

PACIFIC DISABILITY FORUM

“A Partnership of Pacific Organisations of and for Persons with Disabilities”

Constitution



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1. Name:

The name of the organisation is the Pacific Disability Forum, referred to in this document as "the PDF".

2. Objects:

The objects of the PDF are to within the Pacific region:

- Promote and advocate for the recognition of the human rights of persons with disabilities.
- Promote and advocate for the recognition of the needs and interests of Pacific persons with disabilities in respect of political, economic, social and cultural development.
- Promote and advocate for the recognition of the needs and rights of women with disabilities.
- Provide a democratic multilateral decision-making forum for the resolution of issues that have a Pacific regional dimension.
- Collect and disseminate information about disability-related concerns in the Pacific region.
- Encourage and support the development of Pacific disabled persons organisations.
- Promote cooperation and joint activity in respect of disability-related concerns among Pacific region disabled persons organisations, agencies of the United Nations in the Asia and Pacific region, Pacific governments, Pacific region national human rights institutions, intergovernmental bodies, donor and development agencies and other relevant bodies.
- Develop and publish disability policy and program resources.
- Promote and support research into disability-related concerns in the Pacific region.
- Promote, support and monitor the implementation of the UNESCAP Biwako Millennium Framework, UN Millennium Development goals and the Convention on the Rights of Persons with Disabilities.
- Promote, support and monitor the implementation of the Pacific Plan and the United Nations Convention on the Rights of Persons with Disabilities, and all other intergovernmental agreements and initiatives for the benefit of persons with disabilities.
- Represent and promote the interests and concerns of the PDF at Pacific regional, Asian and Pacific regional and international events and decision-making processes.

3. Powers:

The powers of the PDF are to:

- Make representations in partnership with member organisations about disability-related concerns to intergovernmental agencies, including the Pacific Islands Forum, UN agencies and civil society.
- Undertake specific projects to further the purpose and objectives of the PDF.
- Coordinate and arrange conferences, meetings, working groups and other for a relevant to disability-related concerns in the Pacific region.
- Seek and obtain formal recognition for the PDF as a regional representative of organisations of persons with disabilities.
- Appoint representatives to participate in regional policy and decision-making for a including national governments, intergovernmental agencies, the Pacific Islands Forum, UN agencies and civil society.
- Establish and operate a secretariat for the PDF.
- Raise, expend, distribute and account for funds to support the operation and activities of the PDF.
- Invite, accept or refuse any gift of property.
- Establish and operate bank accounts for the PDF.
- Establish a trust fund to support the continued operations of the PDF.
- Borrow, raise, or secure the payment of money and secure the repayment or performance of any debt.
- Enter into a contract or arrangement with any government, intergovernmental, or civil society organisation to facilitate the operation and further the purpose and objectives of the PDF.
- Engage, dismiss, or suspend any employee, agent, contractor or professional person.
- Do all other things that are incidental or conducive to fulfilling the purpose, or attaining the objectives, of the PDF.

4. Independence of Members:

The independence, authority and national or other status of each of the full and associate members of the PDF and their powers, duties and functions shall in no way be affected by the establishment of the PDF and its incorporation, or its functioning.

5. Registered Office:

The registered office of the PDF shall be located in a Pacific Island Country as determined by the Council from time to time.

6. Applicable Law:

The PDF is incorporated under the law of the country, in which the registered office is located, upon which this Constitution is to be interpreted.

7. Definitions:

- 7.1 Financial year: means the period of 12 months as determined from time to time by the General Meeting of members.
- 7.2 "Indigenous people" means the first peoples of the Pacific Nations, including Australian Aboriginal and Torres Strait Islanders, New Zealand Maori, Kanaki and others.
- 7.3 "Pacific" means the following countries and territories:
- American Samoa
 - Australia
 - Cook Islands
 - Federated States of Micronesia
 - Fiji Islands
 - French Polynesia
 - Guam
 - Kiribati
 - Marshall Islands
 - Nauru
 - New Caledonia
 - New Zealand
 - Niue
 - Northern Mariana Islands
 - Palau
 - Papua New Guinea
 - Pitcairn
 - Samoa
 - Solomon Islands
 - Tokelau
 - Tonga
 - Tuvalu

8. Membership:

8.1 Classes of Membership:

There shall be two classes of membership:

- Full Members
- Associate members

8.2 Membership Benefits and Rights - General:

All members shall enjoy the following benefits and rights:

- Receive information about the activities of the PDF.
- Participate in general meetings of the PDF.
- Contribute to the development of the broad policy and direction of the PDF.
- Eligibility for appointment by the Council of the PDF to working groups that may be established from time to time.

8.3 Membership Benefits and Rights – Full Members:

Each full member shall enjoy the following benefits and rights:

- All of the general benefits and rights of membership.
- The right to appoint or elect one Councilor to represent their organization on the Council of the PDF.
- The right to vote on any question coming before a general meeting of the PDF, provided that there shall only be one vote cast by each full member on each question.

8.4 Membership Benefits and Rights – Associate Members:

Associate members shall enjoy general membership rights and benefits, but shall not be entitled to appoint or elect a Councilor to the Council of the PDF, or vote on questions coming before a general meeting of the PDF.

8.5 Membership Qualifications – General:

Membership of the PDF is open to any organisation or individual that:

- Supports the policy and objectives of the PDF.
- Has a genuine interest in disability-related concerns in the Pacific region.
- Is located or substantially operates in the Pacific region (the member may also operate substantially in other regions).

8.6 Membership Qualifications – Full Member:

Full Membership of the PDF is open to any organisation that:

- Satisfies the general qualifications for membership, and
- Is a non-government organisation, and
- Is an organisation of and for persons with disabilities with a governing body comprised of a majority of persons with disabilities, and
- Is operating within a Pacific country;
And/or
- Represents women with disabilities in the Pacific that is the governing body of the organisation must be comprised of a majority of women with disabilities.
And/or
- Represents young persons with disabilities in the Pacific that is the governing body of the organisation must be comprised of a majority of young persons with disabilities under the age of 25.
And/or
- Is an organisation of indigenous persons with disabilities that is the governing body must be comprised of a majority of indigenous persons with disabilities.

8.7 Membership Qualifications – Associate Member

Associate membership of the PDF is open to any individual or organisation that:

- Satisfies the general qualifications for membership, and
- Does not satisfy the qualifications for full membership,
- Is an organisation of family members and carers of persons with disabilities, that is, the governing body must be comprised of a majority of family members and carers of persons with disabilities.
- Is an international disability organisation recognised and active in the Pacific region through regional or sub regional activities.

8.8 Admission of Members:

- The Executive Committee shall publish an application form that includes the requirement for a brief supporting statement that sets out how the applicant organisation satisfies the qualifications of membership in respect of the category in which membership is sought.
- Applications shall be reviewed by the Secretariat to ensure that all requirements have been met, and make a recommendation to the Executive Committee.

- The Executive Committee may then grant or decline membership.
- The Executive Committee shall report on the status of membership in the annual report.

8.9 Membership Fees:

- The Council shall set periodic membership fees.
- Membership fees shall fall due on the first day of the financial year.
- A member whose annual fee has not been paid during the first three months of the year may be declared by the Executive Committee to be a non-financial member.
- A member may apply to the Council to have annual fees waived or reduce where payment would impose an unreasonable hardship on the member.

8.10 Cessation of Membership:

Membership of the PDF shall cease in the following circumstances:

- Where the member resigns membership by notice in appropriate form to the Secretariat.
- In the case of organisational members, where the organisation winds up; or where membership fees remain unpaid for a period of more than three months from the date they fall due, and no waiver or reduction of this fee has been granted by the Executive Committee; or where membership is suspended for a specified period, or terminated by the Council under this Constitution.

8.11. Disciplining of Members:

On the basis of a confidential recommendation of the Executive, the Council of the PDF shall have the power to suspend for a specific period or terminate the membership of a member of the PDF, on the ground of serious misconduct.

If Council proposes to suspend or terminate the membership of a member for serious misconduct, it must:

- Give twenty-one days notice to the member in writing of its intention to suspend or terminate membership setting out the reasons why suspension or termination is proposed.
- Provide a reasonable opportunity for the member to make submissions, either verbally or in writing, to the Council for its consideration prior to determining whether to suspend or terminate membership.

A member whose membership is suspended and lapses or is terminated shall be entitled to reapply for membership.

The decision of the Council shall be final.

8.12. General Meetings of Members:

There shall be a general meeting of members of the PDF at least once every twenty-four months, and every twelve months where funding permits, to be held within five months of the end of the financial year. Meetings may be held in person, or by electronic means, teleconferencing, videoconferencing, or by any other means. The quorum for meetings shall be a simple majority of members.

At least three months notice shall be given of a general meeting of members of the PDF. The Notice shall set out the time, date and place of the meeting, and a provisional agenda for the meeting. The Notice shall invite members to submit any other items of business within fourteen days. A final agenda for the meeting shall be circulated to members at twenty-one days in advance of the meeting. Notices may be sent by electronic means or any other means.

The following business shall be conducted at the meeting:

- Report from Council
- Report from the Executive Committee
- Statement of financial membership
- Presentation of the organisational plan
- Presentation of audited financial statements, and a Treasurer's Report in relation to the previous financial year
- Appointment of an auditor for the next financial year
- Proposals for amendment, if any, to the Constitution
- Election of Council members every two years
- Any other matters of which required notice has been given.

9. Council of the PDF:

Gender equity should be taken into consideration when organisations are selecting members to represent them on the Council of the PDF.

9.1 Council – Composition:

The Council of the PDF shall comprise of one representative of each full member of the PDF.

Where a representative of any full member is not available, the Council of the PDF may co-opt an appropriate person only from that full member to represent that organisation.

9.2 Council – Alternate Councilors:

Each full member may appoint an alternate representative to act when the primary representative is not available, by appropriate notice to the Council of the PDF.

9.3 Council – Term of Office:

Each Councilor shall hold office for a period of two years, but is eligible for re-election or re-appointment.

9.4 Council - Role and Functions:

The Council of the PDF shall have the following role and functions:

- To elect or appoint the Executive Committee of the PDF.
- To set and amend the strategic policies and strategic directions of the PDF, following consultation with the broader membership of the PDF.
- To approve the annual operating budget and annual audited accounts, of the PDF.
- To establish working groups on specific issues and to receive, and respond to reports and recommendations from these working groups.
- To resolve disputes arising in the Executive Committee, or between the Executive Committee and/or Council and a member.

9.5 Council – Meetings:

The Council of the PDF may meet and conduct the business of the PDF as it sees fit, provided that it shall meet at least once in every twelve-month period.

Meetings of the Council may be held in person or by electronic means, teleconferencing, videoconferencing or any other means.

Quorum for meetings of the Council shall be a simple majority.

A question coming before Council shall be resolved by consensus wherever possible. Where consensus cannot be achieved, the question shall be resolved by simple majority.

Except in a situation of urgency Councilors shall be given at least three months notice of a meeting of the Council. The Notice shall specify the date and time for the meeting, and the place at which the meeting will be held. The Notice shall include a

proposed agenda for the meeting, and invite proposals for further agenda items that fall within the role and functions of the Council.

In a situation of urgency, Councilors shall be given as much notice of a meeting as the situation reasonably permits.

10. Executive Committee:

10.1 Executive Committee – composition:

The Council of the PDF shall elect an Executive Committee from the members of the Council. The Executive Committee shall comprise of: Two Co-Chairpersons – one man and one woman; and five other positions.

No more than two members of the Executive shall be drawn from any one country.

10.2 Executive Committee – Term of Office:

Executive Committee members shall hold office for a period of two years, but are eligible for re-election or re-appointment for a further consecutive or non-consecutive two-year term. No Councilor may hold Executive office for more than two terms consecutively.

10.3 Executive Committee – Vacancy:

In the event of a vacancy arising in the Executive Committee, the Council may elect or appoint a new Executive member to fill the vacancy. The new member shall serve out the unexpired term of the Executive Committee member he or she replaces, but is eligible for re-election or re-appointment. In the event that the unexpired term is less than one year, this period shall not be counted in calculating the term of office of the Executive Committee member under clause 12.2.

10.4 Executive Committee – Role and Functions:

The Executive Committee shall manage and administer the operations of the PDF, which shall include the following functions:

- Arranging meetings of the Council and membership of the PDF. This shall include the finalisation of agenda for meetings, following consultation with Councilors.
- Develop strategic and operational policy and plans for the PDF for approval by Council, following consultation with the PDF membership.
- Implement, or oversee implementation, of the policy and plans of Pacific Disability Forum.

- Establish, coordinate and monitor working groups appointed by the Council.
- Develop an annual budget for the PDF for approval by the Council, and manage and monitor expenditure against the approved budget.
- Raise revenue to support the operations of the PDF.
- Manage staff and contractors.
- Sign documents and enter into contracts on behalf of the PDF.
- Ensure that the PDF complies with corporate responsibilities imposed by law.
- Approve applications for membership of the PDF.
- Appoint representatives and delegations to government, intergovernmental and civil society organisations and fora to act on behalf of the PDF.
- Approve applications for membership or affiliation of the PDF to any other body.

10.5. Executive Committee – Meetings:

The Executive Committee may meet as often as it thinks fit, provided that it meets at least once every four months.

The Meetings of the Executive Committee may be held in person or by electronic means, teleconferencing, videoconferencing or any other means.

Quorum for meetings of the Executive Committee shall be a simple majority.

A question coming before the Executive Committee shall be resolved by consensus wherever possible. Where consensus cannot be achieved, the question shall be resolved by a simple majority.

Except in a situation of urgency Executive Committee members shall be given at least six weeks (42 days) notice of a meeting of the Executive Committee. The Notice shall specify the date(s) and time for the meeting, and the place at which the meeting will be held. The Notice shall include a proposed agenda for the meeting, and invite proposals for further agenda items that fall within the role and functions of the Executive Committee.

In a situation of urgency, Executive Committee members shall be given as much notice of a meeting as the situation reasonably permits.

10.6 Co-Chairpersons – roles and responsibilities:

The roles of Co-Chairperson have been established to underline the PDF's commitment to gender equity, and to issues affecting women with disability. The Co-Chairpersons are to fulfill their roles and responsibilities jointly or alternately so as to give effect to the PDF's commitment to gender equity.

The roles and responsibilities of the Co-chairpersons are to:

- Chair meetings of the Executive Committee, Council and general membership of the PDF.
- Lead delegations of the PDF in meetings with government, intergovernmental, international and civil society.
- Sign major correspondence on behalf of the PDF as sanctioned by the Executive Committee.

Each Chairperson shall have a deliberative vote on questions arising for resolution in meetings of the Executive Committee, Council, and general membership of the PDF.

In a situation where there is an equal number of votes cast for and against on a question before a meeting of the Executive Committee, Council or general membership, the Chairperson presiding for the time being only shall have an additional casting vote.

10.7 Secretary – Role and responsibilities:

The Executive Committee may appoint a Secretary from within its membership with the following roles and responsibilities:

Ensure that minutes and/or proceedings are kept of meetings of the Executive Committee, Council, and general membership of the PDF.

Ensure the establishment and maintenance of a register of members of the PDF, and of the terms of office of Councilors and Executive Committee members.

Ensure the common seal of the PDF is applied only in accordance with this Constitution.

10.8 Treasurer – role and responsibilities:

The Executive Committee may appoint a Treasurer from within its membership with the following roles and responsibilities:

- Ensure the development of annual and project budgets, and funding applications, for the PDF.
- Ensure the development of periodic financial reports for presentation to the Executive Committee, Council, and general meetings of members.

11. Miscellaneous Matters:

11.1 Trustees:

Where necessary under law, there shall be four Trustees who have not and are not affiliated with any agency or organization providing services to persons with disabilities. They shall be nominated by the Executive Committee and shall be appointed by a resolution passed at general

meetings of the Council.

Whenever any Trustee shall pass away, go to reside abroad, desire to be discharged, or become incapable of acting or refuse to act, a successor to such Trustee shall, as soon as convenient, be nominated and appointed in like manner, so that the original number of Trustees may be kept up.

No Trustees shall hold any salaries or other offices within the PDF.

11.2 Common Seal:

The Common Seal of the PDF shall be that which is determined by the Executive Committee, and the Executive Committee shall be responsible for maintaining a policy that sets out its safe custody and control.

11.3 Winding Up:

Should it prove necessary or desirable, the PDF may be voluntarily wound up according to the procedures laid down for amendments to this Constitution.

11.4 Alteration and amendment to the Constitution:

Amendments to the constitution shall be tabled for consideration and approval at Annual General Meetings or such special General meetings that may be called for the purpose.

Any proposed amendment shall be sent to the Secretary two months before the Annual General Meeting who then will circulate such amendment to all members of the PDF at least fourteen days before the Annual General Meeting or special General Meeting.

Approval to the amendments to the Constitution shall require at least a two-thirds majority of financial, voting members present at such meeting.

11.5 Interpretation of the Constitution:

On any matter on which this constitution might be silent or ambiguous, the Council of the PDF shall be empowered to take such action or decision that maybe deemed proper. Such decision must be in keeping with the policy, purpose and objectives of the PDF. Such actions or decision must be submitted to and ratified, modified, or rejected by the General Meeting of the PDF, and questions concerning the interpretation

of this constitution shall be decided by vote of a simple majority of the members with voting rights present at a General Meeting.