

# RULES OF THE MARA INSTITUTE OF TECHNOLOGY ACADEMIC STAFF ASSOCIATION

## Rule 1. Name and Registered Office

(1) The trade union formed under these Rules shall be known as the Mara Institute of Technology Academic Staff Association (hereinafter to as the Association)

(2) The registered office and place of meeting shall be at Mara Institute of Technology, Shah Alam, Selangor, or any other place determined by the Executive Council.

## Rule 2 Objects

(1) The objects of the Association shall be: —

- (a) To secure the complete organisation of all such employees as are specified in Rule 3(1) and to promote the industrial, social, and intellectual interests of its members.

- (b) To obtain and maintain for its members just and proper rates of remuneration, security of employment, and reasonable hours and conditions of work, and to provide advice and assistance accordingly.

- (c) To regulate relations between employer and employee, between members and other workers and to endeavour to adjust any difference between them by amicable and conciliatory means.

- (d) To further, financially, or otherwise, the work or purpose of any lawful association or body having for its objects the promotion of the interests of labour, trade unions

and trade unionists, subject to the provisions of Section 50 of the Trade Unions Ordinance, 1959.

- (e) To promote the material, social, and educational welfare of the members in any lawful manner which a general meeting or the Executive Council may deem expedient.
- (f) To provide, if decided upon by the Executive Council, legal assistance to members in connection with their employment.
- (g) To provide, if decided upon by the Executive Council, such benefits as victimisation pay and dispute pay.
- (h) To promote legislation affecting the interests of the members in particular or trade unionists in general.
- (i) To undertake, if decided upon by a general meeting, the editing, printing, publication and circulation of any journal, magazine, news sheet or other printed literature for the advancement of the objects of the Association or the promotion of the interests of its members.
- (j) To establish, if decided upon by a general meeting, a Benefit Fund and to draw up rules governing such Fund. These rules shall not become operative until they are registered by the Registrar of Trade Unions.
- (k) Generally, to do any of the things that a trade union is permitted to do by law.

(2) These objects shall be promoted in accordance with these Rules and the Trade Unions Ordinance, 1959.

### RULE 3 Membership

(1) Membership of the Union shall be open to all Academic (Teaching and Research) Staff in the employment of the MARA Institute of Technology, provided that no person for whom

education is provided under the Education Ordinance, 1957, shall join or be a member of the Association, unless he is —

(a) bona fide employed workman as defined in the Trade Unions Act, 1959, and

(b) over the age of eighteen years.

(2) A member of the Association who has not attained the age of eighteen years shall not be entitled to vote on any of the following matters:—

(a) strikes and all matters relating thereto;

(b) the imposition of levy;

(c) dissolution of the Association or of any federation with which it may be connected;

(d) amendment of the Rules of the Association where such amendment results in increasing the liability of the members to contribute or in decreasing the benefits to which members are entitled.

(3) A person who is under the age of twenty-one shall not be an officer or a Trustee of the Association.

(4) Application for membership shall be made in a form prescribed by the Association and shall be forwarded to the Secretary, who shall submit it to the Executive Council for approval. The Executive Council, may, at its discretion, reject any application without assigning any reason thereof.

(5) Every applicant whose application has been approved by the Executive Council shall, upon payment of the prescribed entrance fee and first monthly subscription, be registered in the Membership Register as a member and supplied with a copy of the Rules of the Association free of charge.

#### RULE 4. Subscriptions and Arrears.

(1) The subscriptions payable shall be as follows :-

Entrance fee	\$2.00
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Monthly subscription

\$2.00

Any increase in the above rates shall be decided by secret ballot in accordance with Rule 25.

(2) All monthly subscriptions shall be payable on the first working day of each month.

(3) Any member whose subscription is three months in arrears shall, at the discretion of the Executive Council cease to be a member of the Association and forfeit all interests in the Association, and his name shall be deleted from the Membership Register.

(4) Any person whose membership has been terminated on account of arrears may apply for readmission as a new member in accordance with Rule 3.

(5) The Executive Council shall have the power to fix reduced rates of monthly subscription for members, or to exempt members temporarily from paying monthly subscriptions and levies (if any), in case of unemployment, sickness or other genuine hardship.

#### RULE 5. Resignation

Any member who wishes to resign from the Association shall give at least one week's notice in writing to the Secretary and shall pay up all dues.

#### RULE 6. Rights of Members

Except as otherwise provided in the Rules, all members of the Association shall have equal rights in the Association.

#### RULE 7 Duties of Members

(1) It shall be the duty of each member to see that his subscriptions are paid regularly and that official receipts for them are obtained. The responsibility for keeping payments of subscriptions up to date shall rest with the members and not with any officer of the Association.

(2) It shall be the duty of a member to notify the Secretary as soon as possible of any change of address or place of employment.

(3) Any member who attends an Association meeting or uses the Association premises must behave in an orderly manner, otherwise he may be instructed to leave by any responsible officer of the Association.

(4) No document or circular concerning the Association shall be issued by any member unless such document or circular has been approved by the Executive Council, and no member shall divulge the business or affairs of the Association to any non-member, other organisation, or the Press without such approval.

(5) No member of the Association shall become a member of any other trade Union except with the permission of the Executive Council.

#### RULE 8. Constitution and Government

(1) The supreme authority of the Association shall be vested in a general meeting except in respect of matters on which decisions shall be taken only by secret ballot in accordance with Rule 25.

(2) Subject to the foregoing provision, the Association shall be governed by the Executive Council.

#### RULE 9. Biennial General Meeting

(1) The biennial general meeting of the Association shall be convened as soon as possible after 31st March and not later than 30th September of that year. The date, the time, and the place for the meeting shall be decided by the Executive Council.

(2) A preliminary notice of the biennial general meeting stating the date, the time and the place of meeting and calling for motions for discussion at the meeting (including motions for amendment of the Rules) and nominations for election of members of the

Executive Council shall be sent by the Secretary to all members at least twenty-eight days before the date fixed for the meeting.

(3) Nominations for office in the Association and motions for discussion at the meeting shall be sent by members to the Secretary not later than fifteen days after the receipt of the preliminary notice. All nominations shall be made on a form prescribed by the Association and shall include the following particulars: title of office being contested, name of candidate, N.R.I.C. No., date of birth, address, occupation, Federal Citizenship Certificate Number and the total period he has been employed at the Mara Institute of Technology. No nomination shall be valid unless (a) it is signed by at least three supporters who are members in benefit and (b) it contains the express consent of the candidate to stand for election.

(4) The Secretary shall send to all members at least seven days before the meeting an agenda including motions, copies of reports and accounts, and the required number of ballot papers and envelopes as laid down in Rule 25 for the election of members of the Executive Council and in connection with any other matters to be decided by secret ballot.

(5) One-fourth of the total number of members who are eligible to vote or a total of 50 members whichever is less shall form the quorum for the biennial general meeting.

(6) If a quorum is not present half an hour after the appointed time, the meeting shall be postponed to a date (not exceeding 14 days) to be decided by the Executive Council.

(7) If a quorum is not present half an hour after the time appointed for the postponed meeting, the members present shall have the

power to proceed with the business of the day but they shall not have the power to alter the Rules of the Association.

(8) The business of the Biennial General Meeting shall be to receive reports from the Secretary, the Treasurer, (including the audited accounts for the previous year), and the Executive Council; to consider and determine all matters affecting the welfare of the members and the progress of the Association; to appoint Trustees and Arbitrators when necessary, Internal Auditors, and Scrutineers; to Consider and determine all other matters included on the agenda; and to receive the Scrutineers' report on the ballot taken for the election of the Executive Council.

#### RULE 10 Extraordinary General Meeting

- (1) An extraordinary general meeting shall be convened
  - (a) whenever the Executive Council deems it expedient,
  - (b) at the joint request in writing by not less than one fourth of the number of members who are eligible to vote, stating the object and reason for such meeting.
- (2) An extraordinary general meeting requisitioned by members shall be convened for a date within fourteen days of the receipt of such requisition.
- (3) Notice and agenda for an extraordinary general meeting shall be forwarded by the Secretary to all members at least seven days before the date fixed for the meeting.
- (4) The provisions of Rule 9 regarding the quorum and the postponement of the biennial general meeting shall also apply to an extraordinary general meeting, but with the proviso that if no quorum is present half an hour after the time appointed for a postponed extraordinary general meeting requisitioned by members, the meeting shall be cancelled and no extraordinary general meeting shall be requisitioned for the

same purpose until after the lapse of at least six months from the date thereof.

- (5) If the biennial general meeting cannot be held by the date specified in Rule 9, an extraordinary general meeting shall have the power to perform any or all of the functions that are normally performed by the biennial general meeting.

#### RULE 11 Officers and Employees

(1) An officer of the Association shall mean any member of the Executive Council of the Association.

(2) No person shall be elected or act as an officer of the Association if —

(a) he is not a member of the Association or

(b) he is not over twenty-one years of age; or

(c) he is not a citizen of the Federation of Malaya; or

(d) he has not been employed by the Mara Institute of Technology for a period of at least three years; or

(e) he has been a member of the executive of any trade union the registration of which has been cancelled under the provision of paragraph (iv) or paragraph (vi) of subsection (1) (b) of section 15 of the Trade Unions Ordinance, 1959, or of the Enactment replaced by section 79 ; or

(f) he has been convicted by any court of law of criminal breach of trust, extortion or intimidation, or of any other serious offences; or

(g) he is an officer or an employee of any other trade union; or

(h) he is an officer or employee of a political party,

(3) Subject to the approval of a general meeting, the Executive Council shall have the power to employ persons as it deems



necessary; provided that no such employee shall be an officer of the Union unless he is exempted under the provisions of section 30 of the Trade Unions Ordinance or shall act in such a manner as to make it appear that he has been entrusted with the management of the affairs of the Union.

Provided further that no person shall be thus employed if:

- (a) he is not a citizen of the Federation; or
- (b) he has been convicted by any Court of a serious offence and has not received a free pardon in respect thereof; or
- (c) he is an officer or an employee of any other trade union; or
- (d) he is an officer or employee of a political party.

#### RULE 12. Executive Council

- (1) The government of the Association and the conduct of its business, including trade disputes, in the period between the biennial general meetings shall be vested in an Executive Council.
- (2) The Executive Council shall be composed of a President, a Vice President, a Secretary, an Assistant Secretary, a Treasurer, and 6 Council Members. Members of the Executive Council shall be termed Officers of the Association. They shall be elected biennially by a secret ballot of all the members: Provided that if any candidate for office is unopposed and his nomination has been made in the manner prescribed in Rule 9(3), he shall be deemed to be automatically elected and his name shall be excluded from the ballot paper for the election of officers. Provided further that the first Executive Council shall be elected by secret ballot within six months after the registration of the Association and until such election the Protem Executive Council constituted at the inauguration of the association shall manage its affairs. Members of the Executive Council shall hold office from one general meeting to another. Provided that if at an extraordinary general meeting a 'no confidence' motion against the Executive

Council is passed by a two-thirds majority, the Executive Council shall immediately begin to function on a basis and shall, within one month of the Extraordinary Meeting, cause a fresh election of officers to be conducted by secret ballot. Officers elected in tms manner shall hold office until the next biennial general meeting. Whenever a change of officers takes place the outgoing officer or Executive Council shall, within one week, hand over to the incoming officer or Executive Council all records pertaining to his or their once.

- (3) The Executive Council shall meet as and when necessary, and one-half of its total number shall form a quorum. Minutes of Executive Council meetings shall be confirmed at ordinary business meetings of the Council.
- (4) Executive Council meetings shall be convened by the Secretary, under the direction or with the approval of the President. Five clear days' notice of meeting shall be given. Requests for meetings by other members of the Executive Council shall be made in writing and addressed to the Secretary.
- (5) When any matter requiring the immediate decision of the Executive Council arises and it is not possible or convenient to convene an emergency meeting, the Secretary may, with the approval of the President, obtain a decision by means of a circular letter. The following conditions must be fulfilled before a decision of the Executive Council is deemed to have been obtained :—
  - (a) The issue and action must be clearly set out in the circular, and copies of the circular must be forwarded to all members of the Executive Council;
  - (b) At least one-half of the members of the Executive Council must indicate in writing whether they are in favour or against the proposal; and

- (c) decision- must be by a majority of those who have thus indicated.
- (6) A decision obtained by circular shall be reported by the Secretary to the next Executive Council meeting and recorded in the minutes thereof.
- (7) Any member of the Executive Council who fails to attend three consecutive meetings of the Council shall be disqualified from holding office unless he is able to give a satisfactory explanation to the Executive Council.
- (8) In the event of the death, resignation, or disqualification of a member of the Executive Council, the candidate who received the next highest number of votes at the previous election for the post affected shall be invited to fill the vacancy. If there is no such candidate or if such candidate declines to accept office, the Executive Council shall have the power to appoint any other member to fill the vacancy.
- (9) Subject to the Rules of the Association and the provisions of the Trade Unions Ordinance, 1959, the Executive Council may exercise all such powers and perform all such acts as it deems necessary for promoting the interests of the Association and attaining its objects.
- (10) The Executive Council shall protect the funds of the Association against extravagance and misappropriation. It shall instruct the Secretary or any other officer to prosecute any officer, employee, or member for misappropriating or withholding any money or property belonging to the Association.
11. The Executive Council shall give instructions to the Secretary and other officers of the Association for the conduct of the affairs of the Association. It may, subject to the provisions of Rule 11, paragraph 3, employ such persons as it

deems necessary to carry on the day-to-day administration of the Association and fix their remuneration. It may suspend or dismiss any officer or member of the Staff for neglect of duty, dishonesty, incompetence, refusal to carry out the decisions of the Executive Council, or for any other reason which it deems good and sufficient in the interest of the Association.

(12) It shall give instructions to the Trustees regarding the investment of the funds of the Association.

(13) The Executive Council may suspend from benefit, or expel from membership, or prohibit from holding any office, any member who in its judgement is guilty of attempt to injure the Association or of action contrary to the Rules of the Association or who makes or in any way associates himself with any defamatory, scurrilous or abusive attack on the Association, its officers or the policy of the Association. Provided that any decision to expel a member shall take effect only from the date it is ratified by at least 50% of the members of the Union by secret ballot. The order of suspension or prohibition shall specify the period for which it shall be effective and the conditions under which it may be withdrawn.

(14) Between biennial general meetings the Executive Council shall interpret the Rules and, when necessary, determine any point on which the Rules are silent.

(15) Except where a secret ballot of the membership is required, the decisions of the Executive Council shall be binding on all members of the Association unless and until countermanded by a resolution of a general meeting.

### ■ RULE 13 Duties of Principal Officers

(1) The President shall during his term of once preside at all general meetings and all meetings of the Executive Council and shall be responsible for the conduct of all such meetings. He shall have a casting vote, and he shall sign the minutes of each meeting at the time they are approved. He shall in conjunction with the

Secretary and the Treasurer, sign all cheques on behalf of the Association, superintend the general administration, of the affairs of the Association, and endeavour to secure the observance of the Rules by all concerned.

(2) The Vice-President shall in the absence of the President act for and have the powers vested in the President.

(3) The Secretary shall conduct the business of the Association in accordance with the Rules and shall carry out the instructions of the general meeting and of the Executive Council. He shall supervise the work of any staff engaged by the Association. He shall be responsible for conducting all correspondence and keeping all books, documents and papers belonging to his office in such form and manner as the Executive Council may direct. He shall attend all meetings and record the proceedings. He shall prepare or cause to be prepared the report to the biennial general meeting. He shall prepare or cause to be prepared the annual returns and all other documents required by the Registrar of Trade Unions and shall forward these to him by the prescribed dates. He shall keep a membership register containing the names and the addresses of all members, their membership numbers, and the dates on which they joined the Association. In conjunction with the President and the Treasurer, he shall sign all cheques on behalf of the Association.

(4) The Assistant Secretary shall assist the Secretary in all the administrative work of the Association and shall act for him in his absence.

(5) The treasurer shall be responsible for all moneys received and paid by him on behalf of the Association and for the proper keeping and posting of books of account as required under the Trade Unions Regulations, 1959. He shall issue an official receipt for each and every sum of money received by him and no other officer or employee of the Association shall receive money or issue receipts without the specific authority of the President given in writing on each and every occasion. He shall be responsible for the safe custody of all books of account and subsidiary documents of the Association and shall not remove them from the official place of business without the specific authority of the President given in writing on each and every occasion. He shall prepare a

statement of account for each business meeting of the Executive Council and for the biennial.

general meeting. He shall, in conjunction with the President and the Secretary, sign all cheques on behalf of the Union.

**RULE 14. Trustees**

(1) Three Trustees, who must be over 21 years of age and who must not be a Secretary or Treasurer of the Association, shall be appointed at the first annual general meeting and shall hold office during the pleasure of the Association. They shall have vested in them all the real and personal estate whatsoever belonging to the Association and shall deal with it in such manner as the Executive Council may direct.

(2) The Association shall have power to purchase or to take upon lease for its purposes as a trade union and in the names of the Trustees any land or any building and, subject to any written or other law which may be applicable, to sell, exchange, charge or lease any such land or building which may be so purchased.

(3) The Trustees shall not sell, withdraw or transfer any of the property of the Association without the consent and authority of the Executive Council conveyed in writing by the Secretary and the Treasurer.

(4) A Trustee may be removed from office by the Executive Council on the ground that, owing to ill health. unsound mind. absence from the country or any other reason. he is unable to perform his duties or unable to do so satisfactorily, In the event of the death. resignation or removal of a Trustee before the biennial general meeting, the vacancy shall be filled by the Executive Council.

(5) The biennial general meeting may appoint as sole trustee for the Association a trust company as defined in the Trust Companies Ordinance, 1949, or any written law governing trust companies in West Malaysia and, in the event of such appointment, references to "trustees" in the Rule shall be interpreted as references to a trust company so appointed.

*RULE 15. Internal Auditors*

(1) Two Internal Auditors, who must not be members of the Executive Council, shall be appointed by the biennial general meeting. They shall audit the accounts of the association at the end of each quarter and submit a report to the Executive Council.

(2) The books and accounts of the Association shall be audited by the two Internal Auditors acting together, and they shall have free access to all books and documents necessary for the completion of their audit.

*RULE 16 General Audit*

(1) The General accounts of the Association shall be audited by a qualified Accountant or other fit and proper person approved by the Registrar of Trade Unions and shall be verified by statutory declaration. The audit shall commence as soon as possible after the close of the financial year, i.e. 31st March, and shall be completed before 31st May. The auditor shall have free access to all books and documents necessary for the completion of the audit.



(2) The auditors' report shall be presented to the biennial general meeting and a copy of this report shall be conspicuously displayed at the registered office of the Association.

### *RULE 17 Panel of Scrutineers*

A permanent panel of five Scrutineers, who shall not be serving officers or candidates for posts of officers of the Association and who reside in the locality where the head office of the Association is situated, shall be elected by show of hands at the first annual general meeting to supervise all secret balloting. A Scrutineer shall hold office at the pleasure of the Association and may be replaced at any general meeting. At least two Scrutineers shall be present when a ballot is being taken. They shall see that the procedure set out in the Appendix to these Rules is strictly adhered to and shall submit to the Executive Council a signed statement of the results of the ballot in forms of return prescribed in the Trade Unions Regulations, 1959.

### *RULE 18. Salaries and Other Payments*

(1) The salaries of full-time officers shall be determined as and when necessary by the biennial general meeting.

(2) Officers whose duties call for part-time service on behalf of the Association may be paid an honorarium. The amount to be paid shall be determined by the biennial general meeting.

(3) Officers and other representatives of the Association may, on the approval of the Executive Council be paid for any loss of working time and all reasonable expenses incurred in the transaction of the Association's business. They shall submit to the executive Council a statement of expenses which shall, when practicable, be supported by receipted bills or other evidence of payment. The maximum scale of allowances and expenses payable under this paragraph shall be prescribed from time to time by the members at the biennial or extraordinary general meeting and

the Executive Council shall not approve any payment unless it is within the limits of the scale prescribed by the general meeting.

*RULE 19. Funds and Accounts*

(1) The funds of the Association may be expended on any of or all the following objects: —

- (a) The payment of salaries, allowances, and expenses to officers and employees of the Association.
- (b) The payment of costs and expenses of the administration of the Association, including audit of the accounts of the funds of the Association,
- (c) The prosecution or defence of any legal proceeding to which the Association or any member thereof is a party when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Association as such or any right arising out of the relations of any member with his employer.
- (d) The conduct of trade dispute on behalf of the Association or any member thereof and assistance in the furtherance of trade disputes on behalf of any other registered trade union or any member thereof.
- (e) The compensation of members for loss arising out of trade disputes.
- (f) Allowances to members or their dependants on account of death, old age, sickness, accidents or unemployment of such members.

(g) The payment of affiliation fees to federation of trade unions, trade union council and trade union co-ordinating or advisory body registered under any written law within the States of Malaya and such other associations or organisations established outside the States of Malaya as may from time to time be approved by the Minister.

(h) The payment—

(i) of all train fares, other essential transport expenses, cost of board and lodging, supported by vouchers, or of such amounts as are laid by the Association;

(ii) of the amount of actual wages lost by representatives of the Association attending meetings connected with or related to the promotion of industrial relations;

(iii) of expenditure for the purpose of the establishment or maintenance of any lawful trade union co-ordinating or advisory body.

(i) The editing, printing, publication and circulation of any journal, magazine, new sheet or other printed literature published by the Association for the advancement of its objects or the promotion of the interests of the members in accordance with its registered objects and rules.

(j) The payment of affiliation fees to cultural and educational associations registered under any written law within West Malaysia and such other associations or organisations established outside West Malaysia as may from time to time be approved by the Minister.

- (k) The conduct of social, sporting, educational and charitable activities of the members.
- (l) The erection of buildings for the purpose of the business of the Association.

(2) The funds of the Association shall not be applied either directly or indirectly in payment of the whole or part of any fine or penalty imposed upon any person by sentence or order of a court.

(3) All moneys which belong to the Association and which are not required for approved current expenses shall be deposited by the Treasurer within seven days of receipt in a bank approved by the Executive Council. The bank account shall be in the name of the Association and the particulars of the bank account shall be forwarded to the Registrar of Trade Unions.

(4) All cheques or withdrawal notices on the Association account shall be signed jointly by the President (or in his absence the Vice President), the Secretary, and the Treasurer. In the absence of the Secretary or the Treasurer, the Executive Council shall appoint one of its members to sign in his place.

(5) The Treasurer may hold a Petty Cash Account not exceeding one hundred dollars at any one time. No single expenditure exceeding dollars fifty at any one shall be incurred without the prior sanction of the Executive Council. The Treasurer shall prepare biennial budget for approval by the members at the biennial general meeting and all expenditure incurred by the Association shall be within the limits imposed by the approved budget. The budget may be

revised from time to time with prior approval of the members obtained at an extraordinary general meeting or by secret ballot.

(6) All property of the Association shall be invested in the joint name of the Trustees. Such funds of the Association as are not required for the day-to-day administration of the Association may be invested in Trustee securities provided always that the Executive Council may have power to direct, in respect of 25% of the funds to be invested in any security approved by the Executive Council. All such funds invested shall be invested in the name of the Trustees who shall hold them in trust for the members of the Association.

(7) The Treasurer shall enter or cause to be entered in the accounts of the Association a record of all receipts by and payments out of the funds of the Association and shall, upon resigning or vacating his office or employment and on or before the 1st day of June in every year and at any other time at which he may be required to do so by the Executive Council or by a resolution of the members of the Association at a general meeting or an extraordinary general meeting or by the Registrar of Trade Unions, render to the Association and the members or to the Registrar of Trade Unions as the case may be, a just and true account of all moneys received and paid by him during the period which has elapsed since the date of his assuming office, or if he has previously rendered an account, since the last date upon which he rendered such account, and of the balance remaining in his hands, at the time of rendering such account and of all bonds, or other property of the Association entrusted to his custody or under his control.

(8) The form of account shall be as prescribed by the Trade Unions Regulations, 1959. The account shall be verified by

statutory declaration, and the Association shall cause the account to be audited by some fit and proper person approved by the Registrar of Trade Unions. After the account has been audited, the Treasurer shall forthwith hand over to the Trustees of the Association, if required by them to do so, such balance as to be due from him and also, if so required, all bonds, securities, effects, books, papers and property of the Union in his hands or custody, or otherwise under his control.

### *RULE 20 Inspection of Books and Accounts*

Any person having an interest in the funds of the Association may after having given due notice inspect all the books and accounts of the Association and the names of the members at any reasonable time at any place where such records are kept.

### *RULE 21. Levies*

(1) The Executive Council may, after a resolution has been passed by secret ballot in accordance with Rule 25, impose a levy upon all members of the Association, and all members (with the exception of those who have been exempted by the Executive Council as provided in Rule 4 paragraph 5) shall be required to pay such levy.

(2) If any member fails to pay a levy within six weeks of its imposition, or such longer period as may be specified in the resolution, the amount shall be treated as arrears of Association monthly subscriptions and the member shall be liable to disqualification under Rule 4.

## *RULE 22. Disputes*

1) Should any member desire steps to be taken in connection with his conditions of employment or any other matter, he shall notify the Secretary, wherever practicable in writing, of his complaint, and the Secretary shall immediately report the facts of the matter to the Executive Council. Where the members' complaint is verbal, the Secretary shall reduce it to writing and shall submit a copy of it with his report.

(2) Should any trade dispute arise, the members concerned shall bring the matter to the attention of the Secretary, who shall immediately report the facts of the matter to the Executive Council.

(3) No cessation of work shall take place unless (a) the sanction of the Executive Council has been given; (b) at least two-thirds of the members affected and entitled to vote in accordance with Rule 25 have voted by secret ballot in favour of the proposed action; and (c) the result of the ballot has been notified to the Registrar of Trade Unions in the form prescribed in the Trade Unions Regulations, 1959. The Executive Council shall not support any strike, financially or otherwise, unless a secret ballot is taken and the required majority of votes in favour is obtained.

(4) Any group of members who take any form of industrial action in contravention of the Trade Unions Ordinance 1959, or the rules of the Association shall cease to be members of the Association and thereafter such members shall not be eligible to become members of a trade union unless approved by the Registrar of Trade Unions,



### *RULE 23. Educational Work*

The Association may educate its members through meetings and classes. Also, it may publish literature and take such other action as will promote industrial, cultural and social knowledge, subject to statutory provisions relating to the expenditure of Association funds for the time being in force.

### *RULE 24. Rules and Alterations*

(1) Any alteration of the Rules which results in increasing the liability of the members to contribute or in decreasing the benefits to which members are entitled shall be made only if approved by secret ballot vote of the members. Subject to this provision, the Rules may be altered by a general meeting convened in accordance with Rule 9 or Rule 10, or . secret ballot.

(2) Every alteration of the Rules shall take effect from the date of registration by the Registrar of Trade Unions, unless some later date is specified in the Rules.

(3) A copy in romanised Malay or English of the Rules for the time being in force shall be prominently exhibited in such place as it may easily be read at the registered office of the Association and shall be furnished by the Secretary to any person on demand on payment of a sum not exceeding one dollar.

*RULE 25. Secret Ballot*

(1) Decisions on the following matters shall be taken by a secret ballot of all the members of the Association or by the members concerned (where so provided), subject to the

provision that members who have not attained the age of 18 shall not be entitled to vote on matters listed as items

(c), (d), (e) and (h) below :—

(a) Election of Officers of the Association (other than Trustees) in accordance with Rule 12

(b) Election of delegates to a federation of trade unions;

(c) All matters relating to strikes in accordance with Rule 22, para 3:

(d) The imposition of a levy;

(e) Amendment of the Association rules where such amendment results in increasing the liability of the members to contribute or in decreasing the benefits to which members are entitled;

(f) Amalgamation with another trade union or transference of engagements to another trade union;

(g) Joining or forming a federation of trade unions;

(h) Dissolution of the Association.

(2) For the taking of a secret ballot the procedure set out in the Appendix to these Rules shall be complied with.

#### *RULE 26. Disputes*

(1) Every dispute between

- (a) a member or person claiming through a member or under the Rules, on the one part, and the Association or an officer thereof, on the other or
- (b) any person aggrieved who has ceased to be a member of the Association or any person claiming through such person aggrieved, on the one part, and the Association or an officer thereof, on the other part; or
- (c) the Association and an officer of the Association shall be decided by reference to arbitration.

(2) A panel of not less than five arbitrators, none of whom is directly or indirectly interested in the funds of the Association, shall be appointed as a permanent panel of arbitrators by the first annual general meeting, and any vacancy or vacancies shall be filled at a subsequent general meeting.

(3) The complaining party to dispute or a person appointed by him shall draw three names from the panel of arbitrators by lot in the usual manner and three arbitrators whose names are first drawn shall decide the dispute.

(4) In this rule the expression "dispute" includes any dispute arising on the question whether a member or person aggrieved is entitled to be or continue to be a member or to be reinstated as a member but, save as aforesaid, in the case of a person who has ceased to be a member, does not include any dispute other than a dispute on a question between him and the Association or an officer thereof, which arose whilst he was a member or arises out of his previous relation as a member of the Association.

(5) There shall be a right of appeal to the biennial general meeting whose decision shall be binding and conclusive :

Provided always that in a dispute connected with

- (a) the election of officers of the Association or
- (b) the accounts and funds of the Association; or
- (c) the non-compliance with any Rule of the Association,

the parties to the dispute may, by consent jointly refer the dispute to the Registrar of Trade Unions.

*RULE 7. Dissolution*

(1) The Association shall not be voluntarily dissolved except with the consent obtained by ballot of at least 75% of the members entitled to vote.

(2) In the event of the Association being dissolved as provided above all debts and liabilities legally incurred on behalf of the Association shall be fully discharged and the remaining funds shall be of in such manner as may be decided upon by secret ballot.

## APPENDIX

### Secret Ballot Procedure

1. The Executive Council shall fix the date, the time and the place of voting and shall give all members of the Association a reasonable opportunity to cast their votes.
  
2. The Secretary shall cause the required number of ballot papers to be prepared in the form similar to Specimen A or Specimen B and shall issue to each member who is entitled to vote a ballot paper bearing the Association seal or the Secretary's signature together with an envelope addressed to the Secretary. The ballot papers shall be issued by post or by hand. If they are issued by hand, individual signatures of the recipients shall be obtained as proof of delivery. The envelope shall have the words "Ballot Paper" and the member's Association Membership Number written on it. The ballot paper and envelope must be forwarded to the member with sufficient time to enable him to return them to the secretary before the appointed date.
  
3. Members shall have the choice of voting by post or in person. If a member elects to vote by post he shall return the ballot paper, duly marked, to the Secretary in the manner prescribed in paragraph 8 below; but if he elects to vote in person he shall cast his vote at the General Meeting in the manner set out in below.
  
4. Every member entitled to vote who is present at the place of meeting and who declares in writing that he has not previously received a ballot paper by post shall receive from the Secretary a ballot paper bearing the Association seal or the Secretary's signature and an envelope with the words

"Ballot Paper" and the member's Association Membership Number written on it.

5. The balloting shall be conducted under the supervision of the five Scrutineers elected under Rule 17. At least two Scrutineers must be present throughout the period. Before the commencement of voting the Scrutineers shall examine the ballot box to ensure that it is empty and they shall then lock and seal the box and keep the keys in their custody.

(6) Before the voting commences, the Scrutineers shall be supplied by the Secretary with a list of members who have been issued with ballot papers (in person as well as by post), and they shall ensure, by checking the list with the Membership and Subscription Register (a) that only those members who are entitled to vote are given the opportunity to do so; (b) that each member votes once only on a particular issue; (c) that no member who has already voted by post is provided with a ballot paper under Rule 4 above; and (d) that members are able to vote as they please and without their votes being known to anybody else.

(7) When the time for voting arrives, each member who has been issued with a ballot paper shall in turn proceed to the room or the portion of the hall where the ballot box is placed and record his vote by placing cross or a number of crosses as the case may be, and no other mark on the ballot paper. Then folding the ballot paper at least in half and enclosing it in the envelope provided for that purpose, he shall drop it in the ballot box provided for that purpose and immediately quit the place of voting.

(8) A member who Votes by post shall mark his ballot paper in a similar manner and return it, folded at least in half and properly enclosed in the envelope provided for the purpose, to the Secretary



to reach him before the date fixed for voting. The Secretary shall deposit all such ballot papers unopened in a safe place until the appointed day, when he shall hand them to the Scrutineers who shall drop them into the ballot box.

- (9) When the last member present who is entitled to vote in person has voted, the Scrutineers, declaring the voting closed, shall open the ballot box, to count the votes in the presence of at least three officers of the Association. They shall first check the Association Membership Number on each envelope with the list supplied by the Secretary. As each envelope is checked, the membership number shall be deleted in such manner that it cannot again be read and the envelopes dropped unopened into a locked box. When all the envelopes have been checked, the Scrutineers shall take them out of the box, slit open the envelopes and drop each ballot paper, still folded, into the ballot box. They shall then count the votes. If in the opinion of any Scrutineer a ballot is invalid, such ballot paper shall be marked "Spoilt" and rejected.
- (10) After all the votes have been counted, the Scrutineers shall prepare a statement, in duplicate, of the result of the ballot and hand both copies, duly signed, to the Secretary. The statement shall be countersigned by the President and the Secretary and the President or the Secretary shall then announce the result of the ballot to the members present.
- (11) One signed copy of the Scrutineers' statement shall forthwith be sent to the Registrar of Trade Unions; the other copy shall be retained by the Secretary for at least six months and may be inspected by any member who desires to do so.

(12) Immediately after the result of the ballot has been certified, the ballot papers which have been counted, including the rejected ones, shall be sealed up in a large envelope and kept in safe custody for a period of Six months for inspection by Officers of the Registry of Trade Unions. At the end of the six months, the ballot papers may be destroyed by or under the supervision of the President and Secretary.

## BALLOT FORM "A"

Name of Union :

MARA Institute of Technology Academic Staff Association.

Address :

MARA Institute of Technology, Jalan Othman,  
Petaling Jaya, Selangor.

No of Certificate of Registration:

## **BALLOT FORM FOR ELECTION OF OFFICERS**

### **How To Record Your Votes**

1. You are entitled to record 11 votes, i.e., one vote each for the President, the Vice President, the Secretary, the Assistant Secretary, and the Treasurer, and 6 votes for Council Members.

2. You will record each vote SECRETLY by placing a cross thus 'X' in the space provided against the name of the candidate for whom you wish to vote. Please note that NO MARK OTHER THAN 'X' must appear on the ballot paper and that YOU MUST NOT CAST MORE VOTES than the number specified, otherwise your ballot will be rejected as spoilt and your votes will not be taken into account.

3. After having recorded your votes, fold the ballot paper at least in half, enclose it in the envelope provided by the Union and drop it into the ballot box in the voting room. But if you are voting by post forward the ballot paper, folded at least in half and properly enclosed in the envelope provided, to reach the \_\_\_\_\_ Secretary not later than .....

19 .....

PRESIDENT

No.	Nominees	Vote here for ONE only
1.		
2.		
etc.		

VICE PRESIDENT

No.	Nominees	Vote here for ONE only
1.		
2.		
etc.		

SECRETARY

No.	Nominees	Vote here for ONE only
1.		

ASST. SECRETARY

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No.	Nominees	Vote here for ONE only
1.		
2.		
etc.		

~~TREASURER~~  
TREASURER

No.	Nominees	Vote here for ONE only
1.		
2.		
etc.		

## EXECUTIVE COUNCIL MEMBERS

No.	Nominees	Vote here for ONE only
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
etc.		

*Secretary's Signature  
or Association Seal*

## BALLOT FORM B.

Name of Union :

MARA Institute of Technology Academic Staff  
Association

Address .

MARA Institute of Technology, Jalan Othman, Petaling  
Jaya, Selangor.

No. of Certificate of Registration:

### **BALLOT FORM FOR GENERAL PURPOSES**

#### How to Record Your Vote

1. You are entitled to vote either FOR or AGAINST the following motion :

(Here State Motion)

2. You will record your vote SECRETLY by placing a cross thus 'X' in the space provided either against the word "FOR" or against the word "AGAINST" as you may decide. Please note that NO MARK OTHER THAN 'X' must appear on this ballot paper, otherwise your ballot paper will be rejected as spoilt and your vote will not be taken into account.

3. After having recorded your vote, fold the ballot paper at least in half, enclose it in the envelope provided by the Association and drop it into the ballot box in the voting room. But if you are voting by post, forward the ballot paper, folded at least in half and properly enclosed in the envelope provided, to reach the Secretary not later than ..... 19.....



VOTE HERE

FOR	
AGAINST	

*Secretary's Signature or  
Association Seal.*