# RULES
of
THE INDEPENDENT EDUCATION UNION
OF WESTERN AUSTRALIA, UNION OF EMPLOYEES

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RULES

of

THE INDEPENDENT EDUCATION UNION
OF WESTERN AUSTRALIA,
UNION OF EMPLOYEES

1 - NAME

This Society (hereinafter termed "the Union") shall be known as "The Independent Education Union of Western Australia, Union of Employees."

2 - REGISTERED OFFICE

The Registered Office of the Union shall be situated at 143 Edward Street, Perth 6000 in the state of Western Australia, or any such other place as the Union may from time to time decide.

3 - CONSTITUTION

Any person paid at an annual salary rate and employed within the State of Western Australia on the professional administrative or supervisory staff of any primary or secondary school and not being a person employed on the teaching staff of the Education Department under the School Education Act, 1999 or the regulations made under that Act, shall be eligible to join this Union provided that no person shall be a member of the Union who is not an employee within the meaning of the Industrial Relations Act, 1979.

And further provided that no person who is or who is eligible to be a member of the Royal Australian Nursing Federation (Western Australian Branch) Industrial Union of Workers, Perth, as registered with the Court of Arbitration at the date of Registration of this Constitution shall be eligible to become a member of this Union.

4 - DEFINITIONS AND INTERPRETATIONS

In these Rules:

(1) The "Act" shall mean the Industrial Relations Act 1979, as amended, or any Acts which may from time to time be enacted in place of that Act.
(2) The "Registrar" shall mean the Registrar appointed pursuant to the Act.

(3) The "Commission" shall mean the Western Australian Industrial Relations Commission, constituted under the said Act.

(4) The "Union" shall mean The Independent Education Union of Western Australia, Union of Employees.

(5) A "member" shall mean any person who is a financial member of the Union.

(6) A "financial member" is a person who has been admitted to membership pursuant to Rule 6 and whose membership has not been terminated in accordance with these Rules and who:

(a) is not more than 3 months in arrears in payment of the subscription and in payment of any levy required to be paid; or

(b) has a current unrevoked authorisation of deduction from salary payments by the employing authority or a current and unrevoked authorisation of payment from an account by a bank or other institution for payment of the subscription and deductions are being remitted to the Union or have been remitted to the Union.

(7) The "Executive" shall mean that body responsible for the management of the Union.

(8) An "Executive member" shall mean a member elected in accordance with Rule 11.

(9) An "officer" shall mean the President, Vice President and Secretary, or other position as determined by the Executive.

(10) An "office" shall mean an elected position on the Executive.

(11) The "Federal Union" shall mean the Independent Education Union of Australia as registered under the terms of the Workplace Relations Act 1996.

(12) Notice at the address of the member in the records of the Union shall be sufficient for all purposes.

5 - OBJECTIVES

The objectives of the Association shall be:

(1) To protect and advance the professional and industrial interests of members employed in non-Government schools and educational institutions throughout Western Australia.
(2) To promote the highest professional standards amongst all staff in Western Australian non-Government schools and educational institutions.

(3) To be a representative voice to speak on behalf of those employed in, or in connection with, non-Government schools and educational institutions in Western Australia, and to provide representation on and advice to appropriate bodies.

(4) To promote the general welfare of members and to regulate, protect and improve their conditions of employment.

(5) To provide and maintain a structure which encourages an active participation by members in the formulation, adoption and execution of policies that:

(a) promote desirable educational objectives;

(b) encourage and initiate improvements in the status, skill, training and qualifications of members;

(c) encourage amongst members a sentiment of community of interests and purposes;

(d) promote the extension of the Union throughout Western Australia;

(e) advance the interests of members in matters that relate in any way whatsoever to their employment;

(f) secure preference of employment for Union members.

(6) To mediate, reconcile and settle disputes affecting individual members or groups of members.

(7) To monitor all legislative or other proposals which may affect members in the discharge of their duties, or their status or interests generally.

(8) To publish or support written material in the interest of members.

(9) To acquire property, to invest, spend, or borrow money, and to enter into mortgage, charge or other security on behalf of the Union.

(10) To act as an agent for and on behalf of members or non-members or other unions, associations or groups of persons whether those persons are members of the Union or not, in a manner consistent with these objectives and the Rules and in the interests of the members of the Union upon such terms and conditions as the Executive may determine.
(11) To affiliate, amalgamate, combine or cooperate with any other union or organisation having like or similar aims and objectives, or being of such a kind that the interests of members and the objectives of the Union shall be advanced by such affiliation, amalgamation or cooperation.

(12) To do all things necessary to achieve any or all of the above objectives.

6 - ADMISSION TO MEMBERSHIP

(1) (a) Any person desirous of becoming a member of the Union shall forward or cause to be forwarded to the Secretary an application in either paper or electronic form. In accordance with subrule (4) receipt of the application shall be confirmed by the Branch in writing within seven business days.

(b) A person shall apply to the Union through:

(i) An application for membership on a form approved by the Secretary;
(ii) An application for membership by telephone; or
(iii) An application for membership via internet or email.

(c) An error or omission in the form of the applicant shall not invalidate the membership of the applicant.

(2) Where the Secretary is satisfied that the applicant is eligible for membership of the Union the Secretary shall forthwith notify the applicant thereof and membership shall commence from the date of receipt by the Secretary of the application form and any monies due under these Rules.

(3) Where the Secretary is not satisfied of the applicant's eligibility the Secretary shall notify the applicant accordingly and refer the application together with any submissions thereof of the applicant to the Executive.

(4) (a) The application form approved by the Secretary shall in general require information concerning the applicant’s name, address, employer, address of employer and position in which the applicant is employed.

(b) The Secretary shall advise the applicant in writing of the financial obligations arising from membership and the circumstances and manner in which a member may resign.”

(5) (a) Every person becoming a member of the Union shall pay an annual subscription of an amount determined from time to time by the Executive.

(b) This subscription may be paid in instalments during the financial year in such manner as determined by the Executive.
(c) Each member shall also pay such levies as the Executive shall determine from time to time.

7 - TERMINATION OF MEMBERSHIP

(1) Termination of membership of the Union shall be effected by written notice of intention to resign. Notice of resignation shall contain the signature of the member and be delivered to the Union office. The resignation takes effect from the day on which it is received by the Union or such later date as may be specified in the notice but the member remains responsible for all monies owing up to and including the date of termination of membership.

(2) Where a member's subscription has expired and has not been renewed, on expiration of a period of three months, the membership is terminated but the member shall be responsible for all monies owing up to and including the date of termination of membership.

(3) All outstanding monies not paid by a former member up to and including the date of termination of membership may be sued for and recovered in the name of the Union, in a court of competent jurisdiction, as a debt due to the Union.

8 - FEDERAL UNION

(1) The Union may make application for membership of the Federal Union on behalf of any member of the Union who is eligible for membership of the Federal Union.

(2) An application by the Union under this Rule may be made by the Secretary to the Secretary of the Western Australian Branch of the Federal Union.

(3) An application pursuant to this Rule may be made in writing in respect of one or more members of the Union and shall in respect of each member include the address, occupation, employer and place of employment for each member.

(4) At least 30 days before making application pursuant to this Rule the Secretary shall notify members of the Union on whose behalf it is proposed to make an application of the intention to make the application.

(5) A notification for the purposes of the previous subrule shall be either contained in a publication distributed to all members of the Union or in writing addressed to each member of the Union concerned.

(6) Such application for membership shall be valid notwithstanding any want of form or irregularity with respect to the foregoing provisions, provided some notice to the member has been given and some form of application has been made.
9 - EXECUTIVE

(1) The Union shall be managed by an Executive composed of a President, Vice President and eight (8) ordinary members.

(2) The Executive shall be elected once every three (3) years by a ballot of all members of the Union.

(3) The Executive shall take office from 1 December in the year in which the election was held and shall hold office until the completion of the third year of office.

(4) Any casual vacancy shall be filled in accordance with these Rules.

(5) The Executive shall ordinarily meet at least once in every month, January and December excepted and at such other times and places as it may determine or, if not so determined by the Executive, by the Secretary. Where an Executive meeting is called, adequate notice of the meeting shall be provided to each member of the Executive.

(6) At any meeting of the Executive seven (7) members thereof shall form a quorum.

(7) Where no quorum is present, those members in attendance can elect to sit as an Executive to determine matters of urgency, which determination shall require subsequent ratification at the next Executive meeting, provided that such Executive meetings shall at no time be consecutive.

(8) Any Executive member who is absent without apology from two consecutive Executive meetings shall have his or her office declared vacant; such office shall be subsequently filled in accordance with these Rules.

(9) The Executive shall exercise all or any of the powers and carry out and perform all or any of the duties and functions which under these Rules may be lawfully exercised in pursuit of all or any of the objectives of the Union.

(10) Without limiting the powers of the Executive under the Rules but subject always to the Rules the Executive shall have the power to:

(a) submit to the Annual General Meeting a management report;

(b) carry into effect any business transacted at Executive;

(c) employ staff and determine the salary and conditions thereof,

(d) appoint from time to time the bankers and solicitors of the Union;

(e) acquire, purchase, take on and lease any real or personal property, and to sell, lease, mortgage, exchange or otherwise dispose of or deal with the same;
(f) borrow or raise or secure the payment of money in any manner and to secure the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Union in any way and in particular by the issue of bonds, mortgages, charges, bills of sale, bills of exchange, liens or any other securities over the property of the Union both present and future or without any such security and to purchase, redeem, or pay off any such securities;

(g) draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;

(h) subject to these Rules, raise funds by contributions, subscriptions, levies and donations provided that the rate of subscription and levies to be paid by members shall be determined by the Executive;

(i) spend monies for the purpose of carrying out all or any of the objectives of the Union and to make reports to the Annual General Meeting on such expenditure;

(j) administer the funds of the Union;

(k) appoint qualified auditors to carry out the annual audit of the Union books;

(l) establish or close any Branch of the Union;

(m) generally assist Branches in the performance of their functions, coordinate all matters referred to the Executive by Branches, and act as a medium of communication between Branches and members on the one hand and Executive and other bodies outside the Union on the other;

(n) establish forums of the Union for groups of members to meet and advise the Executive in relation to any matter.

10 - DUTIES OF OFFICERS

(1) President
The President shall:

(a) be the recognised head of the Union and preside at all meetings in connection with the business of the Union;

(b) strictly enforce the Rules of the Union without partiality and see that the business is conducted in a proper manner;

(c) sign all minutes of the meetings when same have been confirmed and other documents requiring the President’s signature;
(d) be empowered to call Special Meetings in all cases of emergency and generally to ensure the well being and objects of the Union;

(e) have such other powers and shall perform such other duties as are prescribed elsewhere in these Rules.

(2) Vice President
The Vice President shall:

(a) assist the President at all meetings of the Union, and in the absence of the President occupy the chair, and conduct the business of the meeting;

(b) perform all the functions indicated for the President to the best of his or her ability and judgement (pro tem) if the President, through illness or absence, is unable to do so;

(c) in the event of the absence of the President and Vice President from any meeting, the members present shall at the meeting elect a Chairperson to preside at the meeting and such Chairperson shall have the same powers as the President.

(3) Secretary
The Secretary shall:

(a) be appointed by the Executive, which will also determine his or her salary and have the power to dismiss the Secretary and direct his or her duties as it sees fit;

(b) not occupy any other office in the Union;

(c) be entitled to speak at meetings but not have the right to vote;

(d) be the Chief Executive Officer of the Union and be the person to sue or be sued on behalf of the Union;

(e) subject to the Rules be empowered to make decisions as are necessary in the day to day affairs of the Union;

(f) be responsible for the employment and dismissal of employees of the Union;

(g) have the right to define duties and direct the work and function of all employees of the Union;

(h) undertake necessary administrative action to implement Executive decisions and shall carry out the instructions of Executive;
(i) be responsible for the keeping of all documents, papers, correspondence and records of the Union;

(j) attend, where possible, all meetings of the Union and shall be responsible for the keeping of correct minutes of the proceedings of such meetings;

(k) keep a register of members of the Union;

(l) inform members of relevant meetings and of the business including amendments of the Rules set down for such meetings within the time limit specified by the Rules;

(m) submit progress reports to Executive and all other meetings of the Union as required;

(n) in the event of the President's absence from Executive meetings or other meetings at which the Union is officially present inform the President of the business conducted at such meetings;

(o) be the official spokesperson on behalf of the Union;

(p) cause to be issued receipts where necessary and ensure the prompt banking of all monies received by the Union;

(q) keep in appropriate books of account a correct statement of all monies received by and expended on behalf of the Union;

(r) be responsible for seeing the books are in readiness and make the necessary arrangements for the annual audit;

(s) present to each ordinary meeting of the Executive a financial statement showing the total income and expenditure, general account balance and balance of all investments, to the date of the statement;

(t) present the accounts for each month to the Executive for ratification of payments made;

(u) ensure that all cheques issued in the name of the Union are signed by at least two of the following: Secretary, President, Vice President or any other person as is authorised by the Executive;

(v) present to the Annual General Meeting a balance sheet and financial statement for the preceding financial year duly audited by qualified auditors appointed by the Executive;

(w) present to the Executive each year, a budget for the next financial year for its deliberation;
(x) ensure that payments from the funds of the Union are made in the manner specified by the Rules;

(y) perform such other duties as may from time to time be determined by the Executive;

(z) submit to the Registrar the annual returns as required under the Act;

(aa) supply to each Executive member upon election to office a copy of the provisions of the Act which relate to the duties of officers of organisations and the accounting records of the Union.

11 - ELECTIONS

(1) Election of the Executive

(a) All Executive members, including the President and Vice President, shall be elected by the direct voting system as defined in Section 52 of the Act.

(b) Where an election is required to be conducted by these Rules, such election shall be conducted by the Western Australian Electoral Commission.

(c) The Western Australian Electoral Commission will appoint a Returning Officer for the purposes of the election.

(d) The Executive shall fix a time during which an election shall be held. The date for the completion of such election shall not be later than 31 October in the year in which the election is to be held.

(e) The names of persons elected to the Executive shall be declared by the Returning Officer immediately following the declaration of the ballot. Such persons shall thereupon be members of the Executive and shall hold office from 1 December in the year in which the election was held until the completion of the third year of office unless they earlier resign, die or are removed from office in accordance with these Rule.

(2) Electoral Roll

(a) The electoral roll shall consist of the list of members eligible to vote.

(b) The electoral roll shall close seven days before the opening of nominations.

(c) The Secretary shall provide to the Returning Officer a certified copy of the electoral roll, in a format specified by the Returning Officer, at least 24 hours prior to the opening of nominations.
(3) Nomination for Office

(a) Any person who has been a member of the Union for a minimum of twelve months immediately prior to the time nominations are called may nominate for office within the Union.

(b) In addition to the provisions of subrule (3) (a) of this Rule, any person who is an officer of the Union immediately prior to the time nominations are called shall be eligible to nominate for office within the Union.

(c) Nomination forms shall be available from the Union office or the Returning Officer. Nomination forms shall be signed by the candidate and two members and lodged by post or hand delivered to the Returning Officer.

(4) Conduct of Ballot

(a) The conduct of ballots for any office of the Union shall comply in all respects with the provisions of Sections 56 (1) and 57 of the Act and of the Industrial Arbitration (Union Elections) Regulations 1980, as amended from time to time. The provisions of the said sections and regulations shall apply as if set out in full herein notwithstanding and prevailing over any inconsistent provision elsewhere in these Rules.

(b) Candidates may include with their nomination form a statement not exceeding 200 words containing only the candidate's personal history and/or policy statement, such statement to be provided to each member eligible to vote.

(c) The Returning Officer shall examine all nominations to ensure that they are in order and if any nominations are found to be defective the Returning Officer, before rejecting the nomination, shall notify the person concerned of the defect and where practicable to do so give the nominee the opportunity of remedying the defect within a period of not less than seven (7) days after being so notified.

(d) If at the closing date for nomination only sufficient nominations have been received by the Returning Officer to fill any vacancy or vacancies the Returning Officer shall thereupon declare the person or persons so nominating elected by forthwith reporting the results of the ballot to the Secretary and the candidates.

(e) Order of Election
Where a candidate nominates for several positions, and is elected to the higher position, this shall take precedence over the nomination for the lower position. The order of positions shall be as follows:

(1) President
(2) Vice President
(3) Ordinary Executive member.

(5) Scrutineers

Any candidate may appoint any person, being a person other than a candidate, to be a scrutineer on behalf and at the expense of the candidate.

(6) The Ballot

(a) If after all nominations are received and there are more nominations than there are vacancies the Returning Officer shall conduct a draw for positions on the ballot paper and shall notify candidates of the time and place of the draw in sufficient time for a candidate or a nominee thereof to attend the draw. Such attendance shall be at the candidate's own cost and expense.

(b) At any time up to 48 hours prior to the close of the ballot:

- Returned envelopes may be opened;
- Electors may be marked off the roll;
- Elector certificates may be removed; and
- Ballot paper may be placed, without inspection, into a sealed ballot box.

Candidates shall be advised of the date, time and place of the process at least 48 hours prior to its commencement.

(c) At the conclusion of the ballot the Returning Officer shall proceed to count the ballot and the candidate or candidates receiving the number of votes necessary to win shall be declared elected. In the case of an equality of votes for any two or more candidates the Returning Officer shall determine which of the candidates is elected by casting lots.

(d) The Returning Officer shall declare the successful candidates elected by notifying the result of the ballot to the Secretary and the candidates.

(e) Any accidental or unavoidable omission or error in the carrying out or observance of this Rule shall not invalidate an election if such omission or error appears not to have affected the result of an election.

(7) Vacancies in Executive

(a) In the event of a vacancy in the Executive where the unexpired term of office exceeds three quarters of the term of office such vacancy shall be filled by election under these Rules and the person so elected shall hold office for the remainder of that term of office.
(b) In the event of a vacancy in the Executive where the unexpired term of office is three quarters of the term of office or less, the vacancy shall be filled by an Executive appointment of any person eligible to hold office and the person so appointed shall hold office for the remainder of that term of office.

(c) The Executive may act, notwithstanding any vacancy occurring in the membership of the Executive, and no acts or proceedings of the Executive shall be invalidated or voided by reason of any such vacancy or by any informality in the appointment of any person to any office.

12 - EXPENDITURE

(1) All expenditure must be approved by the Executive.

(2) All cheques must be signed by any two of the following: President, Vice President, Secretary or such other person as is authorised by the Executive.

13 - ANNUAL GENERAL MEETING

(1) The Annual General Meeting of the Union shall be held at such time and place as is determined by the Executive but in any event shall be held no later than six months following the end of the Union's financial year.

(2) The Annual General Meeting shall deal with the following items of business:

(a) receive, adopt or otherwise deal with the auditor's report and balance sheet and accounts and other statements to which the report relates;

(b) receive, adopt or otherwise deal with an annual report prepared by the Secretary;

(c) receive, adopt or otherwise motions of which due notice has been given;

(d) bestow honorary life membership in recognition of outstanding services rendered to the Union;

(e) any other business requiring attention.

(3) Twenty (20) members shall form a quorum.

14 - SPECIAL MEETINGS

(1) A Special Meeting of the Union shall be called:

(a) if the Executive, at a meeting called for that purpose and by at least two thirds majority of its voting members so determines; or
(b) upon the written request of 5% of the membership which request contains particulars of the matter to be dealt with at the proposed meeting; or

(c) if the President so determines in accordance with the duties of the President.

(2) A Special Meeting of the Executive shall be called:

(a) in the case of a dispute under Rule 22; or

(b) by the President in accordance with the duties of the President.

(3) The Secretary shall give notice by ordinary letter to each member eligible to vote advising the date, venue and agenda of any Special Meeting.

(4) Only those matters for which the Special Meeting has been called shall be dealt with at a Special Meeting.

(5) The quorum at a Special Meeting of the Union shall be twenty (20) members and at a Special Meeting of the Executive shall be seven (7) members.

15 - VOTING AT MEETINGS

(1) The right of voting at any meeting of the Union held in accordance with these Rules may be exercised by those members eligible to vote at such meetings.

(2) If any such member present shall so request then the voting shall be by secret ballot to be conducted then and there as the meeting directs. In the absence of such request the voting shall be by show of hands.

(3) All questions shall be decided by a majority of the votes of the members present and voting at the meeting.

(4) The President shall hold a casting vote which may only be exercised to resolve a tied vote on a resolution.

(5) A member may exercise a proxy vote for a member who has made his or her apologies for absence to the Secretary, and on

(a) the signed authority of the absent member; and

(b) a matter specified in the authority.

16 - LIFE MEMBERSHIP

(1) On the recommendation of the Executive, the Annual General Meeting may appoint life members.
A life member is relieved of the obligation to pay fees.

A life member who is eligible to be a member of the Union under Rule 3 shall be entitled to exercise all rights applicable to a member.

A life member who is not eligible for membership of the Union shall not be entitled to speak or vote on any matter or ballot, nor have the right to stand for any office of the Union.

17 - EXECUTION OF DOCUMENTS

All industrial agreements, deeds and any other instruments which should be by law under seal shall be made and executed under the seal of the Union by the President or Secretary of the Union.

All instruments and other documents which are not required by law to be under the seal shall be executed by the President or Secretary of the Union, or such person as may be appointed for that purpose by the Executive.

18 - ALTERATION OF RULES

No application to the Commission for the amendment, addition to, variation, rescission, or substitution, of these Rules shall be made by the Union unless all of the members:

(a) have been informed of the proposal for alteration and the reasons therefore by notice to each member of the Union at the address appearing on the Register of Members; and

(b) have been informed that the members or any of them may object to the proposed alteration, by forwarding a written objection to the Registrar, within twenty-eight (28) days of the issuing of notice to members.

Any alteration to these Rules shall not be effective until the Registrar has given to the Union a certificate that the alteration has been registered.

Any proposal to amend any or all of these Rules shall:

(a) be moved and seconded by any two (2) members of the Executive;

(b) be forwarded to each member of the Executive not less than fourteen (14) days prior to the Executive meeting at which the resolution is to be considered; and

(c) require a two thirds majority of the voting members of the Executive to be passed.
19 - PURGING OF REGISTER

The Register of Members of the Union shall be purged by the Secretary on not less than four (4) occasions in each year by striking off the names of members whose membership has ended under Rule 7 or Rule 22.

20 - FUNDS AND PROPERTY

(1) All financial records of the Union shall by appointment be open to inspection by any member during normal business hours.

(2) The Executive shall:

(a) appoint each year a duly qualified Public Accountant as the Auditor of the Union;

(b) have all accounts audited by the Auditor upon the close of the books for the end of the financial year of the Union namely 31 December of each year;

(c) submit to the Annual General Meeting of the Union each year the Auditor's report which shall accompany the Statement of Receipts and Expenditure and the Balance Sheet of Assets and Liabilities;

(d) have the power to remove the Auditor from office when it deems such course necessary.

21 - SEAL

(1) There shall be a Seal of the Union which shall be oval in shape with the current name of the Union appearing around the circumference.

(2) The Secretary shall have the custody of the Seal and it shall be used only as prescribed in Rule 17.

22 - DISPUTES PROCEDURE

(1) All disputes between the Union and any member or between any two or more members relating to Union matters shall be determined by the Executive.

(2) The Executive may by two thirds majority of its voting members by resolution, dismiss from office any member of the Executive found guilty of gross negligence or gross misconduct so as to bring the Union into disrepute.

(3) The Executive may by two thirds majority of its voting members by resolution, terminate the membership of any member found guilty of gross negligence or gross misconduct so as to bring the Union into disrepute.
(4) Any complaint on the basis of subrule (1) of this Rule shall be made in conformity with the following procedure:

(a) the complaint must be in writing addressed to the Secretary setting out the particulars of the complaint;

(b) upon receipt of the complaint the Secretary shall immediately notify the President and the member to whom the complaint is directed, of the details of the complaint in writing;

(c) the member to whom the complaint is directed shall be given reasonable opportunity to respond either in writing or in person to a Special Meeting of the Executive.

23 - INDUSTRIAL DISPUTES

All industrial disputes in which the Union or any of its members may be concerned shall, unless settled by mutual consent, be referred for settlement pursuant to the provisions of the Act.