

Pacific Disability Forum

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

Constitution



Pacific Disability Forum

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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:

- 2.1 Promote and advocate for the recognition of all human rights of all persons with disabilities.
- 2.2 Promote and advocate for the recognition of all human rights of all persons with disabilities.
- 2.3 Promote and advocate for the recognition of the needs and rights of women, youth and children with disabilities.
- 2.4 Provide a democratic multilateral decision-making forum for the resolution of issues that have a Pacific regional dimension.
- 2.5 Collect and disseminate information about disability-related concerns in the Pacific region.
- 2.6 Encourage and support the development and strengthening of Pacific disabled persons organisations.
- 2.7 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.
- 2.8 Develop and publish disability policy and program resources.
- 2.9 Promote and support research into disability-related concerns in the Pacific region.
- 2.10 Promote, support and monitor the implementation of the UNESCAP Incheon Strategy to ‘make the right real’ for persons with disabilities in the Asia and Pacific region 2013-2022, UN Sustainable Development Goals and the Convention on the Rights of Persons with Disabilities.
- 2.11 Promote, support and monitor the implementation of the Framework for Pacific Regionalism and the Pacific Framework for the Rights Persons With Disabilities 2016-2025, and all other intergovernmental agreements and initiatives for the benefit of persons with disabilities.
- 2.12 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:

- 3.1 Make representations in partnership with member organisations about disability-related concerns to intergovernmental agencies,

- including the Pacific Islands Forum, UN agencies and civil society.
- 3.2 Undertake specific projects to further the purpose and objectives of the PDF.
 - 3.3 Coordinate and arrange conferences, meetings, working groups and other for a relevant to disability-related concerns in the Pacific region.
 - 3.4 Seek and obtain formal recognition for the PDF as a regional representative of organisations of persons with disabilities.
 - 3.5 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.
 - 3.6 Establish and operate a secretariat for the PDF.
 - 3.7 Raise, expend, distribute and account for funds to support the operation and activities of the PDF.
 - 3.8 Invite, accept or refuse any gift of property.
 - 3.9 Establish and operate bank accounts for the PDF.
 - 3.10 Establish a trust fund to support the continued operations of the PDF.
 - 3.11 Borrow, raise, or secure the payment of money and secure the repayment or performance of any debt.
 - 3.12 Enter into a contract or arrangement with any government, intergovernmental, private sector or civil society organisation to facilitate the operation and further the purpose and objectives of the PDF.
 - 3.13 Engage, dismiss, or suspend any employee, agent, contractor or professional person.
 - 3.14 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 it's functioning.

5 Registered Office:

The registered office of the PDF shall be located in a Pacific Island Country as determined by the Board 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 Forum.

- 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:
- 7.3.1 American Samoa
 - 7.3.2 Australia
 - 7.3.3 Cook Islands
 - 7.3.4 Federated States of Micronesia
 - 7.3.5 Fiji Islands
 - 7.3.6 French Polynesia
 - 7.3.7 Guam
 - 7.3.8 Kiribati
 - 7.3.9 Marshall Islands
 - 7.3.10 Nauru
 - 7.3.11 New Caledonia
 - 7.3.12 New Zealand
 - 7.3.13 Niue
 - 7.3.14 Northern Mariana Islands
 - 7.3.15 Palau
 - 7.3.16 Papua New Guinea
 - 7.3.17 Pitcairn
 - 7.3.18 Samoa
 - 7.3.19 Solomon Islands
 - 7.3.20 Tokelau
 - 7.3.21 Tonga
 - 7.3.22 Tuvalu
 - 7.3.23 Vanuatu
 - 7.3.24 Wallis and Futuna

8 Membership:

- 8.1 Classes of Membership:
There shall be four classes of membership:
- 8.1.1 Full Members;
 - 8.1.2 Associate members;
 - 8.1.3 Life members; and
 - 8.1.4 Corporate members.
- 8.2 Membership Benefits and Rights - General:
All members shall enjoy the following benefits and rights:
- 8.2.1 Receive information about the activities of the PDF.
 - 8.2.2 Participate in general meetings of the PDF.
 - 8.2.3 Contribute to the development of the broad policy and direction of the PDF.
 - 8.2.4 Eligibility for appointment by the Board 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:

- 8.3.1 All of the general benefits and rights of membership.
 - 8.3.2 The right to appoint or elect one representative to represent their organization in the General Forum.
 - 8.3.3 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 voting representative to the General Forum, or vote on questions coming before a general meeting of the PDF.
- 8.5 Membership Benefits and Rights – Life Members:
Life members shall enjoy general membership rights and benefits, but shall not be entitled to appoint or elect a voting representative to the General Forum.
- 8.6 Membership Benefits and Rights – Corporate Members:
Corporate members shall enjoy the following rights:
 - 8.6.1 Receive information about the activities of the PDF.
 - 8.6.2 Participate in general meetings of the PDF, but shall not be entitled to appoint or elect a voting representative to the General Forum.
- 8.7 Membership Qualifications – General:
Membership of the PDF is open to any organisation or individual that:
 - 8.7.1 Supports the policy and objectives of the PDF.
 - 8.7.2 Has a genuine interest in disability-related concerns in the Pacific region.
 - 8.7.3 Is located or substantially operates in the Pacific region (the member may also operate substantially in other regions).
- 8.8 Membership Qualifications – Full Member:
Full Membership of the PDF is open to any organisation that:
 - 8.8.1 Satisfies the general qualifications for membership, and
 - 8.8.2 Is a non-government organisation, and
 - 8.8.3 Is an organisation of and for persons with disabilities with a governing body comprised of a majority of persons with disabilities, and
 - 8.8.4 Is operating within a Pacific country;
And/or

- 8.8.5 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
 - 8.8.6 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
 - 8.8.7 Is an organisation of indigenous persons with disabilities that is the governing body must be comprised of a majority of indigenous persons with disabilities.
- 8.9 Membership Qualifications – Associate Member:
Associate membership of the PDF is open to any individual or organisation that:
- 8.9.1 Satisfies the general qualifications for membership, and
 - 8.9.2 Does not satisfy the qualifications for full membership,
 - 8.9.3 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.
 - 8.9.4 Is an international disability organisation recognised and active in the Pacific region through regional or sub regional activities.
- 8.10 Membership Qualifications – Life Member:
Life membership may be awarded by the General Forum on the recommendation of the Board to an individual who has made an outstanding contribution towards the fulfillment of the policy, purpose and objectives of the PDF.
- 8.11 Membership Qualifications – Corporate Member:
Corporate membership of the PDF is open to any business entity, multinational company or group that satisfies the general qualification for membership, and wishes to make a financial investment or contribution towards the fulfillment of the policy, purpose and objectives of the PDF.
- 8.12 Admission of Members:
- 8.12.1 The Board 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.
 - 8.12.2 Applications shall be reviewed by the Secretariat to ensure that all requirements have been met, and make a recommendation to the next meeting of the Board.
 - 8.12.3 The Board will then resolve to grant or decline membership at that meeting.
 - 8.12.4 The Board shall report on the status of membership in the annual report.
- 8.13 Membership Fees:
 - 8.13.1 The Board shall recommend membership fees to be considered by the General Forum.
 - 8.13.2 Membership fees shall fall due on the first day of the financial year.
 - 8.13.3 A member whose annual fee has not been paid during the first three months of the year may be declared by the Board to be a non-financial member.
 - 8.13.4 A member may apply to the Board to have annual fees waived or reduce where payment would impose an unreasonable hardship on the member.
- 8.14 Cessation of Membership:

Membership of the PDF shall cease in the following circumstances:

 - 8.14.1 Where the member resigns membership by notice in appropriate form to the Secretariat.
 - 8.14.2 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 Board; or where membership is suspended for a specified period, or terminated by the Board under this Constitution.
- 8.15 Disciplining of Members:
 - 8.15.1 On the basis of a confidential recommendation of the Secretariat, the Board 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.
 - 8.15.2 If the Board proposes to suspend or terminate the membership of a member for serious misconduct, it must:

- 8.15.2.1 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.
- 8.15.2.2 Provide a reasonable opportunity for the member to make submissions, either verbally or in writing, to the Board for its consideration prior to determining whether to suspend or terminate membership.
- 8.15.3 A member whose membership is suspended and lapses or is terminated shall be entitled to reapply for membership. The decision of the Board shall be final.

9 The General Forum:

- 9.1 The General Forum is the governing body of the PDF and is made up of all full members. The Board may invite observers to be present after consultation with the members from the country in which the observer resides. Gender equity should be taken into consideration when organisations are selecting members to represent them in the General Forum.
- 9.2 There may be ordinary and extraordinary meetings of the General Forum which associate members are also invited to attend. Ordinary meetings shall be held every two years. Extraordinary meetings may be convened at any time by the Board in exceptional circumstances.
- 9.3 The General Forum shall:
 - 9.3.1 Receive the results of the election of the Board;
 - 9.3.2 Inform the strategic plan of the PDF;
 - 9.3.3 set membership fees;
 - 9.3.4 Receive the audited financial statements for the past two years;
 - 9.3.5 Appoint an auditor;
 - 9.3.6 Consider and decide upon any proposals to amend the constitution;
 - 9.3.7 Decide any other measures conducive to achieving the objects of the PDF.
- 9.4 Except in a situation of urgency members shall be given at least three months notice of a meeting of the General Forum. The Notice shall specify the date and time for the meeting, the place or means by which the meeting will be held, and an agenda. In a situation of urgency, members shall be given as much notice of an extraordinary meeting as the situation reasonably permits. Meetings of the General Forum may be held in person or by electronic means.

- 9.5 Quorum for meetings of the General Forum shall be a simple majority of members.
- 9.6 A question coming before General Forum shall be resolved by consensus wherever possible. Where consensus cannot be achieved, the question shall be resolved by simple majority vote.
- 9.7 PDF full members shall be entitled to one vote. Associate members shall have the right to speak, but shall not be entitled to vote. Voting may be by roll call, by show of hands or, if twenty percent or more of the delegates present so demand, by secret ballot. In the event of a tied vote, only the presiding chairperson shall have an additional casting vote.
- 9.8 Full members shall be represented in the General Forum by an individual who is:
 - 9.8.1 An office bearer or the executive officer of his or her organisation; and
 - 9.8.2 b) A person with a disability.

10 The Board:

- 10.1 The role of the Board is to govern the PDF and oversee the Secretariat through the Chief Executive. The Board's specific functions and code of conduct shall be set out in policies agreed from time to time. The Board shall have the authority to take all action not specifically reserved to the General Forum, including:
 - 10.1.1 Set and monitor the implementation of the budget of the PDF;
 - 10.1.2 Set and monitor the strategic plan of the PDF after thorough consultation with members;
 - 10.1.3 Approve applications for membership of the PDF; and
 - 10.1.4 Approve applications for membership or affiliation of PDF to any other body.
- 10.2 The General Forum shall elect a Board of nine members by postal ballot. Only one board member may be drawn from any country.
- 10.3 Board members shall hold office for a period of three years, commencing at the conclusion of the Annual Board Meeting at which the results of the ballot is formally received. No individual may be a board member for more than two consecutive terms.
- 10.4 Each year, the board shall appoint a female and male co-chair to lead the board, as well as a secretary, a treasurer, and a chair for each committee as determined by the board.
- 10.5 The Board may meet as often as it thinks fit, provided that it meets at least once every four months. The first Board meeting after the end of the financial year shall be deemed an Annual Meeting for the purpose of receiving the annual audited financial statements, and conducting other annual duties as set out in the Board's policies. Except in a situation of urgency Board members shall be given at least seven days notice of a meeting

of the Board. The Notice shall specify the date(s) and time for the meeting, the place or means by which the meeting will be held, and an agenda. In a situation of urgency, members shall be given as much notice of a meeting as the situation reasonably permits.

- 10.6 Board meetings may be held in person or by electronic means, teleconferencing, videoconferencing or any other means. Quorum for meetings of the Board shall be a simple majority of board members (not counting any proxy).
- 10.7 A question coming before the Board shall be resolved by consensus wherever possible. Where consensus cannot be achieved, the question shall be resolved by a simple majority vote. Each board member shall be entitled to one vote. A member unable to attend a meeting may, however, give her or his proxy vote to another board member. Proxies must be notified in writing to the Board Secretary prior to the commencement of the meeting. In the event of a tied vote, only the presiding chairperson shall have an additional casting vote.
- 10.8 A position may fall vacant due to resignation, expulsion, death, or as a result of insufficient nominations having been received in an election. In the event of a vacancy arising in the Board within six calendar months prior to a scheduled election, that position shall remain vacant. Where a vacancy occurs more than six calendar months prior to the next scheduled election, the next highest polling candidate from the most recent election shall be considered elected and shall take office immediately. Where that candidate declines to accept the position, the process to determine a successor shall continue down that list until the list is exhausted. If a vacancy cannot be filled through the preceding process, the Board has discretion to either co-opt a new member, or leave the position vacant until the next election cycle.
- 10.9 A member replacing an outgoing member shall serve out the unexpired term of the member he or she replaces, but is eligible for subsequent re-election. If the unexpired term is less than one year, this period shall not be counted in calculating the term of office of the board member under clause 10.3.
- 10.10 Board members shall be drawn from full members of the General Forum and shall be deemed to have vacated office immediately if:
 - 10.10.1 The person is no longer an office bearer or the executive officer of his or her organisation;
 - 10.10.2 The person is absent from three consecutive meetings, unless leave of absence has been obtained from the Board; or
 - 10.10.3 His/her member organisation is found not to meet requirements of full membership.

11 Trustees:

- 11.1 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 Board and shall be appointed by a resolution passed by the General Forum.
- 11.2 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.
- 11.3 No Trustees shall hold any salaries or other offices within the PDF.

12 Common Seal:

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

13 Winding Up:

- 13.1 Should it prove necessary or desirable, the PDF may be voluntarily wound up according to the procedures laid down for amendments to this Constitution.
- 13.2 The balance of the PDF's assets after discharging its liabilities shall be distributed to an organisation according to a decision of the membership.

14 Alteration and amendment to the Constitution:

- 14.1 Amendments to the constitution shall be tabled for consideration and approval at ordinary Meetings or such extraordinary meetings that may be called for the purpose.
- 14.2 Any proposed amendment must be submitted by a financial full member organisation and shall be sent to the Secretariat two months before the meeting who then will circulate such amendment to all members of the PDF at least fourteen days before the ordinary meeting or extraordinary meeting of the General Forum.
- 14.3 Approval to the amendments to the Constitution shall require at least a two-thirds majority of financial, voting members present at such meeting.

15 Interpretation of the Constitution:

On any matter on which this constitution might be silent or ambiguous, the Board 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 Forum, and questions concerning the interpretation of this constitution shall be decided by vote of a simple majority of the General Forum.