



# Pakistan Association of New Zealand (PANZ)

*"Engaging minds, empowering community."*

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## CONSTITUTION OF PAKISTAN ASSOCIATION OF NEW ZEALAND

Pakistan Association of New Zealand





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## DOCUMENT HISTORY

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Farrukh Qaisrani	1.0	26/07/2020	New constitution approved by AGM on 26/07/2020	All





## **1. MEMORANDUM & ARTICLES OF PANZ**

*(Rules & Bye-laws to provide for the establishment, organization and management of the society per provisions of the Incorporated Societies Act 1908)*

## **2. NAME & OFFICE**

1. The name of society is "Pakistan Association of New -Zealand Incorporated" hereinafter referred to as "PANZ"
2. The Registered office of the PANZ will be the given address of the PANZ's President in office

## **3. OBJECTIVES OF THE PANZ**

The key objects of PANZ are:

1. Pakistan PANZ of New Zealand (PANZ) is a non-Profitable, non- political, non-religious community organization, promoting charitable purposes and activities.
2. To encourage, promote and provide for better interaction, understanding and unanimity among the people of Pakistan origin residing in New Zealand and other communities in New Zealand. To help Pakistani community members integrate into New Zealand by participating in social, cultural, sports and other similar activities.
3. To assist the community in general and people of Pakistan origin in particular through provision of advise, support and representation in their successful settlement in New Zealand, including but not limited to;
  - a). Providing Urdu language education for free.
  - b). Arranging career coaching seminars for free.
  - c). Arranging Pakistani National and cultural events i.e. Independence Day celebrations, Eid gatherings with open invitation to the Public etc.
  - d). Arranging events to bring awareness in the Public as to the Pakistani Urdu language.
  - e). To manage a scholarship fund where the individual's study, activities or research can enhance Urdu language and Pakistan culture and image in NZ society.
  - f). To establish youth and elderly fora to encourage and promote their wellbeing by arranging sports, social and cultural activities in cooperation with other communities.
  - g). To promote better communication and understanding between the people of Pakistani origin and the New Zealand Public Sector by providing free reading materials, publications and advice on public services.



h). To engage advisors for the free advice and provide physical premises for a library, especially books in Urdu language. To assist and represent community members where language is the barrier or the community members need assistance due to financial or physical constraints.

i). To educate and encourage awareness about Pakistan customs, languages, culture and values.

J). To take steps by personal or written appeal, public meetings, or through media or otherwise, as and when necessary to advance the charitable purposes above.

k). To streamline and grow the funding for PANZ in the form of grants, donations, contributions, subscriptions, fees and engage other sources of funding for the sole purpose of charity to the community. To take part or accept any honor, decoration, gifts, property or favors, whether or not subject to any trust, to fulfil objectives of PANZ.

l). To invest PANZ funds in a manner chartered in the Memorandum & Articles of PANZ, exclusively for the charitable purposes. Any income, benefit and advantage derived from the PANZ funds shall be used to advance the charitable purposes of PANZ. No member of PANZ, or anyone associated with a member, shall be allowed to take part in, or influence any decision made by PANZ in respect of payments to, or on behalf of, the member or associated person of any income, benefit, or advantage. Any payments made to a member of the PANZ, or person associated with a member, must be for goods or services that advance the charitable purpose and must be reasonable and relative to payments that would be made between unrelated parties.

m). To generate and collect emergency relief funds, including a funeral fund, in order to assist the members of the community who are in urgent need and cannot afford the emergency situation. Creating events for collection of donations for the emergency relief fund for the community

n). To promote social activities within the society insofar as this is ancillary to the charitable purpose above.

o). To coordinate and actively participate in the program(s) of other ethnic communities and organizations.

Note: The list is not exhaustive and may include any other charitable objective that is consistent with the constitution.

#### **4. PECUNIARY GAIN & LIABILITY**

1. The income or property of the PANZ, whomsoever derived, shall be applied solely towards the promotion of the objects of PANZ (promoting charitable purposes and activities) as set forth in the Memorandum & Articles of PANZ (Rules) and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend or bonus or otherwise.

2. Any Income, benefit or advantage must be used to advance the charitable purposes of PANZ.

3. No member of the group, or any associated with a member, is allowed to take part in, or influence any decision made by the group in respect of payments to, or on behalf of, the member or associated person of any income, benefit or advantage.



4. Any payments made to a member of the group, or person associated with a member, must be for goods or services that advance the charitable purpose and must be reasonable and relative to payments that would be made between unrelated parties.

## **5. WINDING UP OR DISSOLUTION OF THE PANZ**

If upon the winding up or dissolution of the PANZ there remains after the satisfaction of all its debts and liabilities any property, whatsoever, the same shall not be paid to or distributed among the members of the PANZ, but shall be given or transferred to some other registered Pakistani PANZ/institution in New Zealand having charitable purposes similar to the objectives of the PANZ, to be determined by the members of the PANZ at or before the time of dissolution, and in default thereof by Registrar or Court of Law in case of any dispute as may have or acquire jurisdiction in the matter.

## **6. OFFICERS**

There will be one Executive Council (“EC”) consisting of one Elected President and nominated officials including Vice President, General Secretary, Joint Secretary, Treasurer and Regional Heads. The Vice President, the General Secretary, the Joint Secretary, the Treasurer and the Regional Heads will hold the office for the same duration as of the President.

There will be one Advisory Board “AB” consisting of 3 elected members.

## **7. ADVISORY BOARD**

### Selection Criteria of 3 elected Advisory Board (“AB”) Members

1. Three members of the AB shall be elected by the members of PANZ and they shall hold office for two years. The three members will contest elections individually. In case more than three members have contested, the first three with most numbers of votes will be declared the elected members.

The AB duration will end in the month of January (of the election year) but not later than 31 January. This is irrespective of when their term started.

Note: For clarity, the office term of the AB will be the same as the office term of the President and their elections will be held at the same time, the first week of March.

2. The elected members of the AB are not entitled to contest in the election of President while holding the office of AB. An AB member can take part in the Presidential election if he/she resigns or leaves his position at least six months prior to the Presidential elections.

3. A member of the outgoing AB may be eligible for re-election up to two consecutive office terms after which one year of waiting period shall apply before re-contesting for the same position. An AB member however may be nominated for another position in the AB after his/her term expires.

4. If two or less than two members of the AB are not available for a reasonable period of time than the remaining members of the AB will call for the elections for the vacant position(s) of the AB. The elections must be called within 30 days once the resignation is/are received to the AB or a determination is made that the subject AB member(s) is/are not available. Any such



determination must be in writing by the remaining AB member(s), with sufficient grounds, and kept on record and disseminated to the community. For clarification, 3 months is a reasonable time period. Article 21 and 22 will apply for the elections process.

5. If all three members of the AB are not available for a reasonable period of time than the EC will call for the elections of the vacant AB members positions. The elections must be called within 30 days once the resignations are received to the EC or a determination is made that the subject AB members are not available. Any such determination must be in writing by the President, with sufficient grounds, and kept on record and disseminated to the community. For clarification, 3 months is a reasonable time period.

## **8. ROLE OF ADVISORY BOARD**

1). To assist and advise in the activities of the EC.

2). To ensure that the activities of the EC are in line with the constitution and for the betterment of the Pakistani Community. To ensure the PANZ business is run and relevant returns are filed in case the EC is not available and to ensure smooth transition of PANZ business from the outgoing elected EC to the incoming elected EC in case President and/or the EC do not complete their office term of 2 years.

3). To take part and arrange in the formation of an independent Election Commission for the elections of the President and the AB.

4). To hold a “Review Meeting” with EC once in 90 days for governance and forward planning and to see the compliance of EC activities with the PANZ constitution. It is mandatory for at least two AB members and the President to attend these meetings and keep the meeting minutes for record and disseminate the minutes in the community. If President is not available for some reason, the Vice President or the General Secretary may attend the meeting. The President must not be absent for more than one Review Meeting unless exceptional circumstances are present. Continued absence of the President from these meetings without reasonable excuse may attract a formal explanation by the AB. An elected member of the AB will chair these meetings. The Review Meeting could be either in person or via electronic media.

5. Two AB members and the President may constitute the quorum at these meetings. One year schedule of these meetings will be announced in advance by the AB members soon after their elections but not later than 4 weeks after them taking the office/oath.

6). If the activities of the EC are not in line with the constitution or involved in any misconduct or if a formal complaint is made against the EC or its President, the AB is empowered to give a show cause notice to the President and after the procedure adopted in Article 10 may impeach the President and call new elections within 60 days. The remaining members of the EC may continue to run the business subject to the findings of the AB or the Arbitration Panel. The overriding principle is that if elections are announced for the vacant position of the President, in case of an impeachment, the remaining nominated members of the EC must not influence the President election if they are to remain in the office.

7). In the month of December preceding the elections, the year when the elections of the President and AB are due, the AB and the EC must announce the elections for a date in the first



week of March. The AB and must form an independent Election Commission in the month of December, two months prior to the elections.

8). The AB is entitled to ask for accounts of PANZ or lists of the paid PANZ members for constitution's compliance or when a complaint or concern is received from the community on the actions/omissions of the President and/or the EC. Any such request must be complied by the EC to ensure the concerns are addressed. Paid members lists are mandatory to be disclosed by the EC at least 2 weeks before an AGM or an SGM for votes checks.

## **9. OFFICE OF THE PRESIDENT**

1). The President of PANZ will hold office for 2 years. The President will be elected through free and fair elections in the month of March.

The President will choose his team and will announce his cabinet (the Vice President, the General Secretary, the Joint Secretary, the Treasurer and the Regional Heads) at the time of announcing the candidacy. The President's office term will end in the month of January (of the election year) but not later than 31 January. This is irrespective of when his/her term started.

Note: For clarity, the office term of the President will be the same as the office term of the AB and their elections will be held at the same time, the first week of March.

2). The President shall have power to delegate to any of PANZ members for any specified purpose such powers it may deem necessary. It shall also have the power to form sub-committees/bodies and appoint representatives in different regions of New Zealand. This may include representative(s) from various segments of the community and from various regions of New Zealand.

3). The President shall hold progress review meetings with the nominated officials once every month. The President must allocate responsibilities with sufficient clarity and with tangible benchmarks. The President is empowered to change the portfolios or replace an office bearer of his team subject to the performance and conduct of the official. A nominated position must not remain vacant for more than 1 month. The overriding principle is the positive performance and conduct of the subject individual. The mandate to appoint and replace PANZ officials remains with the elected President.

4). Responsibility of the actions of PANZ office bearers' rests with the President, unless the subject action(s) is/are taken without the knowledge and consent of the President. The President is overall responsible for the actions/outcomes/performance of the EC and its members and answerable to the community.

5). If a complaint against any office bearer is received, the President must officially give a written response to the complainant and conduct a proper enquiry of the alleged complaint. A copy of any such complaint and its reply must be forwarded to the AB. A full meeting of the EC will convene, excluding the subject member, on any such complaint and a simple majority decision will be made on the findings of the investigation/enquiry. In case of any dispute among the members, President's decision will be final. A written finding must be made public with reasoning unless it's not in the community interest to do so.



6). Must complete handover of bank accounts, assets, PANZ official electronic media tools, documentation to the Election Commission at the end of his term, this must not be later than 31 January of the election year. The President will be responsible for any misappropriation of accounts/assets caused during his/her term, unless proven otherwise. The President must forward accounts to the AB for review before Annual General Meetings (“AGM”) and Special General Meetings (“SGM”) and must provide a list of members at least 5 days prior to the meeting.

7). The President can make by laws provided these by laws are not inconsistent with the objectives of PANZ and its constitution.

8). An outgoing President is eligible to contest elections for a second consecutive tenure of two years. A stand down period of one year will apply before contesting a third term as President. The President however can contest the elections of an AB member after completing his tenure and a stand down period does not apply.

9). Where a situation arises for which a procedure is not defined in the constitution, the EC can make emergency rules subject to that the rule is not inconsistent with the overall purposes of the constitution. This emergency enactment of rule should be approved by a simple majority of all members of the EC and consulted with the AB members. In case of a dispute among the EC members, President’s decision will be final. This emergency enactment will only be valid for 3 months after which it must be passed in either an AGM or SGM. The emergency enactment will lapse by default after 3 months of its enactment unless passed in the AGM or SGM. Same enactment cannot be re-enacted once it expires. Any such emergency rule must not be enacted 3 months preceding to the election of either the EC or the AB elections. This to keep the elections process free and fair.

**NOTE:** Clause 9.9 will only be used where there is an urgent situation to be addressed or there are significant time and resource constraints. In absence of these circumstances, Article 17(4) will be the formal process.

## 10. IMPEACHMENT OF THE PRESIDENT

The President can be impeached only in the following circumstances;

1). An impeachment resolution is received by the community with no less than 25 signatures of the paid PANZ members. Those 25 paid members must be present in NZ at the time of filing the resolution. Any such resolution must be addressed to the AB. The resolution must contain specifics and tangible evidence to support the allegations. For clarity, a mere personal grievance may not qualify the criteria to start impeachment proceedings against the President. The complaint must be relevant to the actions and omissions of the president in relation to the compliance of the constitution.

**Procedure** – Upon receiving such resolution, the AB must give a written show cause notice to the President within 1 weeks of receiving the resolution/complaint, or if President is not available to the Vice President or the General Secretary, with a copy of the signed resolution/complaint. The President and the EC will have one week to reply or ask for Arbitration. The Arbitration scope and terms of reference can be agreed between the President and the AB. In case there is no agreement as to the Arbitration, the AB will proceed with its process/enquiry and will make its deliberation on the basis of the reply (or no reply) provided by the EC and/or the President. As a guiding principle, the impeachment of the President is an extreme step and should only be taken



in exceptional circumstances i.e. where there are serious breaches of the constitution, PANZ funds are allocated inconsistently with the objectives of the constitution or for personal benefit not within the scope of the constitutional activities, misconduct on behalf of the President putting the community and its reputation at risk, criminal conviction disclosure, no operational presence of the President and/or EC in the community, Charities Commission and financial returns not filed. The list is not exhaustive.

**NOTE:** For avoidance of doubt, the AB cannot initiate the impeachment process on its own and a 25 paid members resolution/complaint is the pre-request for any such proceedings to initiate.

2). In case the AB is of the opinion, based on tangible evidence, that the President and/or his/her team's actions and/or omissions are not inconsistent with the constitution and/or the complaint resolution does not meet the threshold to impeach the President, the AB may dismiss the complaint. In such case, the AB must give a written decision to the complainant(s) with sufficient reasons for their decision.

In case the AB is of the opinion, based on tangible evidence, that the President and/or his/her team's actions and/or omissions are inconsistent with the constitution, the AB give their findings in writing to both parties and will call for an SGM to impeach the President. A requisition to call for any such SGM will be given to the General Secretary and the General Secretary must announce the SGM within 1 week of any such requisition from the AB. In case the notice of SGM is not announced by the General Secretary within 1 week, the AB may call such SGM with the date and venue of the meeting. The SGM must be within 3 weeks from the day of its announcement. The AB will present its case in that SGM and the President will have the opportunity to present his/her case accordingly. Only a quorum of at least 50% PANZ paid members at the time of the voting shall pass the impeachment resolution (these are total registered paid members, not just the paid members present at the SGM) in the relevant SGM. In case the impeachment resolution is approved, the AB will take control of the matters of PANZ and may allow the EC to continue to work until the new election or may nominate new members in the interim. The AB shall not remove the regional heads until the next Presidential elections. This to keep the consistency and not to disturb the operations of PANZ in the regions. A date for the new elections of the President must be announced in that SGM in case the President is impeached. The new elections must be held within 3 months of such impeachment.

3). **Arbitration** – Once a show cause notice is received, the President may elect to have an Arbitration council consisting of 5 members from the community. One member will be nominated by the President, one member by the complainants, one will be a member of the AB and 2 members will be selected from the members of the community with mutual consent. The 2 members selected from the community must have some experience with PANZ office or experience in the general community work or organizational governance. The Arbitration Council must be formed within one week of the President seeking such course but not more than 2 weeks of AB sending the show cause notice to the President. The Arbitration Council must give its decision as soon as possible but not later than 2 weeks of its formation. The decision of the Arbitration shall be binding on all parties. If the decision of the Arbitration Council is to impeach the President, a new election date for the position will be announced with the decision of the Arbitration Council. The AB will form the new Election Commission. The AB may allow the remaining EC to run its business in the interim. The regional representatives will not be removed until a new President is elected. The President and the EC must hand over the PANZ Facebook and website intellectual rights to AB if the President is impeached. Any noncompliance to the decision will be unlawful and may be subject to criminal and civil liabilities.



## **10A. IMPEACHMENT OF MEMBER(S) OF THE ADVISORY COUNCIL**

In case a resolution/complaint is received against a member of the AB, the same process outlined in article 10 will apply in reverse. The President will be the lead person instead of the AB in these proceedings. No such impeachment proceedings may start until a requisition/complaint is received from at least 25 paid members of PANZ. For clarity, only a quorum of at least 50% PANZ paid members at the time of the voting shall pass the impeachment resolution (these are total registered paid members, not just the paid members present at the SGM) in the relevant SGM. In case the AB member(s) is/are impeached, the President will announce the elections for the vacant position(s) of the AB. These elections must be held within 3 months of the impeachment. The remaining member of the AB, in case not impeached, will act as the AB until the vacant position(s) are filled.

## **11. EXECUTIVE COUNCIL, ITS ROLE AND RESPONSIBILITIES**

- 1). The EC shall consist of the elected President and the nominated officials including the Vice President, the General Secretary, the Joint Secretary, the Treasurer and the Regional Heads.
- 2). A meeting of the EC members must be held every month, either in person or via electronic media. It is obligatory for all the EC members to attend the monthly meetings unless a member has a valid reason for not to attend. The President shall be the Chairperson of all the EC Meetings.
- 3). A decision which affects a given region or city is to be made in consultation with the subject PANZ regional representation. The Regional Head must be consulted before any such decision is made.
- 4). Each member of the EC is to best conduct his/her business in line with the constitution, with integrity and to the best of his abilities. The interest of the community is the paramount consideration.

## **12. REGIONAL BODIES**

- 1). The President is empowered to appoint regional bodies and nominate PANZ representatives in various regions/cities of New Zealand. The primary principle is to be inclusive of the Pakistani community residing in the various parts of New Zealand and to provide them a common platform to advance Pakistani community interests and the objectives outlined in Article 3.
- 2). The nominated Regional Heads must be announced as part of the President's official team at the time of President's candidacy. They will become part of the nominated team along with the EC members, herein after called the "Cabinet". The appointment of the Regionals Heads will be made purely on merit. Each appointment will be made for 2 years and will finish 3 months after the President's term. This to keep consistency and avoid disruption in the business of the regions until a new President settles in the office. The President may appoint a regional head if a new region is to be included post Presidential elections and during the tenure of the President.



3). **Selection Criteria** - The President will make the background checks of a nominated candidate's and his/her standing in the community. The appointee should not have a criminal record and preferably should have some community work experience. Reputation, character and commitment to the community are the benchmarks on which any appointment should be made. Note: Hereinafter, a criminal record means a conviction on an imprisonable offence.

4). Any matter or decision which affects a specific region/city, must not be taken without consultation with the local representative.

5). The region's nominated heads may appoint sub officials and may make subcommittees with the consultation and approval of the President. No appointment shall be made without the knowledge and express consent of the President. the President must not hold his/her consent and approval without reasonable grounds. The regional head may remove sub official or change sub official portfolios as deem necessary. The fundamental principle is that regional bodies should have as much autonomy as possible for the local issues but must not make decisions which are of national relevance or may affect the PANZ structure, reputation and standing in the community in general.

6). **Funding** – The funding arranged/obtained for the regional bodies or a specific region will only be utilized in the subject region, regardless of the source of the funding. The Regional Head will be responsible to provide accounts to EC for AGM, Companies Office return and Charities Commission's financial returns. The EC must assist the regional bodies in funding applications and provide PANZ accounts where and when necessary.

7). Where there are already elected bodies in the regions/city, PANZ will discuss with the local representation before any PANZ appointment. The priority should be given to have a cooperative frame work with the existing regional body unless the circumstances are not conducive for inclusiveness. The cooperative working frame work may vary depending on the dynamics and demographics of the community and may be developed according to the circumstances and the needs of the local community. The community interest is the paramount consideration.

8). **Powers and duties of the Regional Head** – The regional head will be independent to nominate sub-officials and sub-committees and replace/remove them as deemed necessary. While consent of the President is mandatory in the appointments, removal of regional bodies officials is not. The President must not withhold consent without reasonable grounds. As a guideline principle, the Regional Heads are considered to have better knowledge of the local community and their needs. The Regional Heads powers and duties will be akin to the powers and duties of the President but only subject to the local area from where the Regional Head is nominated for. Regional Heads are accountable to the President only. In absence of the President, the AB will be in charge of the regions business until a new President is elected.

9). **Removal/suspension of a Regional Head** – In case a complaint is received to the President about the conduct of the regional head being inconsistent with PANZ constitutions, the President will investigate the matter within 2 weeks of receiving the complaint and will advise of his findings to the relevant complainant and the official. The President must give appropriate opportunity to the official, against whom the complaint is made, to respond to the allegations. Due to the low numbers of PANZ paid members in the regions, the complaint against a regional head does not require a 25 paid members requisition/complaint. For clarity, 25 paid members



requisition/complaint requirement is only relevant to the cases where impeachment of an elected official is in issue.

In case the allegations are unfounded, the President will advise the complainant in writing. The findings may be confidential or may be public depending on the nature of the complaint and the interests of the community. In case the President's findings are against the local Regional Head, the President may suspend /remove the regional head and appoint a new Regional Head to run the business. The President must consult with the local community before the new appointment. The President's decision shall be final. The overriding principle is that the Regional Head appointment should be in the best interest of the local community and the nomination should meet the fit and proper person criteria for the role.

### **13. ANNUAL AND SPECIAL GENERAL MEETINGS**

The President will chair the Annual General Meetings ('AGM') and Special General Meetings ('SGM'). In the absence of the President, an elected member of the AB will be the Chairperson of the meetings.

**1). AGM** – The AGM will take place every year and preferable within 4 weeks after the 14<sup>th</sup> August Independence Day event. The AGM will include PANZ accounts in the preceding year, last year performance report of the EC and any other agenda announced in advance to the community. A minimum of 15 PANZ paid members will be required to complete the quorum, excluding PANZ officials. In case the AGM or the SGM includes the agenda to impeach an elected representative, a quorum of at least 50% PANZ paid members at the time of the voting shall pass the impeachment resolution (these are total registered paid members, not just the paid members present at the SGM) in the relevant AGM/SGM. The agenda of the AGM must be announced at least 3 weeks prior to the AGM and disseminated in the community. Any other question/issue of common interest/concern may be included in the agenda if requested by the community member(s). Participation in the AGM may be via electronic media and live online participation through available means. There will be no separate AGMs for the regional bodies. The regional bodies members will be entitled to have their presence via online due to the logistics involved.

**2). SGM** – A special general meeting can be called by the community members with a written request from at least 25 PANZ paid members. The SGM agenda will be nominated by the signatories of the application. This may or may not include the impeachment of an elected PANZ official. The application with the agenda will be submitted to the President, or to the AB where the agenda includes a requisition against the President, and President must call the meeting within 4 weeks of the application. The agenda must be disseminated to the community at the time of announcing the SGM. An SGM can also be called by the President for urgent business affecting the community or PANZ activities.

### **14. MEMBERSHIP OF THE ASSOCIATION:**

There will be two classes of member;

#### **1). General Members:**

a). Every person of Pakistani origin who is above the age of 16 years residing in New Zealand shall be eligible for the PANZ's membership. Membership fee will be NZ \$10 per year for an individual but may be varied by the Election Commission. The primary principle is the maximum inclusion of



the community members. Membership fee may also be waived or changed time to time by the EC during its tenure. Membership must close 2 days prior to the elections, including the Presidential elections and the AB elections.

b). **Application:** Every application for General Membership shall be forwarded to the Secretary General who, after consulting with the President, will approve or reject the application by giving a reason, subject to any direction issued from time to time under the Incorporated Societies Act 1908. In case the Association rejects the application, all sums accompanying the application shall be returned to the applicant and no further application from him shall be entertained for a period of three months from the date of such rejection. The membership fees are not returnable in case a member wants his/her name to be remove from the members list.

c). **Membership record:** The EC shall maintain record of the provided details of every member, date of membership and date of expiry of membership, fee, subscription, donation or any other payment details, and shall draw a list of all registered members.

d). **Students Status:** Students of Pakistan origin studying in New Zealand are eligible to vote subject to they have a visa for the full tenure of the elections for which they are voting for.

d). **HEC Students:** Students funded by Pakistan Higher Education Commission are eligible to become General members provided HEC allows these students to participate in PANZ activities. Prior to any PANZ office elections, direction must be sought from the Pakistan High Commission in this regard to provide Govt of Pakistan and HEC official position. In case the HEC does not allow any such participation, the students will not be eligible to become General members. However, they can become Honorary Members. If students have completed their studies and or no longer subject to the HEC contract, they are allowed to become General members and exercise their voting rights.

## 2). Honorary Members

Any person, whether from Pakistani Community or otherwise, who is in agreement with the objectives of PANZ will be eligible to become an Honorary Member of PANZ provided that an Honorary Member shall have no right to vote. An Honorary Member may, however, give suggestion(s) on all matters relating to the activities and operations of PANZ. Any member of the community can recommend a person for the honorary membership. The President should grant the membership on the application unless there are good reasons not to. Every application for membership shall be made by giving notice to the Association or by filling the online forms, accompanied by an admission fee as prescribed by PANZ from time to time. The President may waive the membership fee and can also grant honorary membership on its own accord where the membership assists the objective of PANZ. An honorary member is not eligible to contest the President or the AB elections.

## 15. RIGHT AND PRIVILEGES OF THE MEMBERS

The fundamental principle is that the rights and privileges contained in the constitution may be subject to such reasonable limits justified in the best interest of the community.

1). Every member of PANZ shall conform to and be bound by the Articles of PANZ constitution, for the time being in force, as well as the Bye Laws that are made from time to time, in pursuance of the powers given in the constitution.

2). Every general member of the Association shall be entitled;



- a). To vote at all AGM and SGMs of PANZ and express his/her opinion on all matters coming before the EC and AB;
- b). To be elected subject to the provisions of Incorporated Societies Act 1980 and the Articles of the constitution and the Bye Laws of PANZ made from time to time;  
Note: To be a member of PANZ office bearer or to contest for an election, the minimum age is 18 years old.
- c). To become an elective office bearer or as a representative of PANZ;
- d). To use PANZ facilities with appropriate and applicable fee;
- e). To obtain any information, circulars, notifications, letters, minutes of the EC and AB meetings on payment of reasonable cost, if any. Every General member is entitled to this information, the information must be disclosed unless there is a good reason not to;
- f). To utilize all other privileges which may be conferred on the members by PANZ from time to time;
- g). Any member, wishing to resign, may do so in writing addressed to the Secretary General of PANZ at any time. The membership fee or donation once paid shall not be refundable;
- h). Any member so resigning shall not, in any way, be absolved from any liability or any dues accrued and unpaid up to the time their resignation is presented;

3). **Membership cancellation:** Every member shall be liable to be fined and/or have all or any of the rights and privileges allowed by PANZ withdrawn from him/her for all or any of the following reasons;

- a). Neglecting or refusing to submit to, abide by or carry out any direction by a PANZ official (member of the cabinet), whether by action or omission made in conformity with the constitution and its bylaws;
- b). Doing any act in violation of the provisions of Incorporated Societies Act 1980 and rules made there under;
- c). Failure to pay any difference or fees when due, or any non- payment of any fine or penalty imposed on him/pursuant to the constitution and its bylaws or any failure to pay any other amount due by him under the constitution and its bylaws;
- d). Serious misconduct on behalf of the member. Serious misconduct includes, but is not limited to: any form of assault- verbal or physical at any meetings, serious or repeated failure to follow a reasonable request of a PANZ officer given in official capacity, deliberate destruction of any property belonging to PANZ, actions which seriously affect PANZ reputation, making media statements on behalf of PANZ without approval of the respective Body (EC, AB or regional body). For clarity, only those statements fall in this category which are against the interest and objectives of the Association. This serious misconduct definition also applies to other impeachment process within this constitution.
- d). The member's actions are in any way harmful and/or injurious to PANZ and community interests or for any other sufficient and reasonable reasons it is considered desirable to remove the member from the PANZ membership;
- e). The decision to cancel a membership can only be made by the President. The President must give the member a notice in writing with sufficient grounds for the decision. The member can re-apply once the cause of the cancellation is addressed as outlined in the cancellation notice.

## 16. VOLUNTARY WINDING UP OR DISSOLUTION

PANZ may wound up voluntarily if at a General Meeting of all its officials a resolution was passed requiring the association to be wound up, and the resolution is confirmed at the subsequent



Special/Annual General Meeting called for that purpose and held not earlier than thirty days after the date on which the resolution so to be confirmed was passed. Any property belonging to PANZ on a voluntary winding up and all the property of PANZ in the event of dissolution by the registrar shall be first subject to the payment of any debts and liabilities of PANZ. The remaining funds and assets will be made gift to any other registered charitable organisation whose activities are aligned with or for charitable purposes.

## **17. ALTERATIONS AND ADDITIONS TO THE CONSTITUTION**

- 1). The constitution clause three should not be deleted, but it can be modified.
  - 2). This constitution shall not be altered, added or amended except by resolution at the Annual General Meeting or at a Special General Meeting of PANZ. The notice of the meeting by the Secretary must state that a review of the Constitution will be part of the meeting agenda and give reasonably sufficient information enabling the attending members to make a decision. Full content of the proposed review is not necessary in the notice.
  - 3). No alteration or cancellation will be made to this constitution that is in conflict with the aims and objectives of PANZ.
  - 4). In case a matter of common concern arises, which is not stipulated in the constitution, the EC, or in absence of the EC the AB, will form a Constitution Review Committee comprising of at least 3 members. Expressions of interest will be sought from the community. Preference will be given to those candidates who have similar previous experience or have served PANZ in the past or have professional skills to be part of this process. Any amended provision must be consistent with the Incorporated Societies Act, the New Zealand Bill of Rights Act and the requirements of the Charities Commission.
- NOTE:** Clause 9.9 will only be used where there is an urgent situation to be addressed or there are significant time and resource constraints. In absence of these circumstances, Article 17(4) will be the formal process.

## **18. COMMON SEAL**

The Common seal should be in the custody of the General Secretary and shall not be used except with the express authority of the President. When the seal is used it will be signed by the President and one of EC Members. In the absence/leave of the President, the General Secretary has the right to sign along with one member of the EC.

## **19. CONTROL OF FUNDS**

All funds received by PANZ will be paid into its bank account. All Cheques and withdrawal slips drawn on PANZ account will be signed by Treasurer and one of President or General Secretary. The EC can use internet banking with two signatories. The regional bodies may open their accounts subject to these accounts are co-managed by a member of the EC.



## 20. GENERAL

All Complaints shall be made in writing to the President of PANZ. Every member will be bound by and will observe the constitution and bylaws of the Association. Bylaws can be made at any time by the President but not 3 months preceding the elections of the President or the Advisory Council. Any dispute or doubt shall arise as to the construction or interpretation of this constitution or any part thereof such dispute or doubt shall be determined by the majority decision of the EC and the AB members. In case of a dispute between the EC and the AB, legal advice must be sought by a NZ lawyer, registered with the New Zealand Law Society, as to the interpretation which must be consistent with the purpose of the constitution.

## 21. ELECTION COMMISSION

1). The AB and EC will hold the office for a term of two years. Both AB and President's election will be held in the first week of March of the election year i.e. if both offices bearers (AB and the President) won the elections in March 2021, the next elections will be held in the first week of March 23.

2). The Election Commission shall be formed at least 2 months prior to the elections to conduct fair and independent elections of the EC and AB. The Election Commission shall be formed in the month of December preceding the elections but not later than 31 December, i.e. for the elections in March 2021 the Election Commission shall be formed latest by 31 December 2020.

3). The Election Commission shall consist of three members from the community. To select the members of the Election Commission, the President or the General Secretary will call expression of interest (EOI) from the community. The three selected members will choose one lead person who will act as the Election Commissioner, as per the criteria in Article 21(5). All three members must be paid members of PANZ at the time of their selection. Election Commission shall not support any individual candidate and act impartially for transparency.

4). Election Commission shall be formed by both the EC and AB. In case of a dispute, a committee comprising the President, the vice President and three members of the AB will make the determination. The majority decision will be final. The principle is to conduct an independent, fair and inclusive election.

### 5). Eligibility of the Election Commissioners –

a). The Election Commissioner must have PANZ membership and be a current paid member of the PANZ. The Election Commissioner must be a resident of New Zealand for more than 3 years to better understand the dynamics of the community and the election process specific to PANZ. A knowledge of the community and impartiality are the benchmarks for this position. Some previous experience in PANZ elections process is preferred but it's not a pre-requisite.

b). Unless there are special reasons, the Election Commission members shall not be eligible for candidacy for any position in the PANZ office for that period for which they are going to conduct the election.

c). A standing candidate can make an objection to the selection of any Election Commission member. This objection must be in writing within 3 days of the appointment announcement and the election conducting Body (the EC and the AB) must give it a proper consideration before making a final deliberation. Any proven misconduct of the EC member unduly influencing the outcome of the elections may result in removal of that specific member or if elections have



already been conducted, may trigger re-elections. Any such objection must be supported by some tangible evidence and specific grounds.

#### 6). **Procedure of Elections in Details**

- a). Election Commission preferably use electronic voting tools during elections. Voting rules are subject to reasonable changes by the Election Commission. The overriding principle is that maximum community members should take part in the elections.
- b). Registration of the voters must close at least two days prior to the election date and final lists provided to the candidates by the Election Commission. The Election Commission may extend the time for voters registration if deems necessary.
- c). Election Commission must announce and post the results through electronic media within two days after the elections. Voters email addresses can be used for the communication. After receiving the results, the Election Commission must post the results on the PANZ website and Facebook pages immediately.

7). Membership List –The EC must provide the available voters list to the Election Commission within 3 days of the announcement of the Election Commission. Updating the voters list, enrolment of new voters and renewal of existing members will be the responsibility of the Election Commission. Once an independent Election Commission is formed, the sitting body must not interfere in their business unless the assistance is sought or there are any concerns on the impartiality of the Election Commission.

8). Eligibility of the Voter – All general paid members of PANZ are eligible to vote. All members who are contributing through auto payments are entitled to cast votes. A voter who is not residing in New Zealand and/or is not expected to reside in New Zealand for the duration of the term, for which the voter is casting his/her vote, should not be considered a valid voter, unless reasonable explanation given.

#### 9). **Eligibility of an electable candidate (for the President or member of AB) –**

The following selection criteria applies where the general paid member stands for an elective position of PANZ i.e. the President or a member of the AB;

- The candidate must have a standing in the community and should have experience working with PANZ; OR
  - The candidate must have experience in governance, management or experience in a community volunteer position; AND
  - The candidate must not have a criminal conviction record on an imprisonable offence; AND
- Note: Election Commission may ask a candidate to give consent to a criminal record check, Ministry of Justice reply will be considered sufficient)
- Reputation, character and commitment to the community are the benchmarks on which a candidate will be assessed;
  - The candidate must be a permanent resident or a citizen of New Zealand residing in NZ permanently for at least three years preceding to the elections;
  - Must be of Pakistani origin and hold Permanent Residency or Citizenship or hold a valid New Zealand work visa for at least 3 years from the date of the elections;
  - Must not be declared insolvent or had files bankruptcy application;
  - Should not be office bearer of other organization with similar objectives. The overriding principle is there must not be a conflict of interests.



10). The candidate for the position of President shall submit NZ\$ 1,000.00 (non-refundable), with Expression of Interest to the Election Commission. All sums to be deposited in the PANZ official account.

11). Candidates for AB shall submit NZ\$ 500.00 (nonrefundable) per candidate with Expression of Interest to the Election Commission.

12). The expression of interest must be submitted to the Election Commission within two weeks of the announcement of the Election Commission.

13). The candidates are to provide Election Commission their election portfolios and mission statements for posting on the PANZ Facebook, social media and website. The postings would be on first come first serve basis. The Election Commission must post the candidates election portfolios/statements within 3 days of the receipt.

## **22. RESPONSIBILITIES AND POWERS OF THE ELECTION COMMISSION**

1). The Election Commission shall scrutinize the validity of the expression of interest papers from candidates.

2). Prepare final list of candidates.

3). Conduct election (both electronic and physical voting) and announce the results to the community.

4). Keep the records and papers relating to the election and voter list and hand over these to the new EC and a copy to the new AB. The Election Commission will keep copies of the election's records for 15 days.

5). If any issue comes up prior to the election, the Election Commission must resolve any such situation whether its expressly stipulated in the constitution or not. If a candidate has any objection on the decision of the Election Commission, the complainant can make an appeal to a committee of 5 members, consisting of 3 outgoing AB members, the outgoing President and the outgoing vice President. The committee's decision shall be final.

6). In case a complaint is filed against the elections process or the result of the election once the elections are concluded, the Election Commission must conduct investigations which should complete within 5 days from the lodgment of the complaint. Any such complaint must be filed within 2 days of the election results. In case a misconduct or impropriety is established which could have changed the result, the Election Commission must cancel the results and call for new elections within thirty days. The Election Commission shall keep the updated voter lists as supplied by the EC, and the candidates have the right to get a copy of the voter list from the Election Commission. This list will contain only the details of first & Last Name of the members. Personal information of PANZ members will not be shared.

## **23. ARTICLES OF ASSOCIATION (Appendix –A)**



- 1). The name of society is "Pakistan Association of New Zealand Incorporated" hereinafter referred to as "PANZ".
- 2). The Registered office of PANZ will be situated at the current address of the President.
- 3). In these Articles, unless there be something in the subject or context inconsistent therewith;
- 4). The Act means The Incorporated Societies Act 1908 (as amended from time to time)
- 5). The "Article" means these Articles of Pakistan Association of New Zealand, which are the Bye Laws of the Association for the time being in force.
- 5). The "EC" means the Executive Council comprising the President and nominated officials and regional heads.
- 7). The "Advisory Board" means team of 3 elected members to assist the EC and work as constitution compliance regulatory authority.
- 8). The "Office" means the registered office for the time being of PANZ.
- 9). "Person" shall include any firm, company, association or any other body of individual whether incorporated or not.
- 10). All other expression defined in the Incorporated Societies Act 1908 or Rules made there under shall have meaning assigned to them in the respective Act or Rules.
- 11). When any provision of the Act or Rules is referred to, the reference shall be to such provision, as modified by any statutory enactment for the time being in force.
- 12). Association official electronic media tools refer to includes emails, Facebook, website, LinkedIn, twitter, smart phone apps. The list is not exhaustive.
- 13). Right and privileges in the constitution are not absolute and are subject to justified limitations. These must be governed pursuant to the principles defined in section 5 of the New Zealand Bill of Rights Act 1990.

