

Pacific Disability Forum

"A partnership of pacific organisations of and for people with disabilities"



Constitution

Adopted 30 July 2004

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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. POLICY:

The PDF will work towards inclusive, barrier-free, socially just, and gender equitable societies that recognize the human rights, citizenship, contribution and potential of people with disabilities.

3. PURPOSE:

The PDF is established to promote and facilitate Pacific regional cooperation on disability-related concerns for the benefit of people with disabilities.

4. OBJECTIVES:

The objectives of the PDF are to:

Promote recognition of the human rights of people with disabilities in the Pacific region.

Promote recognition of the needs and interests of Pacific people with disabilities in respect of political, economic, social and cultural development.

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 peoples’ organisations.

Promote cooperation and joint activity in respect of disability-related concerns among Pacific region disabled peoples’ 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 and the UN Millennium Development goals.

Promote, support and monitor the implementation of 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.

Promote recognition of the needs and rights of women 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.

5. POWERS:

The powers of the PDF are to:

- 5.1.** Make representations in partnership with member organisations about disability-related concerns to intergovernmental agencies, including the Pacific Islands Forum, UN agencies and civil society.
- 5.2.** Undertake specific projects to further the purpose and objectives of the PDF.
- 5.3.** Coordinate and arrange conferences, meetings, working groups and other fora relevant to disability-related concerns in the Pacific region.
- 5.4.** Seek and obtain formal recognition for the PDF as a regional representative of organisations of people with disabilities.
- 5.5.** Appoint representatives to participate in regional policy and decision-making fora including national governments, intergovernmental agencies, the Pacific Islands Forum, UN agencies and civil society.
- 5.6.** Establish and operate a secretariat for the PDF.
- 5.7.** Raise, expend, distribute and account for funds to support the operation and activities of the PDF.
- 5.8.** Invite, accept or refuse any gift of property.
- 5.9.** Establish and operate bank accounts for the PDF.
- 5.10.** Establish a trust fund to support the continued operations of the PDF.
- 5.11.** Borrow, raise, or secure the payment of money and secure the repayment or performance of any debt.
- 5.12.** 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.
- 5.13.** Engage, dismiss, or suspend any employee, agent, contractor or professional person.
- 5.14.** Do all other things that are incidental or conducive to fulfilling the purpose, or attaining the objectives, of the PDF.

6. 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.

7. REGISTERED OFFICE:

The registered office of the PDF shall be located in a country as determined by the Council.

8. 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.

9. DEFINITIONS:

- 9.1.** Financial year: means the period of 12 months as determined from time to time by the General Meeting of members.
- 9.2.** “Indigenous people” means the first peoples of the Pacific Nations, including Australian Aboriginal and Torres Strait Islanders, New Zealand Maori, Kanaki and others.
- 9.3.** “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

Vanuatu
Wallis and Futuna

10. MEMBERSHIP:

10.1. CLASSES OF MEMBERSHIP:

There shall be three classes of members:

Full Members

Associate members

Life members.

10.2 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.

10.3 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.

10.4 MEMBERSHIP BENEFITS AND RIGHTS – ASSOCIATE MEMBERS AND LIFE MEMBERS:

Associate members and Life 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.

10.5 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).

10.6 MEMBERSHIP QUALIFICATIONS – FULL MEMBER:

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

- Satisfies the general qualifications for membership.
- Is a non-government organisation.
- Is an organisation of or for people with disabilities.
- Is operating within a Pacific country.
- 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.
- Or,
- Represents young people with disabilities in the Pacific, that is, the governing body of the organisation must be comprised of a majority of young people with disabilities under the age of 25 years.
- 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.
- Or,
- 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 people with disabilities.
- Is an international Disability Organization recognized and active in the Pacific Region through regional or sub regional structures.

10.7 MEMBERSHIP QUALIFICATIONS – ASSOCIATE MEMBER:

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

- Satisfies the general qualifications for membership.
- Does not satisfy the qualifications for full membership.

10.8 LIFE MEMBERSHIP:

Life membership may be awarded by the Council of the PDF on the recommendation of the Executive Committee to an individual who has made an outstanding contribution towards the fulfillment of the policy, purpose and objectives of the PDF.

10.9 ADMISSION OF MEMBERS:

The Council of the PDF may admit members.

- The application must be accompanied by 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.
- The Council of the PDF may approve and publish an application form on which applications for membership may be submitted.
- At the next meeting of the Council of the PDF after the receipt of an application for membership, the Council must consider the application and

decide whether to admit or reject the admission of the applicant.

- The Council may, at its discretion, defer consideration of an application for membership for the purpose of obtaining further information to assist in determining the outcome of the application.

10.10 MEMBERSHIP FEES:

The Council of the PDF may set and revise periodic membership fees.

The initial membership fees shall be for a period of one year and shall be the equivalent of fifty Fiji dollars.

Membership fees shall fall due and payable on the first day of the new financial year.

The Council of the PDF may, in its discretion, waive or reduce membership fees where payment would impose an unreasonable hardship on the member or applicant.

10.11 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 Council of the PDF.
- In the case of organisational members, where the organisation winds up.
- In the case of individual members, where the member dies; 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 Council of the PDF; or where membership is suspended for a specified period or terminated by the Council of the PDF under this Constitution.

10.12. 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.

10.13. 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.

11. 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.

11.1 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.

11.2 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.

11.3 COUNCIL – TERM OF OFFICE:

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

11.4 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 approve applications for membership of the PDF.
- To appoint representatives and delegations to government, intergovernmental and civil society organisations and fora to act on behalf of the PDF.
- To approve applications for membership or affiliation of the PDF to any other body.
- To resolve disputes arising in the Executive Committee, or between the Executive Committee and/or Council and a member.

11.5 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.

12. EXECUTIVE COMMITTEE:

12.1 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.

12.2 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.

12.3 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.

12.4 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.

12.5. 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.

12.6 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.

12.7 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 safe custody of the common seal of the PDF, and ensure that it is applied only in accordance with this Constitution.

12.8 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.

13. MISCELLANEOUS MATTERS:

13.1 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.

13.2 COMMON SEAL:

The Common seal of the PDF shall be affixed to any document if authorized by the Executive Committee and shall be countersigned by three members, one of whom shall be a Co-chairperson.

13.3 WINDING UP:

The PDF may be wound up voluntarily if a general meeting passes such a resolution, provided that the resolution is confirmed at a subsequent general meeting called together for that purpose and held not earlier than thirty days after the date of the initial

resolution.

The balance of the PDF's assets after discharging its liabilities shall be distributed to an organisation according to a decision of the membership>

13.4 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.

13.5 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.