion on the agenda, all items from

affiliated unions must be forwarded to the Secretary in writing at least EIGHT WEEKS before the date of the Conference. Affiliated unions shall be entitled to move amendments at Annual or Special Conferences to any resolutions or proposals or to any proposed alterations of the Constitution, that may appear on the agenda paper of such Conference.

13. STANDING ORDERS AND RULES OF PROCEDURE FOR CONFERENCES.

The rules of procedure at all Conferences shall be as follows :-

- (a) The Chair shall be taken by the President or, in his absence, by a Vice-President, or, in the absence of all such officers, by such delegate as the Conference may decide.
- (b) Business shall be proceeded with in accordance with the agenda, except by consent of the Conference.
- (c) No questions other than those appearing on the agenda shall be debated; provided, however, that in the event of any urgent questions arising, the Conference may, upon a majority vote, agree to discuss a matter not included on the agenda.
- (d) Except where otherwise stated, all questions and elections shall be decided by the highest vote cast, each delegate being entitled to one vote on a show of hands. The Chairman shall have a deliberative vote only, and in the event of equality of votes, the question shall lapse.
- (e) No question which has been debated and determined shall be re-opened in the same Conference, except on a motion carried by a two-thirds majority.
- (f) A delegate with the consent of the Conference shall be allowed to withdraw any motion or amendment submitted by him.
- (g) A ruling given by the Chairman shall be final, provided that it shall be in order to move and second a motion to overrule and rescind a ruling from the Chairman, and a majority of the delegates present shall be sufficient to carry such a motion; provided, further, that there shall be no discussion of any such motion to overrule or rescind the Chairman's ruling at any Conference.

14. FORMATION OF LOCAL COMMITTEES.

- (a) Local Committees may be formed under the auspices and by the authority of the N.E.C., in the various areas throughout South Africa, and shall be under the direct control of the N.E.C. which shall have the power to suspend and/or disband any Local Committee where it fails or refuses to carry out its functions in terms of this Constitution.
- (b) Such Committees shall function in accordance with the objects of the Council within their local area of jurisdiction and under bye-laws which shall be framed by the N.E.C., and shall be financed by the N.E.C.
- (c) All affiliated unions or their branches or sections shall ipso facto be members of the Local Committee, if any, in the area in which the office of such union, branch or section is situated; and unions not affiliated shall not participate in the proceedings of a Local Committee, except with the approval of the N.E.C.
- (d) Where in the opinion of the Local Committee it is necessary to appoint paid officials, such appointments shall be made by the Local Committee, which shall determine salaries and other conditions of service, subject to confirmation by the National Executive Committee.

(e)..... 7.

- (e) Where Local Committees do not employ paid officials but from time to time desire to vote honoraria to honorary officials, such votes must receive the sanction of the N.E.C., who shall be responsible for payment thereof.
- (f) Paid officials of Local Committees shall be regarded as employees of the N.E.C.
- (g) For any special local purpose, it shall be competent for Local Committees to raise funds in any manner determined by it, but in no case shall funds supplied by the Council be utilised for other than normal routine purposes, except with the sanction of the N.E.C.
- (h) Local Committees shall not have the power to decide matters of national importance; all such matters shall be submitted to the N.E.C. for its decision. The N.E.C. shall decide the question whether matters are of national importance or otherwise.
- (i) Local Committees shall co-operate with the N.E.C. and keep it informed on all matters dealt with by them, and shall submit a report to the N.E.C. at least four times each year.

15. INDUSTRIAL GROUPS.

- (a) Affiliated unions whose members are engaged in the same industry may form industrial groups under the auspices and by the authority of the N.E.C., which shall function within such industry in accordance with the objects of the Council.
- (b) An industrial group under this section may make bye-laws for its own guidance; such bye-laws shall not be inconsistent with this Constitution and must receive the endorsement of the N.E.C.
- (c) A union not affiliated to the Council may become a member of an industrial group, but it must affiliate to the Council within a period of six months from the date of joining the group, or cease to be a member of the group; provided that the N.E.C. may extend this period in its discretion.
- (d) Each industrial group shall be responsible for its own income and expenditure.
- (e) The powers of an industrial group shall be limited to questions affecting its own industry. Where such questions affect other industries, and before action is taken, the N.E.C. shall be informed of such proposed action, which shall not be entered upon without its consent.
- (f) Each industrial group shall submit a report of its activities to the N.E.C. at least four times a year.
- (g) The N.E.C. shall have the power to suspend or disband any industrial group if it fails or refuses to carry out its functions in terms of this Constitution.

16. DISSOLUTION.

- (a) The Council shall be dissolved if the number of affiliated unions falls below three, or if the number of affiliated members represented by the Council falls below 1000.
- (b) In the event of the Council being dissolved in terms of (a) above, the members of the N.E.C. holding office at the time shall appoint one or more officers to wind up the affairs of the Council, who shall also determine the date as from which the Council shall be deemed to have been dissolved.

- (c) The officer or officers shall take the necessary steps to liquidate the debts of the Council from its unexpended funds and any other monies realised from any assets of the Council. The officer's fees and expenses shall rank in order of preference as though he were a trustee of an insolvent estate and as though the expenses were the costs of sequestration of an insolvent estate.
- (d) After the payment of all debts in accordance with the provisions of Sub-section (c) of this Section, the remaining funds (if any) shall be distributed amongst affiliated unions who were in good financial standing as at the date of dissolution, and each affiliated union shall be awarded a share in proportion to the affiliation fees actually paid by such union in respect of the twelve months immediately preceding the date of dissolution.

17. AMENDMENTS TO CONSTITUTION.

Any of the provisions of this Constitution may be repealed, amended or added to, or new provisions inserted, in any manner by an Annual Conference of the Council, provided - -

- (a) That notice to repeal, amend, add to or insert any provision shall have been given in writing to the Secretary of the Council.
- (b) That such notice shall specify the proposed repeal, amendment, addition or new provision.
- (c) That such notice shall be circularised to affiliated unions not less than six weeks prior to the date of Conference.
- (d) That such repeal, amendment, addition or insertion, if adopted by the Conference, shall have force and effect at such Conference.

-----00000000-----

Collection Number: AD1812

RECORDS RELATING TO THE 'TREASON TRIAL' (REGINA vs F. ADAMS AND OTHERS ON CHARGE OF HIGH TREASON, ETC.), 1956 1961

TREASON TRIAL, 1956 1961

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

©2012

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.