

---

# CONSTITUTION OF

# AUCKLAND MALAYALI SAMAJAM

---



AUCKLAND MALAYALI SAMAJAM

P O Box 24526, Royal Oak  
Auckland 1345  
charities reg no: cc 50008  
phone: 0223972050  
email: [treasurer@aucklandmalayalisamajam.org.nz](mailto:treasurer@aucklandmalayalisamajam.org.nz)

# CONSTITUTION

## PREAMBLE

Whereas some members of the Malayali community living in and around Auckland, New Zealand have formed an association namely Auckland Malayali Samajam Inc. New Zealand, amended with effect from 31 Aug 2012 and are desirous of operating it in the same name for the realisation of the objectives specified hereunder.

### 1.0 NAME OF THE SOCIETY

The name of the Society shall be Auckland Malayali Samajam, New Zealand.

### 2.0 OBJECTIVES OF THE SOCIETY

- 2.1 The Society aims to promote good race relations, eliminate discrimination on grounds of race and to encourage equality of opportunity between people of different racial groups in the New Zealand Society.
- 2.2 To help the integration of our community members in to the New Zealand society and conduct activities that may be part of this constitution.
- 2.3 To educate our young ones the rich culture and language and help them to grow as responsible citizens.
- 2.4 To advance education of the Malayali culture and language for the benefit of the New Zealand public
- 2.5 To promote family values among the members of the Samajam and New Zealand Society at large.
- 2.6 To educate the members about the evils of family violence, drug and alcohol dependence.
- 2.7 To conduct development programs that will be focused on relief of charitable needs such as poverty, conditions of old age, illness and for social rehabilitation.
- 2.8 To promote, practice and support health education among our communities.
- 2.9 To help with the settlement of the new immigrants to New Zealand.
- 2.10 To encourage participation in sports that promote health for the general population

- 2.11** To collect necessary funds from members and the community for fulfilling the objectives of the society.
- 2.12** To acquire by purchase, taken on lease or otherwise land and building and any other property or assets, which the General Body of the Society may think proper from time to time, or dispose the property/assets or any part thereof, and erect on any such land, building and to add or alter and maintain any building erected up on such land for the attainment of the stated objectives of the society.
- 2.13** To sell improve, maintain, manage, lease, mortgage, dispose or turn to account or otherwise deal with all or part of the property, assets and rights of the society for fulfilling the objectives of the society.

### **3.0 MEMBERSHIP**

- 3.1** Any New Zealander who is 18 years and above and who is willing to accept the objectives of society can seek the membership.
- 3.2** Any person or family wishing to apply for membership should make a written application to the executive committee of the society in the prescribed form. The committee shall deliberate the application in the next committee meeting and accept it or reject it with a valid reason and communicate the decision to the applicant.
- 3.3** Membership Fee: Each individual member or Family (Husband, wife and children under the age of 25 shall be deemed as a single family) shall pay the annual membership fee/donation. The membership fee shall be decided by the duly convened Annual General meeting (AGM). The membership fee is valid for a calendar year from November 15 to the following next year November 15.
- 3.4** Member/s shall automatically forfeit their claim on any assets/property of the society when the member/s resign or are duly expelled by the General Meeting (GM).
- 3.5** The society shall keep and maintain a membership register.
- 3.6** Only paid up members of the previous year shall have the right to attend the Annual General Meeting.

#### **4.0 MANNER BY WHICH MEMBER/S CEASE TO BE A MEMBER OF THE SOCIETY**

- 4.1** Resignation: Should a member wish to resign from the society, a written letter of resignation should be handed over to the Executive Committee through the secretary of the society.
- 4.2** Disciplinary Action: Any member who acts against the objectives of the society or who brings the society to disrepute or abuse its property/assets shall be liable for disciplinary action.
- 4.3** The Executive committee shall suspend the accused member from the society and convene a special meeting in which the accused member is allowed to admit or refute the allegation. The committee then make its recommendation to the General Meeting regarding the suspended member to take appropriate action. Such GM shall have the quorum of any Special General Meeting (SGM) and the decision shall be by a simple majority vote of the members present.
- 4.4** Any member who defaults the Annual membership fee will deemed to have resigned from the society. However, the membership can be reinstated on paying the arrears or submitting another application to the Ex. Committee.

#### **5.0 AMENDMENT TO THE CONSTITUTION**

- 5.1** Any constitutional amendment has to be ratified by two third majorities of the members present in a General Meeting. Such a meeting shall have a quorum of 50% of the paid-up members of the society.
- 5.2** The Agenda for this Special General Meeting shall be circulated among the members of the society, at least ten working days in advance.
- 5.3** The list of all eligible members shall be made available to the members, prior to the SGM.
- 5.4** If within half an hour from the appointed time for this SGM a quorum is not present, the meeting shall be adjourned for another date by majority vote of the members present and shall be notified to the members within 3 days and reconvened. 50% of the members present at such an adjourned meeting can institute the proposed amendment.

## **6.0 GENREAL PROCEDURES**

### **6.1 MEETINGS**

- 6.1.1** There shall be an Annual General Meeting of the society held in November every year to transact the Annual Accounts and Report of the Executive Committee and Elect the Office bearers of the Samajam for the following year. (28 Oct 2017 Amendment)
- 6.1.2** Any other meeting shall be termed as Special General Meeting. Members should be notified at least two weeks in advance for such a meeting and agenda should be circulated in advance. Such meetings shall have the quorum mentioned hereunder.
- 6.1.3** Notice of such AGM and SGM shall be given by the Executive committee and notified to the members by the Secretary of the Samajam as per 6.1.2
- 6.1.4** Any such Special General Meeting can be requested by not less than five members of the Ex. Committee or 15% of the paid-up members of the society in writing. The Ex. Committee shall discuss the notice and convene a General Meeting within four weeks of the notice and shall only transact the business for which notice is given.

### **6.2 QUORUM**

- 6.2.1** The quorum of all General Meeting shall be not less than one third of the paid-up members of the society. All transactions except constitutional amendments shall be by majority vote. If a quorum is not present at the meeting, it shall be adjourned for a time decided by the majority of the members present. Such an adjourned meeting can be considered as a quorum and can transact business so long as one fifth of the paid-up members are present and simple majority shall prevail.
- 6.2.2** Such an AGM or SGM shall be chaired by the President or in his/her absence by the Vice-President.

### **6.3 BUSINESS OF THE ANNUAL GENERAL MEETING**

- 6.3.1** To approve the Annual Report of the Secretary.
- 6.3.2** To approve the duly audited Annual Statements of the income and expenditure and assets and liabilities of the Society
- 6.3.3** To appoint an auditor for the ensuing year.
- 6.3.4** To transact any other business of which notice in writing has been given to the Secretary at least fourteen days prior to the last day upon which notice of meetings may be given.
- 6.3.5** To elect the Officers and Executive Committee members of the Samajam for the following year.

### **6.4 AGENDA**

- 6.4.1** The agenda for all General Meetings will be discussed and decided by the Executive Committee of the society and intimated to the General body along with the notice calling the meetings

### **6.5 NOTICES OF MOTION:**

If a member wishes to raise any issue at the Special General Meetings other than the items specified in the agenda, a notice in writing should be provided to the Executive body at least fourteen days prior to the date of the meeting

- 6.5.1** Voting on all issues at all meetings will be by a majority show of hands or secret ballot decided by the GM.
- 6.5.2** Subject to the foregoing provisions every member shall have one vote except in the event of a tie where the president shall have a casting vote except for election of office bearers. If there is a tie in the election of office bearers, the winner can be decided by the toss of a coin.
- 6.5.3** Members can cast their vote by self or proxy. The form of proxy must be in the hands of the Secretary at the office of the Society before the commencement of the meeting at which it is proposed to be used. An instrument appointing a proxy shall be signed by the member making the appointment and shall be in the following form or such other form as the Committee shall approve:

**PROXY VOTE FORM**

I/WE being a Member of Auckland Malayali Samajam, hereby appoint as my proxy to vote for me and on my behalf at the Annual/Special General Meeting of the Society to be held on the day of year or any adjournment thereof.

Print Name \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_- Signature: \_\_\_\_\_

**6.5.4** The Secretary shall count and record all such votes, and the result may be announced as soon as possible in the same meeting.

## **7.0 COMMITTEE COMPOSITION**

### **7.1 THE EXECUTIVE COMMITTEE**

**7.1.1** The executive committee shall be elected by the Annual General Meeting from among the current members of the society on or before 15<sup>th</sup> November of every year. They shall be the administrators of the society from the date of election to the next AGM. (*Exception: 2017 Executive Committee will continue until Christmas 2017 according to 28 Oct 2017 SGM Decision*)

**7.1.2** The current executive committee shall remain as the administrators until the next committee takes charge.

**7.1.3** The Ex. Committee shall comprise of, President, Vice president, Secretary, Joint Secretary, Treasurer and five committee members and area representatives.

**7.1.4** There shall be five area representatives co-opted to the Ex. committee, each from among the members residing in Central, East, West, North and South Auckland.

**7.1.5** At least three of the office bearers shall be women.

**7.1.6** Any existing member of the society who is of good character and does not have any dishonesty charges can become a member of the ex. committee.

### **7.2 ELECTION PROCESS**

**7.2.1** The election process shall be administered by the Presiding Officer duly appointed by the Ex. Committee. The Ex. Committee shall provide all assistance for the election to the presiding officer.

- 7.2.2** The executive committee shall nominate a presiding officer to conduct the election and publish the nominal roll before the election process.
- 7.2.3** The presiding officer shall call for nominations for the positions. Each nomination needs to be from the list of the paid-up members of the previous year. Each nomination should be supported by at least one paid up member other than a member from the same family.
- 7.2.4** The presiding officer shall scrutinize the nominations and accept the nomination, if he /she a paid-up member and nominated by at least one paid up member.
- 7.2.5** If there are more than one nomination for president, vice-president, secretary, joint Secretary, Treasurer and more than five nominations for the committee members, elections with secret ballot is carried out and the winners are declared during the AGM, after the normal business in the Agenda is completed.
- 7.2.6** The presiding Officer shall conduct the election process independently and impartially.
- 7.2.7** The elected members of the ex. committee shall hold office for at least one year or until their successor/s takes charge. The area representatives shall be nominated by the first Ex. committee and communicated to the members. During the year, if any member of the ex. committee is incapacitated or vacate the post due to resignation or suspension, the committee can co-opt a member from among the current members of the society. This nomination shall have to be ratified in the next General Meeting.
- 7.2.8** If the post of President, Vice-president, Secretary, Joint Secretary, and Treasurer become vacant, it can be filled from among of the existing members of the committee. The above process needs to be ratified by the next General Meeting.
- 7.2.9** To facilitate the smooth functioning of the activities of the year; if the Ex. committee feels necessary to form sub committees, they can do so. The Ex. committee shall meet at least once in five

weeks or as often as necessary to transact business. The secretary shall convene the meeting with sufficient notice.

**7.2.10** The Ex. committee is the custodian of all assets and liabilities of the society. The Secretary shall maintain proper minutes of their meetings and proceedings. The annual report and financial statements of accounts shall be prepared and presented to the AGM by the Treasurer, for their consideration and approval or amendments.

**7.2.11** Any member of the ex. committee abstaining from three consecutive meetings without the approval of the committee shall be deemed to have vacated their post and can be replaced as per article

## **8.0 FINANCIAL CONTROL AND INVESTMENTS OF THE SOCIETY**

**8.1** All funds of the society shall be deposited in to the bank account of AUCKLAND MALAYALI SAMAJAM, up on receipt.

**8.2** The ex. committee shall be responsible for the day to day management and transactions of the society's funds as per article 8.5

**8.3** The Treasurer is responsible for the banking and record keeping of all the financial transaction on behalf of the Ex. committee.

**8.4** The President, Secretary and Treasurer are the joint signatories of the Bank accounts of the Samajam. Any two of the President, Secretary and Treasurer are authorized to jointly sign the cheques on behalf of the society. However, such transaction should be notified to the Treasurer within the next three days and all receipts and vouchers handed over to him/ her for record keeping.

**8.5** The Secretary/Treasurer are authorized to hold and spend an amount not exceeding \$500-00 without the prior approval of the Ex. committee. The Ex. committee is authorized to spend an amount not exceeding \$7500-00, in one transaction, without the prior approval of the General Body. All collection and dissemination of funds shall be for achieving the objectives of the society only.

**8.6** Auckland Malayali Samajam being a charitable society, no individual may obtain private pecuniary gain. The members may however be reimbursed for expenditure incurred on behalf of the society. All such transactions/expenses

should be approved by the Ex. committee and records be maintained by the Treasurer.

- 8.7** The income and expenditure statements and financial statement of accounts shall be subjected to an annual audit by an auditor appointed by the AGM. The Treasurer should provide an audited financial statement to the members during AGM. The members can inspect the books with ten days prior notice. All such books and vouchers need to be maintained and transferred to the next Ex. committee for safe keeping as per the regulation. The approved income and expenditure statement shall be posted to the charities commission website by the incumbent Secretary within fourteen days after the adoption of the statement by the AGM.
- 8.8** All donations received for a specific purpose should be used for that purpose only. All transaction for the needy shall be administered separately through the “Sahayahastham” (Helping Hand) fund and account. Separate statement of accounts for this account need to made available to the AGM.
- 8.9** The previous Committee shall hand over all records and assets of the Samajam to the incoming committee within fourteen days after the AGM.

## **9.0 OFFICE BEARERS**

### **9.1 THE EXECUTIVE COMMITTEE**

The administration of the business of the Society shall be vested with the Executive Committee and the Committee may exercise all such powers and do all such acts and things as the Society is by its Rules or otherwise authorized to exercise and do and are not hereby or by Statute directed or required to be exercised or done by the Society in General Meeting but subject nevertheless to the provisions of the Act and of these Rules and to any regulations not being inconsistent with these Rules from time to time made by the Society in General Meeting. The Committee may exercise all or any of the powers, authority, functions and discretions vested in the Society including:

- 9.1.1** To provide suitable premises for meeting/s and to carry on the work and for the purpose of carrying into effect the objectives of the Society and to employ and dismiss servants and agents.

- 9.1.2** To acquire by purchase taken on lease or otherwise lands and buildings and all other property real and personal which the General Body of the Society may from time to time think proper or dispose of such property or any part thereof and to erect building/s and to alter add to and maintain any building erected upon such land.
- 9.1.3** To sell improve maintain manage exchange, lease, mortgage, dispose of turn to account or otherwise deal with all or any part of the property assets and rights of the Society, which the General Body of the Society may from time to time think proper or dispose of such property or any part thereof.
- 9.1.4** To raise or borrow money in such manner and upon such security (if any) as the General Body of the Society shall think fit and in particular upon the security of any mortgage or mortgages charge or charges of all or any part of the Society's property assets and rights (both present and future) or by the issue of debentures charges or not upon all or any part of the Society's property assets and rights (both present and future) and generally with such rights and upon such terms and conditions in all respects as the General Body of the Society shall see fit and to purchase redeem or pay off any such securities and reissue same.
- 9.1.5** To give guarantees, bonds and indemnities and to make, draw, accept, endorse, discount, execute, and issue promissory notes bills of exchange, drafts, debentures, and all or any negotiable or transferable instruments, subject to approval of the General Body.
- 9.1.6** To invest, to establish a subsidiary society for fulfilling the objectives of the society and deal with the moneys of the Society not immediately required upon such securities or otherwise in such manner as may from time to time be determined and subject to approval of the General Body.
- 9.1.7** To enter into any contract or agreement for any purpose within the power of the Society or for the furtherance of any of its objects.

- 9.1.8** To receive and account any donations and other funds or assets on behalf of the Society.

## **9.2 PRESIDENT OF THE SAMAJAM**

The President of the society shall be the leader and chairperson of the Ex. committee who will steer and preserve the objectives of the society for the common welfare of the members of the society.

- 9.2.1** The President shall unify and maintain the integrity of the society among the members of the society and shall be the spokesperson of the society on all official matters.
- 9.2.2** The President shall preside all meetings of the Executive committee and general meeting.
- 9.2.3** He / she shall sign and affirm all minutes of the proceedings
- 9.2.4** He / she shall be one of the three signatories of the society's bank account.

## **9.3 SECRETARY OF THE SAMAJAM**

The Secretary shall be the administrative head and the chief executive of the society.

He/ She shall:

- 9.3.1** Notify each person when elected of his or her election to membership of the Society or the Committee or an office.
- 9.3.2** Notify members of the Society of each Meeting of the Society, and Members of the Executive Committee of meetings of the Committee and give all such notices as may be required by these rules.
- 9.3.3** Keep a Register of Members as herein before mentioned.
- 9.3.4** Keep a record of proceedings of all meetings and of the attendance of officers and members of the Society at such meetings.
- 9.3.5** Keep a record of the number of members voting at the election of candidates for membership and of the result of such election/s.

**9.3.6** He / she shall be one of the three signatories of the society's bank account.

#### **9.4 TREASURER OF THE SAMAJAM**

The treasurer shall be the financial officer of the society.

He/ She shall:

**9.4.1** Manage the funds and books of the society and report the state of finance and accounts, and as directed by the Ex. committee.

**9.4.2** Bank or cause to bank and account all finances of the Samajam and maintain records thereof.

**9.4.3** He / she shall be one of the three signatories of the society's bank account.

#### **9.5 VICE-PRESIDENT & JOINT SECRETARY**

The Vice President shall assume the office of the President in the event of President vacating office or incapacitated, unable to perform his / her duties or suspended by the two third majority of the ex. Committee (subject ratification by General Body).

**9.5.1** The Vice President shall assume the office of the President in the event of President vacating office or incapacitated, unable to perform his / her duties or suspended by the two third majority of the ex. Committee (subject ratification by General Body).

**9.5.2** The Joint Secretary shall assume the office of the Secretary in the event of Secretary vacating office or incapacitated, unable to perform his / her duties or suspended by the two third majority of the ex. Committee (subject ratification by General Body).

#### **9.6 FUNDING MANAGERS [FMs] (28 Oct 2017 Amendment)**

**9.6.1** The Executive Committee may appoint up to two Funding Managers whose tenure will be for two years from the date of their appointment, subject to the approval of the Executive Committee elected every year.

**9.6.2** When a new Executive Committee assumes charge, it can extend the tenure of a Funding Manager beyond two years or can change a FM, if necessary.

**9.6.3** Funding Managers are not members of the Executive Committee.

**9.6.4** However, being a Funding Manager does not disqualify a member from becoming an Executive Committee member, if he/she meets all other criteria for the position.

#### **9.7 RESPONSIBILITIES OF FM**

**9.7.1** To find available funding resources and apply for funding on time, as directed by the Executive Committee.

**9.7.2** Collect/prepare all documents required for funding applications.

**9.7.3** Inform the Executive Committee about the funding availabilities and the details of funding application requirements.

**9.7.4** Inform the Executive Committee about decisions on all funding applications.

#### **10.0 BOOKS AND FINANCIAL STATEMENTS**

**10.1** The Samajam shall keep proper books and complete accounts of the Society, Assets, Liabilities and Transactions of the Society.

**10.2** At the close of each financial year, an income and expenditure account and a statement of assets and liabilities of the Society shall be prepared and shall be audited by the appointed auditor and reported to the AGM

**10.3** The Society shall deliver annually to the Registrar of Incorporated Societies in such form and at such times as he or she requires a statement containing the following particulars:

(i) The income and expenditure of the Society during the Society's last financial year.

(ii) The assets and liabilities of the Society at the close of the said year.

(iii) All mortgages, charges and securities of any description affecting any of the property of the Society at the close of the said year.

**10.4** The said statement shall be accompanied by a Certificate signed by the Treasurer or in his or her absence another Officer of the Society authorized by the Committee in a General Meeting.

## **11.0 WINDING UP**

A resolution in favour of winding up the society must be passed by three fourth of the existing membership of the society at a General Body Meeting. This resolution should be ratified at a subsequent meeting held not earlier than one month from the date of the resolution.

### **11.1 DISPOSAL**

All assets of the society may be disposed off, after the resolution for winding up the society is ratified by the General body. Payment of all costs, debts and liabilities are to be met from the sale proceeds of the assets. Any remaining property will be donated to another organization that is charitable under New Zealand law or for some other charitable purposes recognized under New Zealand law, as decided by the General Body.

### **11.2 PECUNIARY GAIN**

No member shall derive any pecuniary gain from the property or operations of the Society. Provided however that in the event of the winding up or intended winding up of the Society or its dissolution by any means whatever, the funds, property and assets of the Society shall be dealt with and disposed of in such manner as the three fourth majority of the members of the Society shall from time to time resolve or decide. No member of the Society shall receive or participate in any direct personal benefit from the Society.

### **11.3 INDEMNITY**

No member shall be held personally liable for the commissions or omission of the Samajam's action or inactions.

## **12.0 INFORMATION TECHNOLOGY POLICY**

### **12.1 PURPOSE**

To protect the image of Auckland Malayali Samajam in the electronic and print media. All communication from the samajam will be official documented and approved by the Ex. Committee or General body and therefore it will be communicated through the respective office bearers.

Care will be taken to maintain the integrity and dignity of our members and recipients of communication. No communication other than the approved messages shall be circulated.

**12.2 SCOPE**

This policy covers appropriate use of our website and any email system from Auckland Malayali Samajam email database and applies to all members of Malayali Samajam.

**12.3 POLICY**

**12.3.1 ADMINISTRATOR:**

The Auckland Malayali Samajam web site will be administrated by an official Administrator appointed by the Ex. Committee.

**12.3.2** He / She shall not be the member of the Ex. Committee.

**12.3.3** The administrator shall monitor and report to the Ex. Committee, the language, content and appropriateness of the matter published through the electronic media.

**12.3.4** The administrator shall withhold any message deemed inappropriate and report to committee.

**12.3.5** The administrator shall be impartial and show good judgment and integrity.

**12.3.6** The outgoing committee will transfer the administrative rights and relevant pass words of the system to the incoming Secretary, President and the Web administrator respectively after the Annual General Meeting of the Samajam.

**12.4 COMMUNICATION**

**12.4.1** All communication will be through the Secretary and/or President of the Samajam only.

**12.4.2** The Auckland Malayali Samajam email system shall not to be used for the creation or distribution of any disruptive or offensive messages, including offensive comments about race, gender, hair, colour, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, or national origin.

**12.4.3** Members who receive any emails with this content from any Auckland Malayali Samajam IT system should report the matter to the Auckland Malayalam Samajam Secretary immediately.

**12.5 PERSONAL USE**

Sending chain letters or joke emails from an Auckland Malayali Samajam email account is prohibited. Virus or other malware warnings and mass mailings from Auckland Malayali Samajam shall be approved by Auckland Malayali Samajam secretary before sending. These restrictions also apply to the forwarding of mail received by a Auckland Malayali Samajam member.

**12.6 AUTOMATIC FORWARDING**

Unless approved by the Auckland Malayali Samajam Secretary, the Samajam email will not be automatically forwarded to an external destination.

**12.7 MONITORING**

Auckland Malayali Samajam members shall have no expectation of privacy in anything they store, send or receive from the Auckland Malayali email system. Auckland Malayali Samajam may monitor messages without prior notice. Auckland Malayali Samajam is not obliged to monitor email messages send by members.

**12.8 ENFORCEMENT**

Any member found to have violated this policy may be suspended immediately and a disciplinary hearing is conducted by the Ex. Committee and recommend appropriate action to the General Body, including termination of membership.

**THANK YOU.**