

CONSTITUTION OF THE ALLIED BUSINESS ASSOCIATION

1 Name

- 1.1 The name of the Employers' Organisation is the Allied Business' Association.

2 Definitions

- 2.1 Any expression used in this Constitution and which is defined in the Labour Relations Act, 1995 (Act No. 66 of 1995), shall have the same meaning as in the Act; further, unless inconsistent with the context, "employer" means any person or the State who employs or provides work for any person who receives or is entitled to receive any remuneration.
- 2.2 "**Board**" means the Executive Board of this Employers' Organisation duly appointed in terms of this Constitution.

3 Scope of organisation

- 3.1 Any Employer within the Republic of South Africa shall be eligible to become a member of the Association.

4 Objects

- 4.1 The objects of the employers' organisation shall be:
- (1) to regulate relations between members and their employees or trade unions and to protect and further the interests of members.
 - (2) to promote the interests of members, having regard in particular to the fact that the members are based in rural areas and experience real difficulties in remaining competitive in the manufacture and fabrication of those products referred to in paragraph 3.1 above as a result of higher transport costs due to the long distances to markets, costs of sourcing materials and the difficulties in obtaining and retaining skilled staff in rural areas;
 - (3) to plan and organise its administration and lawful activities;

- (4) to affiliate with and participate in the affairs of any international employers' organisation or the International Labour Organisation;
- (5) to promote, support or oppose any proposed legislative or other measures affecting the interests of members;
- (6) to use every legitimate means to induce employers to become members;
- (7) to provide legal assistance to members on matters affecting the relationship between themselves and their employees or trade unions;
- (8) to establish and administer funds for the benefit of its members and their dependants;
- (9) to do such lawful things as may appear to be in the interest of the organisation and its members and which are not inconsistent with the objects or any matter specifically provided for in this Constitution;
- (10) to borrow, invest, lend, subscribe or donate money for the furtherance of the objects of the organisation; and
- (11) to encourage the settlement of disputes between members and their employees or trade unions by conciliation, mediation or arbitration.

5 Status of the employers' organisation

Section 95(5)(a)

- 5.1 This employers' organisation shall be a body corporate with perpetual succession capable of entering into contractual and other relations and of suing and being sued in its own name and shall be an organisation not for gain.

6 Membership

Section 95(5)(b)

- 6.1 Any employer within the scope of the employers' organisation as defined in paragraph 3 above shall be eligible for membership of the organisation.

- 6.2 Applications for admission or readmission to membership together with the yearly membership fee shall be lodged in writing with the secretary of the organisation.
- 6.3 Every application for membership shall be considered by the Board within four weeks of receipt thereof by the secretary.
- 6.4 An applicant to whom admission to membership is refused shall be provided with reasons for such refusal and shall be entitled to a refund of the membership fee paid.
- 6.5 If admission to membership is refused by the Board the applicant concerned shall have a right of appeal to the next general meeting of the organisation which shall have the power to confirm or reverse the decision of the Board. Such an appeal shall be in writing and shall be submitted to the secretary at least two weeks before the general meeting of the organisation. The general meeting's decision shall be final.
- 6.6 Every member shall notify the secretary, in writing, of his/her postal address and any change thereof within four weeks of the date on which the change occurred.
- 6.7 An employer who has resigned or been expelled from the organisation may be re-admitted to membership on such conditions as the Board may determine.
- 6.8 Every member shall have a minimum wage rate of not less than R220.00 per week.

7 Discipline

Section 95(5)(c)

- 7.1 A member may be suspended, fined or expelled as may be determined by the Board:
- (1) if he/she fails within 14 days of demand, in writing, by the secretary to pay membership fees, fines or levies which are more than 2 months in arrear;
 - (2) if he/she infringes any of the terms of this Constitution or acts in a manner which is detrimental to the interests of the organisation.

Provided that there shall be a right of appeal against suspension, the imposition of a fine or expulsion referred to the first ensuing general meeting. Notice of any such appeal shall be given to the secretary in writing within seven days of the date on which the decision of the Board was communicated to the member concerned.

- 7.2 No member may be suspended, fined or expelled unless he/she has been afforded an opportunity to state his/her case personally at a meeting of the Board, of which he/she has received not less than 14 days' notice in writing from the secretary. The matter with which the member is charged shall be set out in such notice.

Section 95(5)(e)

- 7.3 A member who has appeared before the Board in accordance with sub clause (2) shall, if he/she is dissatisfied with the decision of the committee and has lodged an appeal in the manner herein provided, have the right to restate his/her case personally to the general meeting which shall consider the matter.
- 7.4 A member shall be entitled to call witnesses in support of his/her case when attending a meeting of the Board or a general meeting in terms of sub clause (2) or (3), as the case may be.
- 7.5 Any decision taken by the Board in terms of this clause shall, when an appeal has been lodged, be subject to ratification or otherwise by a general meeting.
- 7.6 Upon expulsion of a member, all moneys due to the organisation by such member shall become payable. If payment thereof is not made within 30 days, the Board may take such steps as it deems necessary to secure a settlement.
- 7.7 A member shall cease to be entitled to any of the benefits of membership, including the right to vote:
- (1) if the membership fees or other charges due by him/her to the organisation are more than four months in arrears;
 - (2) during any period while he/she is under suspension in terms of this Constitution.

- 7.8 Wherever this Constitution provides for the imposition of a fine on a member, such fine shall not exceed R2 000 in the case of a first offence and R4 000 in respect of every further offence.

8 Termination of Membership

Section 95(5)(d)

- 8.1 A member may resign by giving one months' notice in writing to the secretary, provided that no resignation shall take effect until all moneys due to the organisation by the member concerned have been paid.
- 8.2 A member whose membership fees are more than four months in arrear shall automatically cease to be a member of the organisation. Such person shall, however, be liable for all moneys due to the organisation as at the date on which he/she ceases to be a member of the organisation.
- 8.3 A member who brings the employer's organisation into disrepute may be requested by the Board to terminate his/her membership. In the event that the member declines to terminate its membership voluntarily, the Board will notify the member of a date and time at which a hearing will take place as to why the member should not be expelled from the employer's organisation.
- 8.4 The decision of the Board will be appealable to the next general meeting of the organisation which will have the power to confirm or reverse the decision of the Board. Such an appeal shall be in writing and shall be submitted to the secretary at least two weeks before the general meeting of the organisation. The general meeting's decision will be final.

9 Membership fees

Section 95(5)(f)

Please contact our offices for fees.

hantie@ababusiness.co.za / info@ababusiness.co.za

10 Meetings

Section 95(5)(g)

- 10.1 A general meeting of the organisation shall ordinarily be held once every 12 months. Special general meetings shall be called whenever desired by a majority of the Board or upon a requisition signed by members having at least 25% of the votes provided for in paragraph 11.3.
- 10.2 Notices of general meetings showing the business to be transacted thereat shall be given to members in writing by the secretary not less than 21 days before the date of such meetings: Provided that in the case of special general meetings such shorter written notice as may be decided by the chairperson may be given, such shorter notice being not less than 24 hours.
- 10.3 The annual general meeting of the organisation shall be held in the month of September each year or as soon as possible thereafter, but not later than the month of January in each year.

Section 95(5)(h)

- 10.4 All matters on which this Constitution is silent shall be decided on motion by a majority vote of the members present at a general meeting.
- 10.5 The Board shall ordinarily meet at least once every six months on a date to be fixed by the chairperson. Special meetings of the Board shall be called by the chairperson whenever he/she deems it advisable or upon a requisition signed by not less than 25% of the members of the Board, in which event the meeting shall be called within 14 days of receipt of the requisition by the chairperson.

Section 95(5)(h)

- 10.6 Members of the Board shall be notified in writing of the time and place of meetings of the committee by the secretary at least 21 days before the dates of such meetings, provided that shorter notice, being not less than 24 hours, may, in the discretion of the chairperson, be given in respect of special meetings. An agenda shall be attached to every notice of meeting. All matters for consideration by the Board shall be decided on motion duly seconded and voted upon by show of hands.

Section 95(5)(g)

- 10.7 The quorum for any general meeting shall be members having at least 40% of the votes provided for in paragraph 11.3 and the quorum for Board meetings shall be a majority of the members of the committee. If within 60 minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day in the week following (and if that day is a public holiday then to the next succeeding working day) at the same time and place. At such adjourned meeting, of which written notice shall be given, the members present shall form a quorum. Each member or his/her representative shall have one vote only at general meetings or in ballots conducted by the organisation.

Section 95(5)(h)

- 10.8 If between meetings of the Board any question arises which is of extreme urgency and can be answered by a simple “yes” or “no”, the chairperson may authorise a vote of the members of the organisation or of the Board to be taken by post and shall take action according to the decision of the members who have voted.
- 10.9 At every general meeting the minutes of the last preceding meeting shall be read by the secretary and signed by the presiding officer after confirmation. Minutes of meetings of the Board shall be similarly dealt with by that body.
- 10.10 The proceedings of any meeting shall not be invalidated by reason of the non-receipt by any member of the notice of meeting.

Section 95(5)(g)

- 10.11 The secretary of the organisation or a person appointed by him/her shall keep minutes of all meetings of the Board and of all other meetings of the organisation.

11 Board

Section 95(5)(k)

- 11.1 Control and direction of the affairs of the Association shall be vested in a Board, who may carry out such lawful things as are incidental or conducive to the attainment of the objectives of the Association.
- 11.2 Vacancies occurring on the Board shall be filled at the first ensuing general meeting on nomination duly voted upon by ballot. Where a vacancy occurs subsequent to the date on which the notice of that meeting was issued it shall be filled at the next ensuing general meeting.
- 11.3 For the purpose of the ballot, members shall be entitled to not less than one vote and not more than ten votes which shall be determined on the basis of the number of employees employed by each member on 1 January of that year, if the meeting is held during the months of January to June inclusive, or on 1 July of that year, if the meeting is held during the months of July to December inclusive, as follows:
- (1) 1 to 100 workers – 1 vote
 - (2) 101 to 200 workers – 2 votes
 - (3) 201 to 300 workers – 3 votes
 - (4) 301 to 400 workers – 4 vote
 - (5) 401 to 500 workers – 5 votes
 - (6) 501 to 600 workers – 6 votes
 - (7) 601 to 700 workers – 7 vote
 - (8) 701 to 800 workers – 8 votes
 - (9) 801 to 900 workers – 9 votes
 - (10) 901 workers and above – 10 votes
- 11.4 The membership of the Board shall comprise a maximum of ten persons elected at the annual general meeting of the Association.
- 11.5 Members may vote by proxy in such ballots.
- 11.6 A member elected to fill a vacancy shall hold office for the unexpired portion of the period of office of his/her predecessor.
- 11.7 Nominations for membership of the Board shall be lodged in writing with the secretary at least four weeks before the date of the annual general meeting.

11.8 A member of the Board shall vacate his/her seat in any one of the following circumstances:

- (1) on resignation, suspension or expulsion from membership of the organisation;
- (2) on absenting himself/herself, without the permission of the Board, from three consecutive general meetings or meetings of the committee;
- (3) on resigning as a member of the committee by giving one month's written notice to the secretary; and
- (4) on ceasing to be engaged in the sector mentioned in clause 3.1.

11.9 The Board shall, subject to the general direction and control of general meetings, and to the provisions of this Constitution, have power:

- (1) to appoint from time to time such sub-committees as it may deem fit for the purpose of investigating and reporting on any matter referred to them by the Board;
- (2) to admit or refuse to admit employers to membership of the organisation, to fix the conditions under which former members of the organisation may be readmitted to membership, and to suspend, fine or expel a member for cause appearing sufficient to a majority of the Board;
- (3) to institute legal proceedings on behalf of or to defend proceedings against the organisation;

Section 95(5)(k)

- (4) to acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the organisation and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the organisation: Provided that no immovable property shall be acquired or sold or mortgaged or let or leased for a period longer than five years unless at least 30 days' written notice of intention to do so has been given to each member of the organisation by the secretary; if during this period not less than 75%

(seventy five percent) members demand in writing that a ballot be taken on the proposed action, such ballot shall be taken;

- (5) to deal with disputes between members and their employees or trade unions and to endeavour to settle disputes;
- (6) to make and enforce by-laws relating to procedural, administrative and disciplinary matters which are not inconsistent with the provisions of this Constitution, the Labour Relations Act, 1995, or any other law;
- (7) to engage and dismiss a secretary and other employees of the organisation and to fix their conditions of employment and define their duties;
- (8) to open and operate a banking account in the name of the organisation;
- (9) to institute legal proceedings on behalf of, or to provide legal assistance to, members on matters affecting the relationship between themselves and their employees or trade unions and to institute legal proceedings against individual members;
- (10) to do such other lawful things as, in the opinion of the Board, appear to be in the interest of the organisation and which are not inconsistent with the objects set out in clause 4 or any matter specifically provided for in this Constitution.

12 Office-bearers and officials

Section 95(5)(j)

The duties of the office-bearers and officials shall be as follows:

12.1 Chairperson

At the first meeting of the Board the elected persons serving on the Board shall elect a chairperson and vice chairperson.

The chairperson shall preside at all meetings at which he/she is present, enforce observance of the Constitution of the organisation, sign minutes of meetings after confirmation, endorse all accounts for payment after approval by the Board and generally exercise supervision over the affairs of the organisation and perform such other duties as by usage and custom pertain to the office. He/she shall not have a deliberative vote, but shall, in the event of equality of voting, have a casting vote.

12.2 Vice-Chairperson

The vice-chairperson shall exercise the powers and perform the duties of the chairperson in the absence of the latter.

12.3 Acting Chairperson

In the event of both the chairperson and the vice-chairperson being unable, either temporarily or permanently, to perform their duties, the Board shall appoint a member of the organisation to act as chairperson until the chairperson or vice-chairperson is able to resume his/her duties or until the next election, as the case may be.

12.4 Secretary

Section 95(5)(i)

- (1) The secretary may resign on giving one months' notice in writing to the Board and his/her services may be terminated by the committee after one months' notice in writing has been given to him/her. The contract of service of the secretary shall be in writing.
- (2) The secretary shall keep proper books of account in such form as may be prescribed by the Board; receive requisitions for meetings; issue notices of meetings; conduct all correspondence of the organisation; keep originals of letters received and copies of those dispatched and at each meeting of the Board report on the correspondence which has taken place since the previous meeting; attend all meetings and record minutes of the proceedings; keep a register of members, record therein *inter alia* every member's address, date of enrolment, membership fees and any levies and fines paid by such members, and in the event of the resignation or expulsion of a member, the date thereof; collect membership fees, fines and levies; issue official receipts for all moneys

received; bank all moneys within 14 days of receipt; submit reports in regard to the financial position of the organisation to the Board not less than once every three months; prepare the balance sheet and statement of income and expenditure; represent the organisation or its members at the Commission and perform such other duties as the Board or a general meeting may direct. He/she shall attend all meetings of the Board and all general meetings but shall have no voting power.

- (3) The secretary shall also take the necessary steps to ensure that the requirements of sections 98, 99 and 100 of the Labour Relations Act, 1995, are complied with.

12.5 Assistant Secretary

The Board may appoint an assistant secretary who shall assist the secretary in the execution of his/her duties. Should the secretary temporarily be unable to perform his/her duties the assistant secretary shall act as secretary until such time as he/she is able to assume his/her duties. The provisions of paragraph 12.4(1) above shall *mutatis mutandis* apply to the assistant secretary.

12.6 Organisers

The Board may appoint an organiser or organisers. The main duties of the organiser(s) will be to enrol members; to investigate complaints from members; to represent the organisation or its members at the Commission for Conciliation, Mediation and Arbitration and respective bargaining councils; to collect membership fees and to perform such other duties as the Board may direct. The provisions of paragraph 12.4(1) above shall *mutatis mutandis* apply to organisers.

13 Removal of Office-bearers and officials

Section 95(5)(m)

13.1 An office-bearer or official may be removed from office:

- (1) if he/she infringes any of the provisions of this Constitution; or

- (2) if he/she acts in a manner which is detrimental to the interests of the organisation.

- 13.2 No office-bearer or official may be removed from office unless he/she has been afforded a chance to state his/her case personally at a meeting of the Board.

Section 95(5)(n)

- 13.3 An office-bearer or official who has appeared before the Board and who is dissatisfied with the decision of the committee shall have the right to appeal to the first ensuing general meeting of the organisation. Notice of appeal shall be given to the secretary, in writing, within 14 days of the date on which the decision of the Board was communicated to the person concerned. The general meeting may confirm or reverse the decision of the Board and the decision of the general meeting shall be final.

14 Representation on bargaining and statutory councils

- 14.1 A general meeting may at any time decide that the organisation shall become a party to a bargaining or statutory council established in terms of the Labour Relations Act, 1995.
- 14.2 Candidates for election as representatives and alternates on any such council may be nominated at the meeting and the election shall take place by ballot.
- 14.3 Representatives on a bargaining or statutory council may be removed by a general meeting and may resign on giving one months' notice to the Board or such notice as may be prescribed in the constitution of the council concerned.
- 14.4 In the event of the resignation or death of a representative or his/her removal by a general meeting the vacancy shall be filled by the Board pending the next general meeting.
- 14.5 Representatives shall have full power to enter into agreements on behalf of the organisation, and such agreements shall not be subject to ratification by the Board or a general meeting.

15 Ballots

Section 95(5)(o)

15.1 In addition to those cases in respect of which the taking of a ballot of members of the whole organisation is compulsory in terms of this Constitution, a ballot on any question shall be taken if the Board so decides, and shall also be taken:

- (1) if demanded in writing by members having at least 25% of the votes provided for in paragraph 11.3; and
- (2) on any proposal to call a lock-out.

15.2 Ballots shall be conducted in the following manner:

- (1) Notice of a ballot shall be given to each member of the organisation in writing by the secretary, at least three days before the ballot is to be taken, provided that a ballot may be taken without notice at any general meeting on the decision of a majority of the members present.
- (2) Two scrutineers shall be appointed by the Board or a general meeting to supervise any ballot and to ascertain the result thereof.
- (3) Except in the case of postal ballots and ballots taken at general meetings on the decision of a majority of the members present, ballots shall be conducted at such other places as may be specified in the notice referred to in sub-paragraph 1 above on the date and during the hours specified in the said notice.
- (4) Ballot papers shall be supplied by the secretary. The issue to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.
- (5) Ballot boxes shall be inspected by the scrutineers and sealed by the secretary in their presence prior to the issuing of ballot papers.
- (6) One ballot paper only shall be issued on demand at the place and during the hours fixed for the taking of the ballot to each member who is entitled to vote.

- (7) Each voter shall, in the presence of the scrutineers, be issued with one ballot paper which he/she shall thereupon complete, fold and deposit in a ballot box provided for the purpose.
- (8) Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his/her vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.
- (9) On completion of a ballot or as soon as possible thereafter, the result thereof shall be ascertained by the scrutineers in the presence of the secretary and made known to the Board.
- (10) Ballot papers, including spoilt papers, shall be placed in a container which shall be sealed after they have been counted and retained by the secretary for not less than three years.

15.3 The Board may decide that a postal ballot of members shall be taken, in which event the ballot shall be conducted in the following manner:

- (1) The secretary shall send by registered post to each member of the organisation a ballot paper and a stamped and addressed envelope marked "Ballot". The ballot paper shall on completion be inserted in the envelope provided for the purpose, shall be sealed and posted so as to reach the secretary within 14 days from the date of despatch from head office to such member. On receipt of such envelopes, the secretary shall immediately place such envelopes in a sealed ballot box.
- (2) Two scrutineers shall be appointed by the Board to ascertain the result of the ballot. The ballot box shall be opened and the ballot papers counted by the scrutineers in the presence of the secretary, who shall immediately advise the Board of the result of the ballot.
- (3) The same procedure shall *mutatis mutandis* apply to a postal ballot confined to members of the Board of the organisation.

15.4 In any ballot conducted in connection with any election, the candidates, up to the required number, receiving the highest number of votes shall be declared elected.

15.5 The Board shall be bound to take action according to the decision of a majority of the members voting in a ballot.

15.6 The members at a general meeting may decide to conduct a ballot by way of a show of hands.

Section 95(5)(p)

15.7 The organisation shall, before calling a lock-out, conduct a ballot of those of its members in respect of whom it intends to call the lock-out.

Section 95(5)(q)

15.8 Notwithstanding anything to the contrary contained in this Constitution, members of the organisation shall not be disciplined or have their membership terminated for failure or refusal to participate in a lock-out if:

(1) no ballot was held about the lock-out; or

(2) a ballot was held but a majority of the members who voted did not vote in favour of the lock-out.

16 Finance

Section 95(5)(r)

16.1 All amounts due to or collected on behalf of the organisation shall be deposited by the secretary in such bank as may be decided by the Board within two days of receipt thereof.

Section 95(5)(s)

16.2 The funds of the organisation shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the objects specified in clause 4 and for such other lawful purposes as may be decided upon by the Board or by members voting by ballot for the attainment of the said objects.

16.3 Payments shall require the prior approval of the Board and shall be made by cheque signed by the chairperson and the secretary, except when the amount in question is

less than R1 000, when payment may be made from petty cash. In the absence of the chairperson or the secretary cheques shall in his/her stead be signed by a member of the Board appointed by it for that purpose.

16.4 A member who resigns or is expelled from membership shall have no claim on the funds of the organisation as from the date on which the resignation or expulsion takes place.

16.5 Statements of income and expenditure and the financial position of the organisation shall be prepared quarterly by the secretary and submitted to the Board.

Section 95(5)(u)

16.6 In accordance with the provisions the Labour Relations Act, 1995, the secretary shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending on 31 December. Such statements and balance sheets shall be audited and within 30 days of receipt thereof the secretary shall provide the registrar with a certified copy of the auditor's report and the financial statements.

Section 95(5)(r)

16.7 The Board shall, subject to the direction of a general meeting, have the power to invest surplus moneys in such a manner that the organisation stands to benefit from such investments.

17 Change of the Constitution

Section 95(5)(v)

17.1 Any of the provisions of this Constitution may be repealed, changed or added to in any manner by resolution of the Board; provided that at least 21 days' notice of any proposed alteration shall first have been given to members. If within that period members having at least 25% of the votes provided for in paragraph 11.3 demand that a ballot be taken on the matter, a ballot shall be taken.

17.2 The annual general meeting of the organisation shall also be empowered to change the organisation's constitution, provided that the secretary shall be notified of any proposed change(s) at least four weeks prior to the annual general meeting.

- 17.3 No change or addition shall have any force or effect until certified in terms of subsection (3) of section 101 of the Labour Relations Act, 1995.

18 Winding-up

Section 95(5)(w)

- 18.1 The organisation shall be wound up if the members having at least 70% of the votes provided for in paragraph 11.3 vote in favour of a resolution that the organisation be wound up.
- 18.2 If a resolution for the winding-up of the organisation has been passed or if for any reason the organisation is unable to continue to function the following provisions shall apply:
- (1) The last-appointed chairperson of the organisation, or if he/she is not available, the available members of the last-appointed Board of the organisation, shall forthwith transmit to the Labour Court a statement signed by him/her or them setting forth the resolution adopted or the reasons for the organisation's inability to continue to function, as the case may be, and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act, 1995.
 - (2) The liquidator appointed by the Labour Court shall call upon the last-appointed office-bearers of the organisation to deliver to him/her the organisation's books of accounts showing the assets and liabilities together with the register of members showing, for the 12 months prior to the date on which the resolution for winding-up was passed or to the date as from which the organisation was unable to continue to function, as the case may be (hereinafter referred to as the date of dissolution), the membership fees paid by each member and his/her address as at the said date.
 - (3) The liquidator shall also call upon the said office-bearers to hand over to him/her all unexpended funds of the organisation and to deliver to him/her the organisation's assets and the documents necessary in order to liquidate the assets.

- (4) The liquidator shall take the necessary steps to liquidate the debts of the organisation from its unexpended funds and any other moneys realised from any assets of the organisation, and if the said funds and moneys are insufficient to pay all creditors after the liquidator's fees and the expenses of winding-up have been met, the order in which creditors shall be paid shall be the same as that prescribed in any law for the time being in force relating to the distribution of the assets of an insolvent estate, and the liquidator's fees and the expenses of winding-up shall rank in order as though the expenses were the costs of sequestration of an insolvent estate.
- (5) After the payment of all debts in accordance with paragraph 3 above, the remaining funds, if any, shall be distributed among the remaining members of the organisation on the basis of membership fees actually paid during the 12 months prior to the date of dissolution.
- (6) After the payment of all the liabilities any assets that cannot be disposed of in accordance with the provisions of this clause shall be realised by the liquidator and the proceeds paid to the Commission for Conciliation, Mediation and Arbitration in accordance with section 103(5) of the Labour Relations Act, 1995.
- (7) The liability of members shall for the purpose of this clause be limited to the amount of subscriptions due by them to the organisation in terms of this Constitution as at the date of dissolution.