

NORTHERN TERRITORY TRADES AND LABOR COUNCIL

INCORPORATED

CONSTITUTION

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**NORTHERN TERRITORY TRADES AND LABOR COUNCIL
INCORPORATED**

CONSTITUTION

1 NAME

- 1.1 The name of the Association shall be the “Northern Territory Trades and Labor Council Incorporated”.
- 1.2 The Council must cause each notice, advertisement, bill of exchange, promissory note, endorsement, order, way-bill, invoice, receipt or other document given, published, drawn, endorsed or issued by it to contain the name “Northern Territory Trades and Labor Council Incorporated” in legible characters, however, may also use simultaneously the name “Unions NT” as decided from time to time.

2 THE OBJECTS AND PURPOSES OF THE NORTHERN TERRITORY TRADES AND LABOR COUNCIL INC.

- 2.1 The purpose of Northern Territory Trades and Labor Council is:

To improve the social and economic future of the workers and community in the Northern Territory including:

- workplace safety
- fair pay, conditions and wellbeing
- influencing policy to ensure that future skill needs are met.

- 2.2 These basic objects and purposes of the Northern Territory Trades and Labor Council Inc. shall be met by:

improving the conditions and protect the interests of all classes of labour within the sphere of the Council’s influence;

discussing, considering and putting into force any scheme for the betterment of the Labour movement in the Northern Territory;

acting as a mediator in industrial disputes, if required by the parties;

securing the direct representation of the Industrial Movement in Parliament and on Governing Councils and Advisory Bodies;

acting as an educational body regarding the labour movement in Australia and the Northern Territory;

entering into such agreements as maybe necessary for carrying out the objects of the Council;

electing those persons required to fill any position under this constitution;

appointing delegates to represent the Council; and

doing all such other things as are incidental or conducive to the attainment of the objects of the Council.

3 MINIMUM NUMBER OF AFFILIATES

- 3.1 The Northern Territory Trades and Labor Council Inc shall not be dissolved whilst there are three (3) unions that remain affiliated to the Council and when less than three (3) remain it shall be dissolved on a majority decision of delegates at a special meeting, called for that purpose.

4 DEFINITIONS

- 4.1 In this Constitution, unless the contrary intention appears:

"Act" means the Associations Act and regulations made under that Act;

"affiliate" means a financial member of the Association who has met the requirements in clause 9;

"Annual General Meeting" means a meeting of Council convened in accordance with clause 32.

"Association" means the Northern Territory Trades and Labor Council as incorporated under the Associations Act and regulations made under that Act;

"Council" means the body consisting of all delegates of all affiliates composed in accordance with clause 14 and exercising powers outlined in clause 17;

"Executive Committee" means the management committee of the Association composed in accordance with clause 19 and exercising powers outlined in clause 21;

"Executive Meeting" means a meeting of members of the management committee of the Association convened in accordance with clause 35;

"Financial institution" means an authorised deposit-taking institution within the meaning of section 5 of the Banking Act 1959 of the Commonwealth;

"Ordinary General Meeting" means a meeting of Council convened in accordance with clause 34;

"Register of affiliates" means the register of the Council's members established and maintained under section 34 of the Act;

"Special General Meeting" means a meeting of Council convened in accordance with clause 33; and

"Special resolution" means a resolution notice of which is given under clause 8 and passed in accordance with section 37 of the Act.

- 4.2 In these rules, expressions referring to writing shall, unless the contrary intention appears, be construed as including references to printing, lithography, photography, and other modes of representing or reproducing words in a visible form.
- 4.3 Words or expressions contained in these rules shall be interpreted in accordance with the provisions of the Interpretation Act and that act as in force on the date on which the Council adopts these rules.

5 POWERS OF ASSOCIATION

- 5.1 For achieving its objects and purposes, the Association has the powers conferred by sections 11 and 13 of the Act.

- 5.2 Subject to the Act, the Association may do all things necessary or convenient for carrying out its objects or purposes, in particular:

purchase, taking on lease or in exchange, and the hiring or otherwise acquiring of any real or personal property that may be deemed necessary or convenient for any of the objects or purposes of the Council;

the buying, selling, and supplying of, and dealing in, goods of all kinds;

the construction, maintenance, and alteration of building or works necessary or convenient for any of the objects or purposes of the Council;

the accepting of any gifts, whether subject to a special trust or not, for any one or more of the objects or purposes of the Council;

the taking of such steps from time to time as the committee or the members in general meeting may deem expedient for the purposes of procuring contributions to the funds of the Council whether by way of donation, subscriptions, or otherwise;

the printing and publishing of such newspapers, periodicals, books, leaflets, or other documents as the committee or the members in general meeting may think desirable for the promotion of the objects and purposes of the Council;

subject to the Act, the borrowing and raising of money in such manner and on such terms as the committee may think fit or as may be approved or directed by resolution passed at a general meeting; and securing the repayment of money so raised or borrowed or the payment of a debt or liability of the Council by giving mortgages, charges or securities upon or over all or any of the real or personal property of the Council;

subject to the provisions of the Trustee Act, the investment of any moneys of the Council not immediately required for any of its objects or purposes in such a manner as the Executive Committee may from time to time determine;

the making of gifts, subscriptions, or donations to any of the funds, authorities, or institutions to which paragraph (a) of subsection (1) of section 78 of the Income Tax Assessment Act 1936, as amended, of the Commonwealth relates;

the establishment and support, or aiding in the establishment and support, of associations, institutions, funds, trusts, schemes, and convenience calculated to benefit servants or past servants of the council and their dependants, and the granting of pensions, allowances, or other benefits to servants or past servants of the Council.

the making of payments towards insurance in relation to any of those purposes;

to elect or appoint committees to carry out the objectives of the Council or to carry out a specific function determined by a meeting of the Council;

to fix the entrance, administration and affiliation fees to the Council;

to indemnify persons out of the funds of the Council;

the doing of all such other lawful things as are incidental or conducive to the attainment of the basic objects of the Council or of any of the objects and purposes specified in the foregoing provisions of this sub-rule.

6 EFFECT OF CONSTITUTION

- 6.1 This Constitution binds every member and the Council to the same extent as if every member and the Council had signed and sealed this Constitution and agreed to be bound by it.

7 INCONSISTENCY BETWEEN CONSTITUTION AND ACT

- 7.1 If there is any inconsistency between this Constitution and the Act, the Act prevails.

8 ALTERATION OF THE CONSTITUTION

- 8.1 The rules may be amended by resolution passed by two thirds majority of financial members voting at a Special General Meeting.
- 8.2 Notice of the proposed amendments must be given 28 days before the proposed meeting and shall be included in the notice calling the Special General Meeting.
- 8.3 Any amendments to the Constitution of the Council shall not be effective

until approved and shall comply with section 23 of the Act.

9 ADMISSION OF ORGANISATIONS INTO THE COUNCIL

- 9.1 Unions desiring to affiliate with the Council shall make application in writing to the Secretary, such application to be accompanied by a copy of the rules of the Union.
- 9.2 Applications for affiliation will first be submitted to the Executive Committee who shall be empowered to make whatever enquiries are necessary to establish the bona fides of the applicant body and recommend to the Council regarding acceptance or rejection of an application.
- 9.3 If the Executive Committee recommends acceptance, the application shall be submitted to a Special General Meeting for final determination by a majority vote of Council.
- 9.4 If the Executive Committee recommends rejection, the Secretary shall notify the applicant within fourteen days of the reasons for the decision.
- 9.5 The Secretary shall ensure that the rejected application and recommendation is placed on the agenda of the next Council Meeting, where the Council may either ratify the recommendation of the Executive or overturn the decision of the Executive and proceed to convene a Special Council Meeting to accept the application, in accordance with this Constitution.
- 9.6 Applicant organisations, who have been rejected by a Council Meeting or Special General Meeting, shall be afforded the right to address the meeting where their application is heard and shall be afforded a right to due process.

10 SUSPENSION OR CANCELLATION OF AFFILIATION

- 10.1 The affiliation of an affiliate may be suspended or cancelled after a majority vote by the Council at a Special General Meeting, but only after a motion from the Executive committee.
- 10.2 The Secretary shall ensure that a suspended or cancelled affiliate shall be informed in writing, email or facsimile within seven days of the decision of a Special General Meeting the full reasons for the decision, so that they may be afforded the opportunity to appeal in accordance with Clause 11.
- 10.3 Any Executive motion as mentioned in Clause 10.1 shall state in complete detail the reason(s) for the proposed suspension or cancellation and be issued to all affiliates at the calling of the Special General Meeting.

11 APPEALS REGARDING SUSPENSION OR CANCELLATION OF

AFFILIATION ONLY

- 11.1 Decisions regarding suspension or cancellation of affiliation to the Council may be appealed according to the following process:

If an affiliate is suspended or cancelled, the affiliate may appeal against the decision by giving notice to the Secretary in writing within 14 days after receiving notice of the cancellation or suspension;

If an organisation gives notice of an appeal against the decision of Council, the Executive committee must reconsider the application at the next Executive committee meeting after the receipt of the notice of appeal;

If after reconsidering an application the Executive committee reaffirms Council's decision and rejects the appeal, the decision is final;

If after reconsidering an application the Executive committee finds grounds for the appeal the matter shall be referred back to the Council;

If after reconsidering an application the Council reaffirms Council's decision and rejects the appeal, the decision is final.

- 11.2 Appellant organisations shall be afforded the right to address the meeting where their appeal is heard and shall be afforded a right to due process.

12 AFFILIATION FEES

- 12.1 Affiliation fees shall be paid by the 30th day of June each year.

- 12.2 The Executive committee may approve a payment schedule for part payments throughout a financial year, however; at least 50 per cent of the total fees must be paid by 1 January of each financial year.

- 12.3 The fees shall be:

An Administration Fee of \$400.00 plus GST per affiliate.

An Affiliation Fee of \$3.10 plus GST for each financial member of each affiliate

- 12.4 Affiliation and Administration Fees may be adjusted annually in line with CPI movements by the 31st of March in each year.

- 12.5 A Capitation Fee may be determined by Council at its Annual General Meeting.

- 12.6 Each affiliate by the 30th June each year shall submit a return, stating the number of financial members, as at the day the return is due. This return will then be used to determine the Affiliation Fees for each affiliate.

- 12.7 Any affiliate that fails to pay its fees by the due date shall be deemed to

be unfinancial until the fees are paid. No delegate(s) of the affiliate shall be permitted to participate in the affairs of the Council until all previous arrears are paid in full.

- 12.8 Any affiliate that is unable to pay its fees may make an application to the Council to have payment deferred. Any deferral shall be no longer than twelve (12) months.

13 RIGHTS OF AFFILIATES

- 13.1 Subject to clause 12, affiliates who have their name entered on the register of affiliates shall have the following rights:

To accredit delegates to attend all Annual General Meetings, Ordinary General Meetings and Special General Meetings as members of the Council, in accordance with clause 15;

To voting rights at all Annual General Meetings, Ordinary General Meetings and Special General Meetings as members of the Council, in accordance with clause 14;

To propose and second accredited delegates for positions on the Executive Committee, Committees and external representative bodies;

To receive notice of all meetings and special resolutions in accordance and in keeping with this constitution;

To access and inspect a copy of this constitution, minutes of all meetings, annual reports and financial reports; and

Access to the grievance and appeal procedures as outlined.

14 THE COMPOSITION OF THE COUNCIL

- 14.1 Council shall be composed of accredited delegates from each of the affiliates as follows:

Affiliates with a financial membership of:

Less than 100	shall be entitled to two delegates
Less than 1000	shall be entitled to three delegates
Less than 1500	shall be entitled to five delegates
Less than 2000	shall be entitled to seven delegates
2000 plus	shall be entitled to ten delegates

No affiliate shall have more than ten (10) delegates

- 14.2 Each delegate will normally have one vote only, however:

A delegate may exercise their one vote plus up to two (2) other proxy votes, but so long as no delegates exercise more than three (3) votes for their affiliated Union.

14.3 Where an affiliate wishes to exercise proxy voting rights it must inform the Secretary in writing prior to the commencement of the meeting.

14.4 Proxy delegates must conform with the same eligibility requirements as delegates, as outlined in clause 15.

15 ACCREDITATION OF DELEGATES TO COUNCIL

15.1 Affiliates shall forward details of their delegates to the Council in writing, email or facsimile to the Secretary by the end of June in each year. The Secretary is to give written notice via letter, email or facsimile to the Affiliates on or before 31 May in each year

15.2 Delegates must be:

a member of the affiliate and been actively engaged in the industry covered by the affiliate for at least 12 months; or

a permanent officer or elected representative of the affiliate.

15.3 Affiliates may, in writing, appoint proxy delegates to fill the position of any delegate who is unable to attend a meeting of Council. This appointment may only be made by the Secretary or delegated representative of the affiliate in question.

15.4 A delegate shall cease to be a delegate when their time ends as a delegate or they cease to comply with subclause 15.2.

15.5 A person nominated by their union, which is affiliated to the Council, may be elected by Council to be a representative of the Council on such terms and conditions as specified by Council. A person so nominated shall cease to be a representative when their credentials are withdrawn or is not reappointed or elected as a representative, or ceases to comply with subclause 15.2.

15.6 All accredited delegates to Council shall have the same rights as those of the affiliates, except to accredit delegates.

16 OBSERVERS OF COUNCIL AND VISITORS

16.1 An Affiliate may make a request in writing, email or facsimile to the Secretary prior to any meeting to accredit additional members to attend a Council meeting as Observers.

16.2 Observers shall have no rights to participate in the meeting unless invited to do so by a majority vote of the Council.

16.3 Visitors shall be allowed to attend Council Meetings only on a majority vote of the Council. Visitors shall have no rights to participate in the meeting, but may be invited by the Council to address Council on specific issues of interest to Council, for example, guest speakers.

17 ROLE AND POWERS OF COUNCIL

17.1 The powers of the Council shall be:

To elect an Executive Committee to manage the affairs of the Council.
The Executive Committee shall be subject to the control of the Council;

To make the appropriate representation to all levels of government, employers, tribunals or other relevant bodies on any matter affecting the interests of an affiliate of the Council;

To affiliate to, assist or cooperate with the ACTU or other State Trades and Labor Council organisations or bodies having objects in common or able to assist the Council in the attainment of any of its objects and to be represented therein and pay subscriptions thereto;

To establish and support cooperative activities between affiliates;

To formulate policy on matters as determined by Council;

To raise funds by entrance fees, sustentation fees, levies, donations, loans, and/or disbursement of costs incurred for the furtherance of the objects of the Association;

To hold, take on lease, purchase or otherwise acquire real property and to sell, exchange, mortgage, lease and construct improvements on such property;

To purchase or otherwise acquire personal property for carrying out the objects of the Association, and to sell or exchange or dispose of such equipment no longer required;

To open accounts with financial institutions in the name of the Association and to hold or invest monies in such accounts;

To employ and manage staff for the purpose of carrying out the objects of the Council;

To appoint or elect Committees for the purpose of carrying out the objects of the Council;

To amend the Constitution as required;

To appoint delegates to represent Council;

To act as the final determinant of all appeals and grievances.

To enter into such agreements or do all such other things as are incidental or conducive to the attainment of the objects of the Council.

18 DELEGATION OF POWERS BY COUNCIL

18.1 The Council may delegate to a subcommittee or staff any of its powers and functions other than:

This power of delegation; or

A duty imposed on the Council by the Act or any other law.

18.2 The delegation of powers must be in writing and may be subject to the conditions and limitations the Council considers appropriate.

18.3 The Council may at any time, in writing, revoke wholly or in part the delegation.

19 COMPOSITION OF EXECUTIVE COMMITTEE

19.1 The Executive Committee of the Council shall be:

President;

Secretary / Public Officer;

Senior Vice President;

Junior Vice President

Assistant Secretary;

Women's Officer;

Executive Members (three);

Treasurer;

Trustee

Returning Officer

19.2 A member of the Executive Committee must be:

18 years old or over;

elected in the manner prescribed in clause 23;

an accredited delegate to the Council as prescribed in clause 15; and

a current financial member of a financial affiliated Union.

19.3 Each member of the Executive Committee shall hold office from the end of the Annual General Meeting for a 2 year term.

19.4 Casual Vacancies

In the event of a casual vacancy in any office, the Executive Committee may appoint any person who meets the requirements of clause 19.2, who shall continue in the position up to and including the conclusion of the next Annual General Meeting.

20 VISITORS & OBSERVERS TO EXECUTIVE MEETINGS

- 20.1 Requests for observer status to a meeting of the Executive Committee must be presented in writing, email or facsimile to the Secretary by the relevant affiliate, prior to the meeting. All observers to Executive Committee meeting must be admitted by that particular meeting of Executive.
- 20.2 Visitors may be admitted to an Executive Committee meeting on a majority vote of the Executive Committee

21 ROLE AND POWERS OF THE EXECUTIVE COMMITTEE

- 21.1 Subject to the Act, this Constitution and the determination of the Council, the Executive Committee shall:
- control and manage the business and affairs of the Council as outlined in clause 17;
- exercise all such powers and functions as may be exercised by the Council, other than those powers and functions that are required by these rules to be exercised by general meetings of members of the Council as outlined in clause 34; and
- all such acts and things as appear to the Executive Committee to be essential for the proper management of the business and affairs of the Council.
- 21.2 Each Executive member will normally have one vote only, but may hold their vote plus up to two (2) other proxy votes.
- 21.3 Where an Executive member wishes to exercise proxy voting rights it must inform the Secretary in writing, email or facsimile prior to the commencement of the Executive Committee meeting.
- 21.4 Proxy Executive members must conform to the same eligibility requirements as delegates, as outlined in clause 15.

22 DELEGATION OF POWERS BY THE EXECUTIVE COMMITTEE

- 22.1 The Executive Committee may delegate to a subcommittee or staff member any of its powers and functions other than:
- This power of delegation; or
- A duty imposed on the Executive Committee or Council by the Act or any other law.
- 22.2 The delegation of powers must be in writing and may be subject to the conditions and limitations the Executive Committee considers appropriate.

22.3 The Executive Committee may, in writing, revoke wholly or in part the delegation.

23 ELECTION OF EXECUTIVE COMMITTEE

23.1 Nominations

The Election for positions on the Executive Committee normally shall occur at each biannual Annual General Meeting or if the position is vacated as per clause 24.

Nominations for those positions listed in clause 19 shall open at the end of the June meeting of the Council and shall close at 13.00 pm on the Thursday preceding the Annual General Meeting. Nominations shall be called for by a circular sent to the Secretary or representative of each affiliate, as identified by the affiliate;

All nominations are required to be delivered by mail, email, facsimile or delivered in person to the office of the Association or the Returning Officer, marked for the attention of the Returning Officer, no later than 3.30 pm on the Thursday preceding the Annual General Meeting

The Returning Officer shall ensure that all candidates, nominators and seconders are eligible in accordance with the criteria in clause 15 and acknowledge all nominations by way of receipt.

Following the closure of nominations the returning officer shall immediately notify delegates to council of the nominations received.

Nominees may nominate for multiple positions.

23.2 Elections

Elections for positions on the Executive Committee shall occur biennially (every two years) at the Annual General Meeting.

Should election(s) be required the Returning Officer shall prepare ballot papers which list the eligible candidates on the ballot paper whose order has been determined by the drawing of the candidates' names from a hat.

The Returning Officer shall also ensure that a ballot box is provided and an appropriate confidential space for delegates to vote is available.

Two assistants shall be selected by the Council, if required, to assist the Returning Officer.

A candidate may appoint one scrutineer to represent them at the ballot and count.

Elections shall occur in the order specified in clause 19.

23.3 Voting for Executive positions

An accredited delegate to the Council may exercise their vote plus up to two (2) proxy votes, so long as no delegate exercises more than three (3) votes on behalf of their affiliate.

Where an affiliate wishes to exercise proxy voting rights it must inform the Secretary in writing, email or facsimile prior to the commencement of the Annual General Meeting.

23.4 Insufficient Nominations for Positions

Where insufficient nominations are received by the close of nominations those persons who have been nominated unopposed will be declared elected and nominations called for from the floor to fill the vacant positions.

Should an election be necessary it shall occur immediately and in accordance with clauses 23.2 and 23.3

23.5 Conflict of Interest and the Returning Officer

If the current Returning Officer has nominated for a contested position in which an election is required, the Annual General Meeting shall appoint an alternative Returning Officer for the purposes of all elections at that Annual General Meeting.

24 VACATING OFFICE

24.1 The office of a Committee member becomes vacant if the member:

is disqualified from being a Committee member under section 30 or 40 of the Act;

resigns by giving written notice to the Executive Committee;

dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;

ceases to be a resident of the Northern Territory;

ceases to be a member of any affiliate Union;

is absent from 3 committee meetings in the same financial year without tendering an apology to the Committee;

in any of the circumstances provided for by clause 25 or clause 33.

25 REMOVAL OF EXECUTIVE COMMITTEE MEMBER

- 25.1 The Council may, through a Special General Meeting, remove any Executive Committee member before the member's term of office ends, in accordance with clause 33.

26 COLLECTIVE RESPONSIBILITY OF EXECUTIVE COMMITTEE

- 26.1 As soon as practicable after being elected to the Executive Committee, each Committee member must become familiar with the Act and Regulations made under the Act.
- 26.2 The Committee is collectively responsible for ensuring the Association complies with the Act and Regulations made under the Act.
- 26.3 The Constitution, the Act and the Regulations will be available at the Union NT Office.

27 ROLE OF PRESIDENT AND VICE-PRESIDENTS

- 27.1 Subject to subclauses (2) and (3), the President must preside at all Council meetings and Executive meetings.
- 27.2 If the President is absent from a meeting, the Senior Vice-President or a Junior Vice-President must preside at the meeting.
- 27.3 If the President and the Vice-Presidents are absent, the presiding member for that meeting must be;
- an Executive member elected by the other delegates and/or Executive members present at the meeting.
- 27.4 The President, or chair, may vote and, if a vote is tied, shall cast the deciding vote.

28 SECRETARY

- 28.1 The Secretary must:
- coordinate the correspondence of the Association;
- ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act;
- maintain the register of members in accordance with section 34 of the Act;
- unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Association, other than those required by clause 29.5 to be in the custody of the Treasurer; and
- perform any other duties imposed by this Constitution on the Secretary.

28.2 The Secretary shall also perform the duties of the Public Officer for the Council.

28.3 As Public Officer the Secretary must;

ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.

keep a current copy of the Constitution of the Association.

28.4 The Executive may determine that the secretary's position be a paid position. In order to fill the position the Executive must advertise the vacancy by 21 days notice in writing, email or facsimile to all accredited delegates of the Council calling for applications. Executive will decide on the successful applicant. Executive's decision is to be ratified by Council by secret ballot. The successful applicant will be required to enter into an employment contract on terms and conditions to be determined by the Executive. In the event that no suitable applicant from accredited delegates of Council is appointed then the Executive may advertise the position and appoint from outside of the accredited delegates of Council. The Executive and successful applicant will enter into a contract of employment on terms and conditions to be negotiated between the successful applicant and the Executive.

28.5 The Secretary will retain voting rights except for matters relating to the secretary's employment conditions or remuneration.

29 TREASURER

29.1 The Treasurer must

receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association;

pay all moneys received into the account of the Association within 5 working days after receipt;

make any payments authorised by the Executive Committee or by a general meeting of the Council from the Association's funds; and

ensure cheques are signed by him or her and at least one other committee member, or by any 2 other committee members authorised by the Committee.

29.2 The Treasurer must ensure the accounting records of the Association are kept in accordance with section 41 of the Act.

29.3 The Treasurer must coordinate the preparation of the Association's annual statement of accounts.

- 29.4 If directed to do so by the President, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.
- 29.5 The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Association unless the members resolve otherwise at a general meeting.
- 29.6 The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

30 SUB COMMITTEES

- 30.1 The Executive Committee may appoint any Sub-committee as it sees fit, to deal with any matter determined by the Council for such time as the Executive deems fit.
- 30.2 The composition of any Sub-committee shall be determined by the Executive Committee on inauguration and the Sub-committee shall be chaired by a member of the Sub-committee elected by the Sub-committee.
- 30.3 All Sub committees must report back to the Executive Committee within two months of appointment, however, the Executive Committee may determine either a shorter period or a longer period, provided that this longer period is not more than three months.
- 30.4 Any member from a Sub-committee absenting themselves without an apology for two consecutive meetings will cease to be a member of that Sub-committee and their place will be filled by another person at the next Executive Committee meeting.
- 30.5 The President and the Secretary/Public Officer shall be able to attend and speak at all meetings of all Sub committees, however they shall not exercise voting rights.
- 30.6 The Executive may dissolve any Sub-committee which does not meet regularly or report to the Executive as required.

31 CONDUCT OF ALL MEETINGS

- 31.1 The Secretary shall, at least seven days before any meeting advise each affiliate in writing, email or facsimile specifying the place, date, day and time for the holding of the meeting and the nature of the business to be transacted at that meeting.
- 31.2 No item of business shall be transacted at a meeting unless a quorum of members entitled under these rules to vote is present during the time when the meeting is considering that item.

- 31.3 If one half hour after the time of commencement, a quorum is not present, the meeting shall stand adjourned to the same day and time in the next week and at the same place.
- 31.4 If at the adjourned meeting a quorum is not present one half hour after the time appointed for the commencement of the meeting, the meeting shall be dissolved.
- 31.5 The chairperson of a meeting at which a quorum is present may, with the consent of the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- 31.6 Where a meeting is adjourned for fourteen days or more, notice of the adjourned meeting shall be given as in the case of the original meeting.
- 31.7 No meeting will continue past 7.00 pm unless determined by a majority vote at that meeting.

32 ANNUAL GENERAL MEETINGS

- 32.1 The Council shall, in each year, hold an Annual General Meeting.
- 32.2 The annual general meeting shall be held on the last Monday of August each year.
- 32.3 The ordinary business of the annual general meeting shall be:-
- to confirm the minutes of the last preceding annual general meeting and;
 - to receive from the Executive Committee, auditor, and employees of the Council reports upon the transactions of the Council during the last preceding financial year;
 - to approve delegates to the Council and elect Executive Committee persons (if an election is required);
 - to appoint the auditor and determine their remuneration; and
 - to determine the remuneration of employees of the Council.
- 32.4 The annual general meeting may transact special business of which notice is given in accordance with these rules.

32.5 Quorum

The number of delegates necessary for a quorum at any Annual General Meeting shall consist of at least one member from each of six (6) affiliates.

32.6 Proxies

Affiliates shall be able to request proxy votes in accordance with clause 14.2.

32.7 Voting

Normally, all voting on resolutions shall be done on a simple majority of a show of hands, however a poll may be called for by 3 or more delegates present at the meeting.

Should a poll be required, it shall be taken immediately and delegates shall exercise the number of votes they are credentialed to exercise. A majority shall be a simple majority.

32.8 Elections

The Election for positions on the Executive Committee normally shall occur at each biannual Annual General Meeting or if the position is vacated as per Clause 24.

33 SPECIAL GENERAL MEETINGS

33.1 The Executive Committee may, whenever it thinks fit, or on the request in writing, email or facsimile of not less than ten delegates and not less than 3 affiliates, convene a special general meeting of the Council.

33.2 A request for a special general meeting shall state the objects of the meeting and may consist of several documents each signed by one or more of the delegates making the request.

33.3 If the Executive Committee does not cause a special general meeting to be held within twenty-one days from the date on which a request is received in writing, email or facsimile or deposited at the office of the Council, the delegates making the request may convene the meeting; but any meeting so convened shall not be held after three months from the date of the deposit of the request.

33.4 A special general meeting called under clause 33.1 shall be convened in the same manner as those meetings are convened by the Executive Committee, and all reasonable expenses incurred in convening the meeting shall be refunded by the Council to the delegates incurring them.

33.5 The business of the Special General Meeting shall be to only consider the matter(s) contained in the request for a Special General Meeting.

33.6 Quorum

The number of delegates necessary for a quorum at any Special General Meeting shall consist of at least one member from each of six (6) affiliates.

33.7 Proxies

Affiliates shall be able to request proxy votes in accordance with clause 14.2.

33.8 Voting

Normally, all voting on resolutions shall be done on a simple majority of a show of hands, however a poll may be called for by 3 or more delegates present at the meeting.

Should a poll be required, it shall be taken immediately and delegates shall exercise the number of votes they are credentialed to exercise. A majority shall be a simple majority.

34 ORDINARY COUNCIL MEETINGS

The Council shall meet on the last Monday of every month at a venue and time to be determined by the Executive, except in December, (where there will be no meeting).

34.1 Quorum

The number of delegates necessary for a quorum at any Ordinary Council Meeting shall consist of at least one member from each of six (6) affiliates.

34.2 Proxies

Affiliates shall be able to request proxy votes in accordance with clause 14.2.

34.3 Voting

34.4 Normally, all voting on resolutions shall be done on a simple majority of a show of hands, however a poll may be called for by 3 or more delegates present at the meeting.

34.5 Should a poll be required, it shall be taken immediately and delegates shall exercise the number of votes they are credentialed to exercise. A majority shall be a simple majority.

34.6 The ordinary business of the **Ordinary Council Meeting** shall be:

to confirm the minutes of the last preceding Ordinary Council Meeting;

to receive from the Executive Committee and employees of the Council reports upon the transactions of the Council during the month;

to receive reports from the convenors of Sub committees and Council delegates to outside bodies;

to credential delegates to the Council and elect Executive Committee persons and delegates to outside bodies;

to determine the remuneration of employees of the Council; and

to direct the Executive Committee on activities and campaigns which are consistent with the objects of the Council

34.7 The **Ordinary Council Meeting** may be held in conjunction with a Special General Meeting of which notice is given in accordance with this constitution.

34.8 In circumstances where, in the opinion of the President or acting chair, it is not possible to convene a quorum meeting of the Council, and the Council must conduct urgent business, delegates to Council may confer by means of telephone conference, electronic data transfer or other appropriate means or determine a matter by poll conducted by phone, facsimile or electronic data transfer. Such decisions shall be ratified at the next Ordinary Council Meeting.

35 MEETINGS OF THE EXECUTIVE COMMITTEE

35.1 The **Executive Committee** shall meet at least once each month no less than 7 days prior to a Council Meeting.

35.2 Quorum

The number of members necessary for a quorum at any Executive Meeting shall consist of at least six (6) members provided that no more than 3 members will be from any one affiliate and either the President or Vice President and Secretary or Assistant Secretary must be present.

35.3 Proxies

A member of the Executive may nominate another delegate of Council as their proxy to attend any Executive Meeting for which they will be absent. Notification of an Executive Proxy must be forwarded in writing, email or facsimile to the Secretary prior to the Executive Meeting.

35.4 Voting

Normally, all voting on resolutions shall be done on a simple majority of a show of hands, however a poll may be called for by 3 or more delegates present at the meeting.

Should a poll be required, it shall be taken immediately and delegates shall exercise one vote, unless they are holding a proxy vote.

35.5 The ordinary business of the **Executive Committee** meeting shall be:-

to confirm the minutes of the preceding Executive Committee Meeting;

to receive from the President, Secretary and Treasurer and employees of the Council reports upon the transactions of the Council during the month;

to implement any directions from Council regarding activities and campaigns which are consistent with the objects of the Council

35.6 Any Executive member who misses more than three consecutive Executive meetings without notification to the Secretary shall have their position declared vacant.

36 MEETINGS OF SUB COMMITTEES

36.1 A Sub-committee shall meet at least four times per year.

36.2 Quorum

The number of members necessary for a quorum at any Sub-committee Meeting shall consist of at least one half of the total number of members.

36.3 Proxies

There shall be no proxies to a Sub-committee meeting.

36.4 Voting

Normally, all voting on resolutions shall be done on a simple majority of a show of hands, however a poll may be called by a member present at the meeting.

Should a poll be required, it shall be taken immediately and members shall exercise one vote.

36.5 The ordinary business of the Sub-committee meeting shall be:-

to confirm the minutes of the preceding Sub-committee Meeting;

to receive from the Convenor reports on the activities undertaken by the Sub-committee in the preceding month;

to discuss, develop and implement any activities and campaigns which are consistent with the objects of the Council and are within the responsibility of the Sub Committee;

36.6 All decisions of a Sub-committee shall be ratified by or not ratified by the Executive Committee.

37 FINANCIAL YEAR

37.1 The financial year of the Council is the period beginning on 1st July in each year and ending on the 30th June next following.

38 BANKING AND FINANCE

38.1 The Treasurer of the Council shall, on behalf of the Council, receive all monies paid to the council.

38.2 The Executive Committee shall cause to be open with such bank, building society or credit union as the Executive Committee selects an account in the name of the Council into which all moneys received shall be paid by the Treasurer as soon as possible after receipt thereof.

38.3 The Executive Committee may receive from the Council's bank, credit union or building society for the time being the cheque drawn by the Council on any of its accounts with the bank, credit union or building society and may release and indemnify the bank, credit union or building society from and against all claims, actions, suits, or demands that may be brought against the bank or bankers arising directly or indirectly out of those cheques or the surrender thereof to the Council.

38.4 Except with the authority of the Executive Committee, no payment of a sum exceeding one thousand dollars (\$1,000) shall be made from the funds of the Council save and except that this shall not apply to the usual staff wages which do not need to be pre approved by Executive. The Executive may approve credit cards for employees of the Council and members of the Executive Committee. Credit cards are to have a limit of \$2,000.00. Any amounts over \$1,000.00 need to be pre approved by at least one executive member (not being the card holder) and the Treasurer.

38.5 No cheques shall be drawn on the Councils account except for the payment of expenditure that has been authorised by the Executive Committee.

38.6 All cheques, drafts, bills of exchange, promissory notes, and other negotiable instruments shall be signed by the Treasurer and countersigned by signatories authorised by the Executive Committee or, in their absence, by such signatories as the Executive Committee may nominate for that purpose. The Treasurer may utilise electronic banking provided that any transfers by EFT shall be electronically signed by two executive committee members (one of which may be the Treasurer). No electronic transfer of over \$200 shall be undertaken without the approval of the Executive Committee.

39 INCOME AND PROPERTY OF COUNCIL.

39.1 The income and property of the Council, however derived, shall be applied solely towards the promotion of the objects and purposes of the Council and no portion thereof shall be paid or transferred, directly or indirectly, by dividend, bonus, or otherwise to any member of the Council.

39.2 No property of the Council shall be sold or disposed of without a motion to that effect passed by the Council. Any such motion will be treated as a notice of motion.

40 KEEPING OF ACCOUNTS

40.1 True accounts shall be kept:

of all sums of money received and expended by the Council and the matter in respect of which the receipt or expenditure takes place, and

of the property, credits, and liabilities of the Council and subject to any reasonable restrictions as to time and manner of inspecting them that may be imposed by the Council for the time being, these accounts shall be open to the inspection of the members of the Council.

40.2 The Treasurer of the Council shall faithfully keep all general records, accounting books, and records of receipt and expenditure connected with the operations and business of the Council in such form and manner as the Executive Committee may direct.

40.3 The accounts, books, and records referred to in this clause shall be kept at the Council office or at such other place as the committee may decide.

41 AUDITOR

- 41.1 At each Annual General Meeting of the Council, the members present shall appoint a person who is not a member or the public officer of the Council as the auditor of the Council.
- 41.2 A person so appointed shall hold office until the next Annual General Meeting after that at which they are appointed, and is eligible for re-appointment.
- 41.3 If an appointment is not made at an Annual General Meeting the Executive Committee shall appoint an auditor of the Council for the then current financial year of the Council.
- 41.4 If a casual vacancy occurs in the office of auditor during the course of a financial year of the Council, the Executive Committee may appoint a person as the auditor and the person so appointed shall hold office until the succeeding annual general meeting.

42 AUDIT OF ACCOUNTS

- 42.1 Once at least in each financial year of the Council, the auditor shall examine the accounts of the Council.
- 42.2 The auditor shall certify as to the correctness of the accounts of the Council and shall report thereon to the members present at the Annual General Meeting.
- 42.3 In their report, and in certifying to the accounts, the auditor shall state:
- whether they have obtained the information required by them;
 - whether, in their opinion, the accounts are properly drawn up so as to exhibit a true and correct view of the financial position of the Council according to the information at their disposal and the explanations given to them and as shown by the books of the Council;
 - whether the rules relating to the administration of the funds of the Council have been observed; and
 - any other details required under the Act.
- 42.4 The public officer of the Council shall cause to be delivered to the auditor a list of all the accounts, books and records of the Council at the end of each financial year.

42.5 The auditor:

has a right of access to the accounts, books, records, vouchers and documents of the Council;

may require from the employees of the Council such information and explanations as may be necessary for the performance of their duties as auditor;

may employ persons to assist them in investigating the accounts of the Council; and

may, in relation to the accounts of the Council, examine any member of the Executive Committee or any servant of the Council.

43 ROLES OF TRUSTEES

43.1 The Trustees of the Northern Territory Trades and Labor Council will hold in trust all assets including property, office equipment, furniture and vehicles belonging to the Council on behalf of the Council.

44 DISCLOSURE OF INTERESTS IN CONTRACTS

44.1 A member of the Council, Executive or Sub-committee who has an interest in any contract or arrangement made or proposed to be made with the Council shall disclose their interest at the first meeting at which the contract or arrangement is first taken into consideration.

44.2 If a member becomes interested in a contract or arrangement after it is made or entered into they shall disclose their interest at the first meeting held after they become so interested.

44.3 No member shall vote in respect of any contract or arrangement in which they are interested and if they do so, their vote shall not count.

45 GRIEVANCE AND DISPUTES PROCEDURES

45.1 This clause applies to disputes between

an affiliate and another affiliate; or

a delegate and another delegate; or

an affiliate or delegate and Executive Committee.

- 45.2 Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- 45.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days after the meeting, hold another meeting in the presence of a mediator.
- 45.4 The mediator must be:
- a person chosen by agreement between the parties; or
 - in the absence of agreement:
 - 45.4.1.1 for a dispute between an affiliate and another affiliate, a person appointed by the Executive Committee; or
 - 45.4.1.2 for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the Act.
- 45.5 A member of the Council can be a mediator.
- 45.6 The mediator cannot be a party to the dispute.
- 45.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 45.8 The mediator, in conducting the mediation, must:
- give the parties to the mediation process every opportunity to be heard;
 - allow due consideration by all parties of any written statement submitted by any party; and
 - ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- 45.9 The mediator must not determine the dispute.
- 45.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

46. PUBLIC RELEASE OF STATEMENTS BY EXECUTIVE MEMBERS

- 46.1 The President and Secretary/Public Officer shall negotiate a position of consensus prior to any release of any information or statement to the public or media:
- 46.1.1 in industrial matters by communication with principal and significant union(s) in an industry.
- 46.1.2 in relation to Australian Labor Party issues by communication with affiliates also affiliated to the Northern Territory ALP.
- 46.1.3 in general issues by consensus and agreement of the Executive or Council.
- 46.2 In relation to principal and significant unions the ACTU definition is accepted as being the appropriate definition for the purposes of this clause.
- 46.3 Members shall not use Council documents or stationery unless authority is given by Executive, including for personal business.

47 SEAL OF THE COUNCIL

- 47.1 The seal of the Council shall be in the form of a rubber stamp, inscribed with the name of the Council encircling the word "Seal".
- 47.2 The seal of the Council shall not be affixed to any instrument except by the authority of the Committee and the affixing thereof shall be attested by the signatures either of two members of the Executive Committee or of one member of the Executive Committee and of the Public Officer of the Council or such other person as the Committee may appoint for that purpose, and that attestation is sufficient for all purposes that the seal was affixed by authority of the committee.
- 47.3 The seal shall remain in the custody of the public officer.

48 DISSOLUTION OF COUNCIL

- 48.1 The Council shall not be dissolved whilst there are three unions that remain affiliated to the Council, and when less than three remain it shall be dissolved, as a majority of delegates at a special meeting, called for that purpose may determine.
- 48.2 In the event of dissolution, all monies and property remaining after the debts have been paid shall be divided equally among the remaining affiliates on a per capita basis.

- 48.3 Within fourteen days of the dissolution, the Secretary / Public Officer shall inform the Secretary of the ACTU in writing of the dissolution.

SCHEDULE 1 - STANDING ORDERS

A. DETERMINATION OF QUESTIONS ARISING AT MEETING

- A.1 When voting on a question is required it shall be by show of hands and the President shall declare it won or lost. If a delegate does not agree, he/she may call for a poll and the votes shall be counted and then declared. There will be no other counts after this one.
- A.2 A question of order shall be decided on by the chairperson. If a delegate disagrees, he/she must:-
- (a) Move immediately "That the Chairperson's ruling be dissented from". When this is moved, the Chairperson will hand the chair to the appropriate alternative chairperson, the mover of the dissent motion and the chairperson will then have five minutes each to outline their point and the motion will then be voted on and decided by a majority vote of delegates.
- A.3 If at a meeting a poll on any question is demanded, it shall be taken at that meeting in such manner as the chairperson may direct, and the result of the poll shall be deemed to be the resolution of the meeting on that question.
- A.4 In the case of an equality of voting on a question the chairperson of the meeting is entitled to exercise a second or casting vote.
- A.5 No decision of a meeting shall be invalidated by reason that an affiliate did not receive notice of the meeting.

B. SUSPENSION OF STANDING ORDERS

- B.1 At any time the meeting may resolve itself into a Committee of the whole.

C. ADJOURNMENT

- C.1 A motion to adjourn the meeting may only be moved after the meeting has been in session for more than thirty minutes. Only one adjournment can be held in a forty-five minute period.
- C.2 Where a meeting is adjourned all business not dealt with shall be dealt with as under clause 31.

D. ORDER OF BUSINESS

D.1 The normal order of business at any meeting shall be:

- (a) Opening by the Chairperson;
- (b) Acknowledgement of the Traditional Owners
- (c) Reading and confirmation of the last meeting's minutes;
- (d) Any business arising from previous minutes;
- (e) Acceptance of credentials;
- (f) Apologies;
- (g) Financial Report and accounts;
- (h) Executive Report, consideration, adoption or otherwise;
- (i) Reports of Committees, Deputations etc;
- (j) Adjourned business;
- (k) Notices of Motion;
- (l) Discussion of Notices of Motion from previous meeting;
- (m) Any other business;

D.2 At the meeting where elections are required, they will be held after the apologies.

E. ORDER OF DEBATE

- E.1 A delegate wishing to speak will first rise in his/her place and address the chairperson.
- E.2 If two or more delegates rise at the same time the chairperson shall call on the delegate he/she saw rise first to speak.
- E.3 Any delegate speaking shall at once resume his/her seat if the chairperson rises to speak.
- E.4 A point of Order may be raised by any delegate rising to their feet and stating that they have a point of order.
- E.5 If a point of Order is raised, all delegates must resume their seat and the chairperson must make a determination before any further debate can proceed.

F. ORDER OF MOTIONS

F.1 All motions shall be:

- (a) Duly moved and seconded; and
- (b) In the affirmative; and
- (c) The property of the meeting; and
- (d) Withdrawn only with the leave of the meeting

F.2 Any motion may be adjourned from time to time, and amended or altered

until finally disposed of.

- F.3 The mover of the original motion shall be allowed seven minutes to introduce that motion and seven minutes right of reply. All other speakers shall be allowed five minutes.
- F.4 A delegate who uses the words "I second the motion / amendment" as the case may be shall have to speak to his/her seconding immediately or he/she will be deemed to have already spoken.
- F.5 Either the mover or seconder of any motion may delegate their right to speak to another delegate.
- F.6 No more than two delegates (in succession) shall speak either for or against any question before the meeting.
- F.7 After a motion has been moved and seconded it will be put to a vote unless someone rises to oppose it or make an amendment.
- F.8 A motion may be amended at any time during a debate by:
- (a) striking out certain words;
 - (b) adding certain words;
 - (c) striking out certain words and inserting others
- F.8 Any amendments before the chair shall be voted on in the order they were moved.
- F.9 If the mover of an amendment or a further amendment is unable to speak in the sequence provided in these rules, they shall be allowed to speak for their amendment before the original mover replies.
- F10. A motion may be superseded at any time by:
- (a) another motion "that it be discharged from the notice paper".
 - (b) by an adjournment of the meeting;
 - (c) by a motion "that the next item of business be dealt with".
- F11. A delegate shall not speak more than once upon any question before the Council, except:
- (a) in reply to the original motion;
 - (b) in committee of the whole Council;
 - (c) in explanation;
 - (d) upon a Point of order raised during debate.
- F12. A debate can be closed at any time by a motion of "That the question be now put" being resolved in the affirmative.
- F13. A notice to rescind a motion can be moved as soon as the motion is

passed and shall be treated as a notice of motion.

G. NOTICES OF MOTION

- G.1 A delegate at any meeting may, in writing, give notice of motion that at the next meeting he/she will move a motion. The motion must be in writing and handed to the Secretary, Treasurer, Public Officer and shall be debated in the order in which they are received.
- G.2 If a mover of a notice of motion is not present, the motion may be moved by another delegate from the same union.