

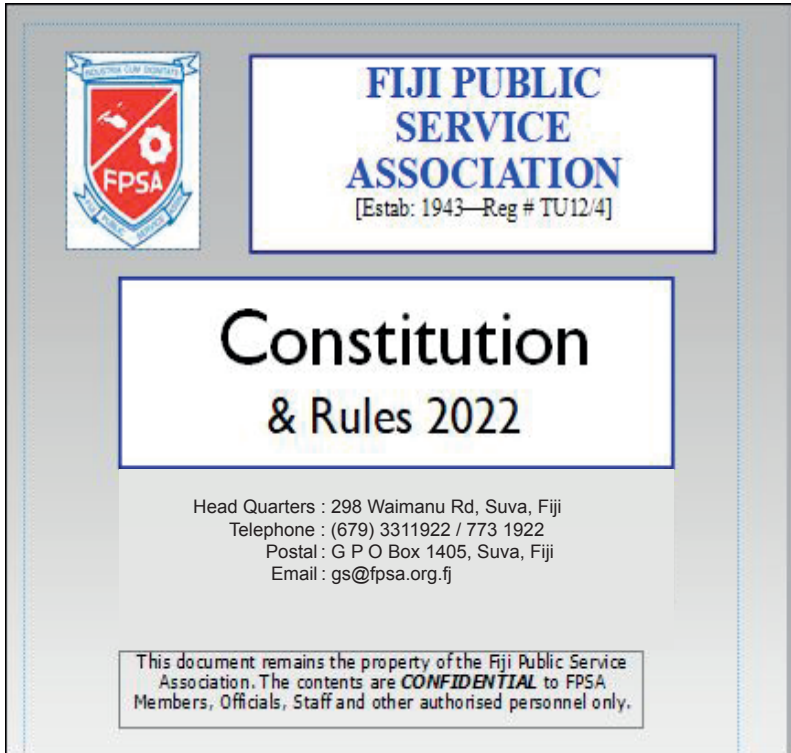


FIJI PUBLIC SERVICE ASSOCIATION

Estab: 1943

Constitution & Rules 2022

Re-Print Edition



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FPSA Constitution – 2022 Re-Print Edition

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FPSA Constitution

Preface to 2022 Re-Print Edition

This 2022 Re-Print Edition of the *Constitution of Fiji Public Service Association* replaces the preceding prints issued in 1989 & 2007. The latter had incorporated all constitutional amendments previously adopted by Members and approved and registered by the Registrar of Trade Unions upto that period.

Over years 2011 to 2017, several amendments to the Constitution were introduced, some being repetitive and concentrating on frequent changes to the Membership Clause 6. A few were superseded by subsequent actions. Then, in a series of proposals to the 2011, 2014 & 2017 Annual General Meetings, approx 88 motions to amend the Constitution were placed before FPSA Membership. The objective was to upgrade the constitutional provisions in light of several changes over the years and to respond to current and future requirements of the Members of the Association.

These approved clauses were subsequently presented to the Registrar of Trade Unions and all of which were progressively vetted and registered by that office. The latter ratification is mandatory under the Employment Relations Act (previously called ERP 2007 or Trade Unions Act, Cap 96) and also as provided for in Clause 96 (d) of the FPSA Constitution.

Thus, after a lapse of another 15 years, it was imperative on us to re-print the text of the Constitution. All past registered changes have now been consolidated into the new 2022 Edition to present an updated manuscript. This issue is not a replacement or repeal of the original version of Constitution first adopted by the Association, but an updated edition incorporating approved “*alteration of rules*” during past periods.

As a result of the completion of foregoing actions, this version is complete in all aspects. This manuscript also contains a consolidated list of all recorded changes on the Amendments Pages.

Furthermore, this document has provisions for the Members of the Association to keep their copies of the Constitution up to date in future years when new changes are introduced in the appropriate manner. Periodically, in conjunction with Annual Reports or FPSA Journal issues (*The Service Worker*), some replacement pages or texts may be provided as best feasible, copies of which may be inserted into the appropriate areas of the of the individual Constitution book held by the Members.

Clause 8 of the Constitution guides the issue of this document to Members. Clause 23 dictates that all Members undertake to abide by the Constitution and its Aims and Objectives as provided herein.

R. Singh
General Secretary

01st December 2022

FIJI PUBLIC SERVICE ASSOCIATION

CONSTITUTION

1. NAME

The name of the Association shall be "**The Fiji Public Service Association**"

2. DEFINITIONS

- a) In this Constitution, unless the context otherwise requires:
- 1) "**Association**" means "The Fiji Public Service Association".
 - 2) "**Constitution**" means "the Constitution of the Fiji Public Service Association".
 - 3) "**Council**" means "the National Council of the Fiji Public Service Association".
 - 4) "**Officer**", "**Office-holder**", "**Office-bearers**" or similar expression used in this Constitution means "any person holding the office in the Council of the Association and includes the General Secretary and the General Treasurer even if they are not members of the Association".
 - 5) "**Trust**" means the "Fiji Public Service Association Trust Holdings".
 - 6) "**Principal Officers**" means "Elected Officials as defined in Clause 47 and termed as the Executive Board".
 - 7) "**Annual or Special General Meeting of the Association**" means "The National Annual or Special General Meeting of the Association".
 - 8) "**ERP 2007**" means the "Employment Relations Promulgation, Decree #36 of 2007".
- (b) Wheresoever the Masculine gender is used, it shall be deemed to include the Feminine gender also.

3. OFFICE

- (a) **Head Office:** The registered office of the Association shall be situated at such place and address as may be determined by the Council.
- (b) **Contact Addresses:** The postal and other contract addresses of the Head Office shall be as determined by the Council from time to time.
- (c) **Notification:** The Registrar of Trade Unions shall be notified of such addresses.

4. OBJECTS

The objects of the Association shall be:

- (a) **Organizing Membership:** To secure the membership in the Association of all Fiji Government employees stationed in Fiji or abroad, and all other persons who may from time to time be eligible for membership of the Association under this Constitution, as follows:
- (1) Employees holding permanent, temporary, relieving, probationary or contract appointments with or on behalf of the Government of Fiji.
 - (2) Employees in statutory bodies, government owned or partly government-owned companies and corporations.
 - (3) Employees in organisations, companies or corporations which are created or restructured or established as a result of privatisation or corporation of government departments or statutory bodies.
 - (4) Employees in any public, partly-public or private undertaking who are not members of any other registered trade union affiliated with the Fiji Trades Union Congress, or its successors or assigns.
- (b) **Safeguarding Members Rights:** To promote and safeguard the rights, interest and benefits of its members as provided for in this Constitution or enabled by any legislation.
- (c) **Promote Legislation:** To promote or oppose legislation and other measures which may affect the rights, interests, benefits and welfare of the members of the Association.
- (d) **Official Medium for Members:** To provide an organised medium for the expression of the considered opinions of its members by being the official channel of communication between the members of the Association and the Government and other employing authorities or entities.
- (e) **Inter-Member Relationship:** To regulate relations and to settle disputes between members and employers, between one member and another, between members and other workers by amicable agreement whenever possible.
- (f) **Settlement of Disputes:** To make representations, conduct negotiations and to undertake by reconciliation, mediation, arbitration or other lawful and legitimate means, settlement of disputes.
- (g) **Welfare of Members:** To promote the material, cultural, social, educational and recreational welfare of the members and their families in any lawful manner where possible or viable.
- (h) **Lawful Venture:** To establish, carry on, or participate, financially or otherwise, in any lawful business, undertaking or venture with the main purpose of furthering the interests of the Association or its members either

directly or via the medium of a trusteeship holding company.

- (i) **Benefits to Members:** To provide for members and, in certain circumstances their immediate families such benefits, where possible and viable, as the Council may decide, including:
 - 1) Legal advice and legal assistance where necessary, in connection with the employment of members;
 - 2) Compensation to members for loss arising out of trade disputes;
 - 3) Education fees, scholarships, funeral and medical expenses.
- (j) **Solidarity:** To co-operate with and render such assistance, financial or otherwise, as the Association thinks fit, to any lawful trade union or trade union federation having for its object the promotion of the interests of labour, trade unionism or trade unionists and, where necessary, to seek assistance from them.
- (k) **Public Services:** To secure and promote the public interest by providing as far as possible efficient and sympathetic services to the public generally.
- (l) **Furtherance of Objectives:** To use all lawful and legitimate means, including strikes if necessary, to attain the objects herein specified, and to do all such other acts and take such other measures as are incidental and conducive to their attainment and to the smooth and efficient running of the Association.

5. **FREEDOM OF ASSOCIATION**

The Association shall be free to associate itself with any organization in pursuit of workers' rights. It shall also be free to pursue its objectives, to take action in respect of any acts or omissions of government, organizations, associations, bodies or persons and to express its opinion on any issue or topic.

6. **MEMBERSHIP**

- (a) **Scope of Membership:** That under the terms of Article 4 (a), Membership of the Association shall be open to persons employed by the following organisations or entities, and any of their assigns or successors thereto:
 - 1) The Government of Fiji
 - 2) The Civil Aviation Authority of Fiji Islands
 - 3) Airports Fiji Limited
 - 4) Postal, Telecommunications and the Media Industry
 - 5) Agro Marketing Ltd.
 - 6) Agricultural Drainage Boards in Fiji

- 7) Prices and Incomes Boards or Commerce Commission of Fiji
- 8) Tourism Fiji
- 9) National Fire Authority
- 10) Forestry, Timber and Wood Working Industry
- 11) Coconut Board and Coconut Industry generally
- 12) Maritime Ports Authority of Fiji
- 13) Ports Terminal Limited
- 14) Consumer Council and Consumer Affairs organisations generally
- 15) Fiji Islands Trades and Investment Board
- 16) Sugar Cane Growers Fund
- 17) National Food and Nutrition Committee
- 18) National Trust of Fiji
- 19) Fiji Museum
- 20) Yaqara Pastoral Company
- 21) Viti Corporation Limited
- 22) Fiji Meat Industry Board
- 23) Land Transport Authority
- 24) Fiji Islands Revenue and Customs Authority
- 25) Public Trustee Corporation Limited
- 26) National Shipping Corporation Limited
- 27) Fiji Islands Bureau of Statistics
- 28) Fiji Hardwood Corporation Limited
- 29) Occupational Health and Safety Authority of Fiji
- 30) National Road Safety Council
- 31) South Pacific Forum Secretariat
- 32) Fiji National University
- 33) St. John Ambulance
- 34) The Daily Post Limited
- 35) Tyco Fiji Ltd, its divisions, ADT, Armourguard, Guardforce, Wormald
- 36) Fiji Islands Maritime Safety Authority or Maritime Safety Authority of Fiji.
- 37) Fiji Ports Corporation Limited
- 38) Department of National Roads or National Roads Authority
- 39) Water & Sewerage Department or Water Authority of Fiji
- 40) Bio-Security Authority of Fiji
- 41) Nasinu Town Council
- 42) Matrix Security Services
- 43) Personnel employed in diplomatic or other international missions
- 44) Personnel employed by a Municipality or urban entity
- 45) Labasa Town Council
- 46) Savusavu Town Council
- 47) Nausori Town Council

(b) **Approval by the Registrar**

Any Amendments to Section 6 (a) hereof shall be subject to the approval by the Registrar of Trade Unions.

(c) **Non-Eligibility**

A person who is a member of another registered, trade union shall not be eligible for membership of the Association during that period.

(d) **Associate Membership**

- 1) Persons who are retired from their employment and who were members of the association at the time of their retirement shall be eligible to be Associate Members of the Fiji Public Service Association.
- 2) Associate Members shall be required to pay an annual subscription of \$60.00.
- 3) Associate Members shall be entitled to enjoy such privileges and benefits provided by the Association as decided by the National Council from time to time, except that they shall not have the right to speak or vote in any meeting of the Association, unless such a meeting is exclusively confined to Associate Members.

(e) **Life Membership**

- 1) The Annual General Meeting may confer Life Membership on any member or retired member or official of the Association, in recognition of his outstanding service and contribution to the Association.
- 2) A Life Member shall be entitled to all the privileges and benefits provided by the Association to its members, and shall not be required to pay any fee.
- 3) A Life Member shall not have the right to speak or vote in any meeting of the Association, unless such a meeting is exclusively confined to Life Members or invited by the Chairman to contribute to the business at hand at other meetings.
- 4) The Association may similarly bestow *Emeritus Life Membership* status to former Members, Officials and Staff who rendered further service and/or made extraordinary contributions to the ideals and the objectives of the Association.

7. **SUBSCRIPTIONS & DUES**

- (a) Every person admitted to membership of the Association shall promptly pay all subscription and other dues payable to the Association.
- (b) Outstanding subscriptions and other dues shall be recoverable by the Association as a Civil Debt.

8. **COPY OF CONSTITUTION**

Any person upon being admitted as a member of the Association shall be entitled to a copy of the Constitution free of charge. Additional or subsequent copies thereof may be supplied to members upon payment of a sum decided by the General Secretary with reference to the average cost of producing one copy of the document.

9. **LIMITATIONS DUE TO AGE**

Subject to the provisions of Section 6 of this Constitution:

- (a) Any person aged fifteen years and over may join the Association and, participate in the benefits provided by the Association and have the right to vote or be eligible to seek any office at any of the meetings of the Association.

10. **APPLICATION FOR MEMBERSHIP**

- (a) **Application:** Any person who is eligible for membership of the Association may apply to become a member in writing to the General Secretary who may prescribe from time to time the form and the manner of making such application.
- (b) **Subsequent Ineligibility:** A person whose name has been entered in the roll of members and is subsequently found to be ineligible for membership, may be removed from membership by notification in writing whereupon he shall be deemed never to have been a member and any subscription paid by him, less any amounts accrued or owed by him to the Association, shall be refunded.

11. **MEMBERSHIP DECLINED**

Nothing contained in the provisions of Section 6 of this Constitution shall prejudice the right of the Association to decline to accept for membership any group or groups, class or classes, or any individual person.

12. **FINANCIAL MEMBERS**

- (a) **Payment - Salary Deductions:** Where a member elects to pay his subscription by way of deductions from his salary, he shall be deemed to be a financial member of the Association if he is not more than thirteen weeks in arrears of subscription due and payable by him as at the end of January following the end of any financial year.
- (b) **Payment - Other Methods:** Where a member elects to pay his subscription otherwise than by deductions from his salary, he shall be deemed to be a financial member of the Association if he is not more than thirteen weeks in arrears of subscription due and payable by him as at the end of January following the end of any financial year.

- (c) **Arrears Arising:** A Member shall always be responsible to settle any subscription in arrears that may arise and accrue for any reason.
- (d) **Alternate Method:** In the event that the foregoing or any other agreed or available method is not feasible or has ceased to operate, it shall be mandatory for current Members, and new Members joining the Association, to become Members of Service Worker Credit Union (SWCU) in order to facilitate the regular and periodical payments of their FPSA subscriptions and/or settlement of arrears from their SWCU accounts to the Association.

13. **REFERENCE TO LEVY**

Any reference to subscription in this Constitution shall be deemed to include a reference to any levy payable by the members of the Association.

14. **NON-FINANCIAL MEMBER**

A member who is not a financial member in accordance with Section 12 of this Constitution shall not be eligible to attend, speak, vote, nominate, second, stand for or hold office or take any part in the proceedings of any meeting of the Association.

15. **CESSATION OF MEMBERSHIP**

- (a) **Applicable Cases:** A person shall cease forthwith to be a member of the Association if:
 - 1) His subscription is more than twelve (12) months in arrears.
 - 2) He resigns by giving a notice in writing to the General Secretary.
 - 3) He has been expelled by the Association.
 - 4) A notice has been served upon him under Section 10(b) of this Constitution.
 - 5) He subsequently fails to qualify under Section 6 of this Constitution.
- (b) **Criteria for Re-Admission:** A person who has ceased to be a member of the Association under paragraphs (1), (2) or (3) of the last preceding sub-section may, at the sole discretion of the Council, be permitted to rejoin or be reinstated, but such reinstatement or readmission shall be subject to the condition that such member immediately pays to the Association any subscription which remained in arrears at the date on which he last ceased to be a member and for the intervening period to the date of reinstatement.

16. **SUBSCRIPTION DUE**

The annual subscription shall be deemed to become due and payable on the thirty-first day of January in each year, and shall be paid in one lump sum;

Provided that where a member authorises his subscription to be paid by way of deductions from his salary, the annual subscription shall be payable by equal periodical deductions from his salary during the year or via any authorized alternate method as provided under Clause 12.

17. **RATE OF SUBSCRIPTION**

The annual subscription shall be **\$156.00** unless otherwise varied by the Association at its Annual or Special General Meeting and shall in every case be payable in full:

Provided that, where a member elects to pay his subscription by way of deductions from his salary and signs the necessary authority, the subscription due and payable in respect of that year shall be that proportion of the annual subscription as would be deducted from his salary in that year.

18. **MAKING OF LEVIES**

- (a) **Application of Levies:** The Association may at its Annual or Special General meeting make levies on each member:

Provided that when doing so it shall state the reasons for each such levy in a resolution to be approved by the members of the Association.

- (b) **Limit on Levies:** Under no circumstances shall any member of the Association be levied a total in any financial year in excess of an amount equal to the annual subscription for the time being payable by the member.

19. **MEMBERSHIP ROLLS**

- a) The General Secretary shall keep such register or registers of members, regularly updated, and in such manner as the Council may from time to time direct.
- b) The register or registers of members shall comply with the provisions of the ERP 2007 and Regulations made thereunder.

20. **PREPARATION OF ROLLS**

As early as possible after the end of the financial year, the General Secretary shall prepare or cause to be prepared in such manner as the Council may from time to time direct, a roll or rolls of financial members of the Association.

21. **MEMBERSHIP CATEGORIES**

Where a roll of members is prepared under any branch, sub-branch, section, class or group in accordance with the provisions of section 94 of this Constitution, a member falling in such category as at the last day of the financial year under review, shall be deemed to be a member within that category and shall so remain until the day before the last day of the following year.

22. **INSPECTION OF ROLLS**

Roll or rolls of members shall be open to inspection at all reasonable times by any financial member of the Association.

23. **DISCIPLINE AND PROCEDURE**

- a) **Compliance with the Constitution:** Every person applying for membership of the Association, and for so long as he continues as a member in accordance with the Association's Constitution (as may be amended from time to time), shall be deemed to have undertaken:
 - 1) To work for the interest of the Association and its members collectively in a spirit of mutual co-operation;
 - 2) To abide by the majority decisions of members, committees, and such other bodies, within the scope of the Constitution but without prejudice to his right to work to vary such decisions within the framework of the Association in accordance with the Constitution.
- b) **Public Statements:** In any case where the Council or a Committee authorised by the Council has made representation or has made known that it intends to make representations to Government or to any authority, organisation or body in respect of any matter affecting the Association or its members, no member of the Association either as a member or in his capacity as an official or representative of the Association, shall, at any time make or permit to be made any public statements or public communication, without the express authority of the Council.
- c) **Media Releases:** No meeting of the Association shall be open to the press without the approval of the Council and no report or account of matters dealt with at any meeting of the Association shall be supplied to the press except with the approval of the Council.

24. **LIABLE FOR DISCIPLINARY ACTION**

A member shall be liable for disciplinary action, who:

- 1) Contravenes any of the provisions, of the last preceding section;
- 2) Refuses to comply with any of the Rules of the Association;
- 3) Refuses to abide by a resolution carried at any meeting of the Association;
- 4) Acts in opposition to the objects of the Association;
- 5) Does any act which is detrimental to the interest of the Association;
- 6) Defrauds or attempts to defraud the Association;
- 7) Without just cause or excuse makes a false charge against an officer or fellow member of the Association.

Provided however, that he shall not be guilty of such a breach if he demonstrates to the Association's satisfaction that he has acted solely in his official capacity as part of his normal duties for his employer.

25. **REFERRAL TO THE DISCIPLINARY COMMITTEE**

Where the General Secretary receives a report, or has reason to believe:

- (1) That a member may be liable in accordance with the last preceding section of this Constitution; or
- (2) That an officer may have acted in a manner which amounts to neglect of duty, dishonesty, incompetence, refusal to carry out the decision of the Council, or for any other reason which he deems good and sufficient in the interest of the Association,

he shall make immediate enquiries and submit a written report to the Disciplinary Committee formed by the Council under the Chairmanship of a Principal Officer.

26. **DISCIPLINARY CHARGES**

- (a) **Serving of Charges:** The Disciplinary Committee, on receiving and considering the report may decide to take no action, or it may decide that there is a case to answer and direct the General Secretary that not less than seven (7) clear days' notice shall be sent by registered letter or by personal delivery to the member or the officer concerned, stating the charge or charges, the time, the place and the date when the matter shall be dealt with.
- (b) **Response by Person/s Charged:** The member or officer shall respond to the letter served within the stipulated time admitting or denying the charges, either in writing as his preference, or in person before the Committee.

27. **DECISION OF THE COMMITTEE**

The Disciplinary Committee, after the submission of response from the person charged, may:

- 1) Reprimand, or
- 2) Censure, or
- 3) Suspend for a period not exceeding three months, or
- 4) Remove from office, or
- 5) Expel

any member or officer against whom disciplinary action has been taken, and subject to the provisions of Section 29 of this Constitution, the decision of the Disciplinary Committee shall be binding.

28. **APPEAL TO THE COUNCIL**

Any person suspended, removed from office or expelled shall be entitled to appeal to the Council against the decision of the Disciplinary Committee. Such an appeal shall be made by giving notice in writing to the General Secretary within fourteen clear days after the notification to the person concerned of the decision of the Disciplinary Committee.

29. **PROCEDURES & COUNCIL DECISION**

- a) **Procedures:** The Council may determine such procedure as it thinks necessary and fair under the circumstances in respect of any appeal against the decision of the Disciplinary Committee.
- b) **Decision:** The Council may uphold, vary, substitute or dismiss the decision of the Disciplinary Committee, and subject to the provisions of Section 31 of this Constitution, the decision of the Council shall be binding.

30. **ENTITLED TO BE HEARD**

Any member or officer, charged under the provisions of Section 26 or appeals in accordance with the provisions of Section 28 of the Constitution, shall be entitled to be heard in person and shall also be entitled to have his case stated by a financial member of the Association nominated by him.

31. **APPEAL TO A GENERAL MEETING**

- a) A member or an officer who has been suspended, removed from office or expelled by the Council may, within two calendar months after he has been notified of his suspension, removal or expulsion, notify the General Secretary in writing of his intention to appeal to the next Annual or Special General Meeting of the Association. This notification shall be in form of a motion on **Form C** signed by eligible and financial members.
- b) The Chairman of such a meeting shall present the facts of the case and the member or the officer concerned shall be entitled to present his defence.
- c) The decision of the members at such a meeting shall be final and binding.

32. **COMMON SEAL**

The Common Seal of the Association shall be in the custody of the General Secretary and shall be affixed to documents by direction of the Council and shall in every case be attested by the President and the General Secretary of the Association:

Provided that, in the event either or both the President and the General Secretary of the Association being unable to act for any reason, the Common Seal may be attested by such other officer or officers as may be authorised by the Council, to act on a particular occasion.

33. **FINANCIAL DISCIPLINE**

- a) No receipt for any money given to the Association shall be valid unless it is on the Association's official receipt form.
- b) All moneys collected on behalf of the Association by any person shall be a debt due from him to the Association and may, if necessary, be recovered by legal action.
- c) All bank accounts shall be in the name of the Association and all moneys received by or on behalf of the Association shall be deposited into such a bank account.
- d) All cheques issued on behalf of the Association shall be signed by such officers of the Association as may be authorised from time to time by the Council, as drawn from Clause 46 (a) 1 to 4.
- e) The funds and property of the Association shall at all times be vested in the Council.
- f) The Council shall have the power to borrow money, to make loans or grants, to enter into covenants and guarantees, and to grant or accept securities on such terms and conditions as it deems fit.
- g) The funds of the Association shall be spent on lawful and legitimate expenses incurred for and on behalf of the Association and on such matters as are provided for in the Trade Unions Ordinance or ERP 2007.

34. **CUSTODY OF FUNDS**

The Council may from time to time make such rules as are necessary for the purpose of custody, protection and control of the Association's funds and property and may call for such audited financial statements as may from time to time be deemed necessary.

35. **FINANCIAL YEAR**

The financial year shall be the period from the first day of January to the thirty-first day of December in each year.

36. **INSPECTION OF ACCOUNTS**

The books of Accounts shall be open to inspection at all reasonable times, by any financial member of the Association.

37. **AUDITED ACCOUNTS**

A duly audited Income and Expenditure Account and the Balance Sheet of the Association shall be presented at the Annual General Meeting of the Association and similar financial statements in respect of the Branches of the Association shall be presented at the Annual General Meeting of the Branches.

38. **DISCUSSIONS ON ACCOUNTS**

Financial members attending such an Annual General Meeting shall, subject to the permission of the Chairman, be entitled to discuss, speak on, comment, query or seek explanation or move a motion on any item in, or on any matter affecting such Financial Statements.

39. **ELECTION OF AUDITORS**

- a) **Election & Term:** The Annual General Meeting of the Association shall elect one or more auditors who are not holding any office in the Association to audit and report on the accounts and the financial affairs of the Association. In the event of the vacation of office before the expiry of the full term, for any reason by the Auditor, the vacancy shall be filled by the National Council and such appointment shall hold good until the next Annual General Meeting.
- b) **Financial Records:** The audit of the accounts shall include all financial records of and on behalf of the Association whether such record or records are kept at the registered office of the Association or elsewhere.

40. **ACCESS TO RECORDS**

The auditor (or auditors) shall have access to all such records as are necessary for the performance of his duties.

41. **AUDITORS TO ATTEND AGM**

The auditor (or auditors) shall have the right to attend the Annual General Meeting and shall at all times be entitled to speak on matters which in any way affect him in his capacity as an auditor.

42. **FUNDS & SCHEMES**

In the event of the Association establishing a benevolent fund or any other similar scheme, all moneys received or paid by the Association in respect of such scheme shall be accounted for in a separate fund which shall be administered in accordance with rules made for that purpose. Such rules shall be approved by the Annual or Special General Meeting of the Association.

43. **ASSETS OF THE ASSOCIATION**

- a) **Trust Holdings:** All properties and assets of the Association not required for the immediate administration and operation of the Association, shall be held in trust and be vested in the name of "*The Fiji Public Service Association Trust Holdings*".
- b) **Trust Deed & Procedures:** The Trusteeship shall be established by a Deed of Trust and it shall be administered in conformity with the relevant regulations in force, and shall operate in accordance with procedures devised by the Council.

- c) **Term of Trustees:** The Board of Trustees shall have seven (7) Trustees, all to be appointed by the Council and they shall serve for a term of five (5) years each, or unless their terms are otherwise concluded, and they shall be eligible for re-appointment for another term.
- d) **Nomination of Trustees:** The nomination of Trustees shall be from among the current or immediate past Principal Officers of the Association and they shall be registered in the Trust by their names and not by their titles.
- e) **Nomination of Beneficiaries:** The Beneficiaries shall be nominated by the FPSA Council for stipulated terms and drawn from senior National Councillors other than those officials in Clause 43 (d) above.

44. **EXECUTION OF AGREEMENTS & DEEDS**

- a) **Industrial Agreements:** All industrial agreements or memorandums shall be executed under the common seal of the Association and such documents shall be deemed to have been duly executed if signed by the President and the General Secretary or such other persons as the Council may appoint to act on their behalf.
- b) **Property Deeds:** All deeds, documents of title, securities for money, mortgage or other instruments shall be executed under the common seal of the Association's Trust and such documents shall be deemed to have been duly executed if signed by the Chairman and one other Trustee as directed by a meeting of the Trustees.
- c) **Registration of Agreements:** Each agreement shall be registered with the relevant authorities as necessary.

45. **GOVERNMENT OF THE ASSOCIATION**

- (a) **Delegation to the Council:** The supreme authority of the Association shall be vested in the Annual or Special General Meeting of the Association and subject to that authority, the government and the administration of the Association shall be vested in the Council.
- (b) **Delegation to the Principal Officers:** Subject to authority delegated by the National Council, the Principal Officers shall meet as necessary to attend to the administrative, staffing, financial or the general affairs of the Association between two consecutive Council meetings or when matters of urgent nature arise.

46. **THE NATIONAL COUNCIL**

The National Council shall consist of the following:

- a) National Councillors, elected by National Membership, when elections are due:
 - 1) A National President
 - 2) Three (3) National Vice Presidents, at least one of whom shall be a woman.
 - 3) A General Secretary.
 - 4) A General Treasurer.
 - 5) Four (4) National Councillors - General.
 - 6) Four (4) National Councillors (Youth) who shall be persons aged 35 years and below.
- (b) The President and Secretary of every Branch of the Association;

Provided that the President of any Branch may from time to time nominate another Branch Councillor to represent either him or the Secretary at a National Council Meeting when necessary.
- (c) The immediate Past National President, provided he remains a financial member of the Association, and he shall serve on the Council for one (1) immediate next term with full speaking and voting rights.

47. **PRINCIPAL OFFICERS OF THE COUNCIL**

- a) Persons holding positions listed in sub-clauses 46 (a) (1) to (4) inclusive shall be termed as Principal Officers of the Association. A person to be eligible for nomination as a Principal Officer must have served in the National Council for a minimum of five (5) years.
- b) **Nominations Committee:** When National or Branch elections are conducted, the Nominations Committee shall be derived from this group, with or without co-options of other officials.

48. **POWERS OF THE COUNCIL**

The Council shall have the power to do all such acts as are within the scope of the Constitution.

49. **CO-OPTION OF COUNCILLORS**

In the event of a vacancy occurring in the Council or Office bearers of a Branch of the Association, before the next Annual General Meeting when elections are due, the Council shall have the power, subject to the provisions of Section 67 of this Constitution, to fill such vacancy for the remainder of the term of that vacant position.

50. **FORMATION OF BRANCHES/COMMITTEES**

The Council shall have the power to open such Branches as are necessary and may appoint from time to time committees with such powers and authorities as it thinks fit and may at any time dissolve such Branches or committees or vary their composition.

51. **EMPLOYMENT OF STAFF**

The Council shall have the power to act as an employer for and on behalf of the Association and may employ upon such terms and conditions and at such remuneration as it decides, such employees as may be deemed necessary.

52. **RULES & REGULATIONS**

The Council shall have the power to make such Rules and Regulations and issue such instructions as are necessary for the conduct of the affairs of the Association.

53. **INTERPRETATION OF THE CONSTITUTION**

The decision of the Council on the construction or interpretation of the Constitution, Rules or Regulations of the Association shall be conclusive and binding on all members unless set aside or varied at an Annual or Special General Meeting of the Association.

54. **ELECTION & TERMS OF COUNCILS**

- a) **Election of Councillors:** The Officers of the Council shall be elected at an Annual General Meeting of the Association and the office bearers of the Branches shall be elected at an Annual General Meeting of their respective Branches, when due.
- b) **Term of Councillors:** The Officers of the National Council, and the Officebearers of the Branches shall hold office for a period of three (3) years and until replaced by an Annual General Meeting.

55. **THE NATIONAL PRESIDENT**

- (a) **Chairperson:** The National President of the Association if present shall preside at all Annual and Special General Meetings of the Association and at all meetings of the Council and the Executive Board.
- (b) **Duties:** He shall be responsible for the proper conduct of the business at such meetings, shall sign the minutes of each such meeting after they are approved and shall endeavour to secure the observance of the provisions of the Constitution of the Association, and shall carry out such other duties as are imposed upon him under the Constitution and any Rules and Regulations made thereunder.
- (c) **Re-Election:** He shall be eligible for re-election.

56. **THE NATIONAL VICE PRESIDENTS and OTHER COUNCILLORS**

- a) **Duties:** The National Vice-Presidents of the Association shall assist the President in performing his duties and shall carry out the functions of the National President when the President is not present or is unable to act for any reason and perform other duties as allocated by the Council.

- b) **Other Councillors:** The officials elected under Clause 46 (a) 5 & 6 shall be allocated duties by the Council pursuant of the objectives of the Association and its Branches and Sub-Groups, and which duties may be varied by the Council from time to time.
- c) **Re-Election:** They shall be eligible for re-election.

57. **GENERAL SECRETARY**

- a) **Attendance at Meetings:** The General Secretary shall be the Administrator General of the Association and attend and record the minutes of the meetings of the Council, the Annual General Meeting, the Special General Meeting, and any other meeting which he is required or directed to attend in his official capacity.
- b) **Duties:** The General Secretary shall conduct all general correspondence and such other matters as the Council may from time to time direct, keep the books, records, and rolls of membership, prepare such reports as may be necessary or required by the Council or any committee, file such returns as may be necessary, inspect records, books and accounts kept by any Branch or kept elsewhere, control the staff of the Association and carry out such other duties as may be allocated to him by the Council.
- c) **Ex-Officio:** He shall be an ex-officio member of all Branches and of the Committees.
- d) **Election:** He shall be elected by secret ballot at an Annual General Meeting and shall be a paid officer of the Association when elected. He shall hold office at the pleasure of the Association.
- e) **Qualifications:** Nominees for the post of General Secretary shall meet the following qualifications and experience criteria in addition to the requirements of the ERP 2007:
 - (1) He shall have a sound administrative and Trade Union back-ground and a good working knowledge of all labour legislation.
 - (2) He shall have sufficient and proven advocacy skills and experience to represent the Association in negotiations, trade disputes settling procedures and arbitration proceedings.
 - (3) A nominee shall have current or prior membership and service with the Association as a Principal Officer for a minimum of five (5) years.
 - (4) He shall not be convicted of any fraudulent activities prior to his nomination and he shall not be a declared bankrupt or have a receiving order against him.

- (5) He shall have acquired a sufficiently high standard of literacy so as to enable him to perform his duties effectively and participation in Industrial Relations courses from recognised tertiary institutions would be advantageous.
 - (6) He shall have a commensurate ability and record in planning for, building, operating and maintaining assets and creating a sustainable investment environment of sufficient level and he should have shown initiative and capability in managing substantial commercial enterprise/s for the continued viability and sustainability of the Association's assets and resources.
- f) **Acceptance of Nominations:** The Nominations Committee shall not accept any nominations for the post of General Secretary from persons who do not meet the foregoing requirements, or persons who do not accept terms and conditions offered;
- Provided however,** in the absence of such nominee(s) meeting the full criteria, and during any mid-term vacancy of the position arising, the National Council shall be empowered to accept nomination(s) suitable in the circumstances.
- g) **Re-Election:** He shall be eligible for re-election.

58. **GENERAL TREASURER**

- a) **Duties:** The General Treasurer shall be responsible for the accounting of all receipts, expenditure and investments of moneys on behalf of the Association, and for writing, recording and preparing the books of accounts and all accounting records, for the safe custody of such books and records and for preparing the Income and Expenditure account and the Balance Sheet and any other financial statement that may be necessary.
- b) **Compliance:** The General Treasurer shall comply in all respects, with the requirements of the provisions relating to financial matters in the Trade Unions Ordinance or ERP 2007 and Regulations made thereunder, and shall prepare, without undue delay, all financial statements which may be required of him by the Council or under the provisions of the Trade Unions Ordinance or ERP 2007.
- c) **Qualifications:** Nominees for the post of General Treasurer shall meet the following qualifications and experience criteria in addition to the requirements of the ERP 2007:
 - (1) He shall have a financial and Trade Union background and a working knowledge of all labour legislation.
 - (2) He shall have sufficient and proven skills and experience and appropriate accounting qualifications to prepare and present reports to meetings of the Association as directed by the Council.

- (3) A nominee shall have current or prior membership and service with the Association as a Principal Officer or National Councillor for a minimum of five (5) years.
- (4) He shall not be convicted of any fraudulent activities prior to his nomination and he shall not be a declared bankrupt or have a receiving order against him.
- d) **Acceptance of Nominations:** The Nominations Committee shall not accept any nominations for post of General Treasurer from persons who do not meet the foregoing requirements, or persons who do not accept terms and conditions offered,

Provided that, in the absence of such nominee(s) meeting the full criteria, and during mid-term vacancy of the position arising, the National Council shall be empowered to accept nomination(s) suitable in the circumstances.
- e) **Re-Election:** He shall be eligible for re-election.

59. **BRANCH PRINCIPAL OFFICERS**

The duties of the President, the Vice-President or Vice Presidents, the Secretary and the Treasurer of any Branch shall be the same as provided for in Sections 55 to 58 of this Constitution except that their duties shall relate to their respective Branches.

60. **VOTING PRIVILEGES**

The General Secretary and the General Treasurer, if not financial members of the Association, shall be entitled to speak on any issue which is being deliberated but shall not vote on the matter nor shall form part of the quorum.

61. **LIABILITY OF OFFICERS**

Every Officer or member of the Association shall be liable for such sums of money or moneys as he actually receives for and on behalf of the Association, but shall not be liable for any loss, damage or misfortunes which may arise in the course of the proper execution of his duties unless the same shall happen through his own wilful act, neglect, default or omission.

62. **NOTICES TO MEMBERS**

- (a) **Delivery of Notices:** Unless expressly otherwise provided in this Constitution, a notice may be given to any member, by or on behalf of the Association, or the Council, or any Committee, or, the General Secretary, or any authorised Officer, either by personal delivery or by sending it by post to him to his usual or last known place of abode or place of business.

- (b) **Publication of Notices:** A notice may be published by advertisement in any local English language newspaper or in the Association's journal.

63. **PRELIMINARY NOTICE OF MEETING**

The General Secretary shall cause a preliminary notice prescribed in Form "A1" to this Constitution, to be published in one (1) local English language newspaper at least four (4) weeks before the day of an Annual General Meeting, inviting nominations for officers to the Council (when due) and any motion(s) members may wish to move at the Annual General Meeting.

64. **CONFIRMATORY NOTICE OF MEETING**

- (a) **Publication:** The General Secretary shall cause a confirmatory notice as prescribed in Form A2 to be published in one (1) local English language newspaper specifying date, time and place and the nature of the business to be transacted at the Annual or a Special General Meeting and such a notice shall be published at least fourteen (14) clear days before the day of the Meeting.
- (b) **Issue of Journal:** The confirmatory notice shall also be published in the Association's journal giving all details of valid nominations and full details of valid motions received, and the schedule of balloting at work places and at other centres, at least ten (10) clear days before the day of the meeting. Such publication shall be deemed to have the same effect as if the Members were served with personal notice.

65. **NOTICE FOR COUNCIL MEETINGS**

At least three (3) clear days' notice shall be given of any meeting of the Council, the Executive Board, committee, or Branch executives, but if such a meeting is attended by all the members they may pass a resolution dispensing with the requirement of such a notice for the purpose of that particular meeting. The Notice shall contain an Agenda for such meetings, which shall generally be based on matters prescribed for AGMs, but modified and adapted to suit quarterly or other periods or circumstances.

66. **NOMINATION OF OFFICERS**

- (a) **Form B/Convictions:** Nominations for appointments to the National Council and the Branch Executive Committee shall be in Form "B" to this Constitution, filled in accordance with instructions thereon. No nominations to an officebearer position of the Association shall be accepted from a person who has been convicted of any crime involving fraud, dishonesty or extortion.
- (b) **Proposers/Consent/Delivery:** Such nominations shall be signed by at least three (3) financial members of the Association, who have been members in good standing for at least two (2) consecutive years for National Posts, and one (1) year in case of all Branches. The Nominees shall endorse and date their consent on the forms which shall be delivered to the General Secretary so as to reach him at least fourteen (14) clear days before the date of an Annual General Meeting in which elections are to be held.

- (c) **Scrutiny of Nominations:** The Principal Officers of the Council shall be the Nominations Committee which shall, after the due closing dates and times, receive and endorse all nominations that were properly delivered and scrutinize the same to certify their validity etc.
- (d) **Declaration of Interests:** Should nominations for vacancies for Principal Officers be tabled before the Nominations Committee, then the Committee Member/s seeking re-election for the same position/s shall declare his/their interest/s and shall not participate in the scrutiny and certifying of their respective nomination/s.
- (e) **Withdrawal of a Nomination:** Should a candidate whose nomination was delivered by the advertised deadline (as provided in 66 [b] above), wish to withdraw from that election, he shall deliver a signed and witnessed declaration no later than within 72 hours of the closing time and date.

67. **QUALIFICATION OF CANDIDATES**

Except for posts provided in Clauses 57 & 58, no person shall be nominated or accept appointment or be eligible to hold any office unless he is and has been a financial member of the Association for at least three (3) preceding years prior to, and in good standing, on the nomination date in case of the National Council and one (1) year in case of Branches. In cases of newly recruited persons who are candidates and proposers in a newly created Branch, the qualifying period under this clause shall be one (1) year for the inaugural elections. To qualify for a Youth Councillor, a nominee has to be a financial member of the Association for at least 18 months prior to the nomination date of the National Council.

68. **INVALIDATION OF NOMINATIONS**

No one person shall be nominated for more than one office, and where a person has signed his consent on the nomination forms for more than one office, then all his nominations shall be deemed to be void.

69. **OFFICE DEEMED VACANT**

Where no nomination is received for any office, such office shall be deemed to have become vacant after the election and the Council shall have the power to fill such vacancy.

70. **SUBMISSIONS OF MOTIONS**

Unless expressly otherwise provided in the Constitution, motions for discussion and decision at an Annual or Special General Meeting shall be sent in Form "C" to this Constitution so as to reach the General Secretary at least fourteen (14) clear days before the day of such meeting.

71. **MOTIONS MOVED AT MEETINGS**

A motion, may be moved and seconded to decide any issue under deliberation or on any matter affecting such an issue, or on any other matter or issue;

Provided that, the chairman of the meeting in his sole discretion may, if he decides that the notice of such a motion should have been sent in accordance with Section 70 of this Constitution, refuse permission to move such a motion.

72. **NATIONAL ANNUAL GENERAL MEETINGS [NAGM]**

- (a) **Date for NAGM:** The National Annual General Meeting of the Association shall be held as soon as practicable but not later than three (3) calendar months after the close of the financial year.
- (b) **Composition of NAGM:** The National Annual General Meeting, or a Special National General Meeting, of the Association shall consist of the National Councillors under Clause 46, and Branch Delegates as nominated by the Branches under Clause 87.
- (c) **Branch General Meetings:** The Annual General Meeting of Branches of the Association shall be held at least once every year at such time and place as the Council directs.

73. **BUSINESS AT NAGM**

- (a) **NAGM Agenda:** The business of the Annual General Meeting shall be:
 - 1) To receive report of the Council, (or the Branch Executive Committee, as the case may be), to review the activities of the Association (or the Branch, as the case may be) and to plan future policy.
 - 2) To receive the audited accounts for the previous year and to consider the financial position.
 - 3) To consider motions, if any, of which due notice has been given to the General Secretary.
 - 4) To elect office bearers when elections are due under the provisions of this Constitution.
 - 5) To appoint Auditor or Auditors.
 - 6) To discuss such other business or matter as the Chairman of the meeting may permit.

- (b) **Adherence to NAGM Agenda:** The National Annual General Meeting shall deal with such business as is notified in the agenda and no other business shall be dealt with except with the approval of the Chairman of the meeting.
- (c) **Reports for the NAGM:** Copies of the following papers shall be forwarded to members in advance, but not later than seven (7) days before the date of the Annual General Meeting:
 - (1) Minutes of the last Annual General Meeting
 - (2) Annual Report of the year under review
 - (3) Annual Financial Statements

74. **SPECIAL GENERAL MEETINGS [SGM]**

- (a) **Calling of SGM:** The Council may, at any time cause to be called, at such place, date and time as it deems necessary, a Special General Meeting of the Association or any Branch of the Association.
- (b) **Petition for a SGM:** A Special General Meeting shall be called within one calendar month if a request for such a meeting is made in writing stating the reasons and the business to be transacted thereat, by twenty (20) per centum or more of the members entitled to vote at such a meeting.
- (c) **SGM Agenda:** A Special General Meeting shall deal only with the business for which it is convened.

75. **CONVENING OF OTHER MEETINGS**

The Council shall have the power to call at any time, any meeting of the Association or its Branch, sub-branch, section, class or group, or any committee, at such place, date and time as it deems necessary.

76. **ADJOURNMENT OF MEETINGS**

- (a) **Adjournment Permitted:** A meeting may be adjourned from time to time.
- (b) **Notice for Re-Convening:** At least three clear days' notice shall be published to hold a meeting which was adjourned:
 - (1) For a period not exceeding seven days and where no declaration of time, date and place of resumption was made;
 - (2) For a period of more than seven days.
- (c) **Outstanding Agenda:** An adjourned meeting when resumed shall only deal with the matter or matters outstanding on the agenda paper of the meeting so adjourned.

77. **SPEAKING PRIVILEGES**

No person shall speak on any issue without the permission of the Chair of the meeting. The Chairman shall have the power to order him to resume his seat at any time:

Provided however, that permission shall not be withheld if the subject on which the member wishes to speak is pertinent to the business being transacted.

78. **DECISIONS & CASTING VOTE**

Decisions at any meeting shall be taken by majority votes. In the event of equality of votes the Chairman of the meeting shall have a casting vote.

79. **RECORDING OF MINUTES**

Minutes shall be kept of the proceedings of all meetings.

80. **ABSENCE FROM MEETINGS**

- (a) **Absence of an Official:** When an officer absents himself from a meeting without any legitimate excuse or has not notified his inability to attend and the officers present at the meeting are not aware of any reason for the absence of such an officer, the meeting may pass a resolution noting the absence without excuse of such an officer:

Provided however, that absence of such a reasonable resolution shall be deemed to mean that the absence of such a member was excused by the meeting.

- (b) **Deemed Resignation:** Where an officer absents himself for three (3) consecutive meetings without excuse, in accordance with the provisions of paragraph (a) of this section, he shall be deemed to have resigned forthwith from his office and his office shall be deemed to have become vacant.

81. **QUORUM**

- (a) **Quorum at NAGM or NSGM:** At any National Annual or National Special General Meeting of the Association, a quorum shall be constituted of not less than thirty percent (30%) of the members eligible to vote thereat.
- (b) **Quorum at Branch AGM or SGM:** The quorum requirements for Branch Annual or Special General Meetings shall be twenty percent (20%) of the members eligible to vote thereat.
- (c) **Quorum at Other Meetings:** At any other meeting, a quorum shall consist of:
- (1) Not less than thirty-three and one-third per cent of the members thereof where the total number of such members is not less than twenty-one (21);

- (2) Not less than fifty per cent of the members thereof where the total number of such members is twenty (20) or less;

Provided that, in no case a quorum shall consist of fewer than five (5) members.

- (d) **Quorum at Committee Meetings:** Where any committee appointed by the Council consists of less than ten (10) members, the quorum shall consist of the presence of two-thirds of the members thereof.

82. **VOTING**

- (a) **Secret Balloting:** All decisions taken by a meeting of the Association in respect of the following matters shall be by secret ballot cast at National or Branch AGM or SGM, and/or by conduct of secret balloting by financial members at their work places or at other advertised centres:

- (1) Election of officers;
- (2) Determination of membership subscription and levies;
- (3) Amendment to or replacement of the Constitution of the Association;
- (4) Amalgamation of the Association with another Association;
- (5) Federation of the Association with any other trade union or with a trade union federation;
- (6) Dissolution of the Association;
- (7) All matters relating to strikes and lockouts.

- (b) **Show of Hands:** Unless expressly stated otherwise, voting on all other matters shall be by show of hands:

Provided that, if requested by the mover and agreed to by two-thirds of the members personally present, voting shall be by means of secret ballot.

83. **VOTING AT ELECTIONS**

Every member voting at any election shall record his vote for the like number of candidates as there are vacancies.

84. **DECLARED ELECTED**

If the number of candidates nominated for any office equals the number of vacancies, the Chairman of the meeting shall declare those nominated to be duly elected.

85. **EQUALITY OF VOTES**

In the event of two or more candidates gaining equal number of votes, the Chairman of the meeting shall have a casting vote, drawn by a lot.

86. **PROXY NOT ALLOWED**

On any question before any meeting of the Association, each member present shall be entitled to one vote and a member if not present at any such meeting shall not be entitled to vote by proxy.

87. **VOTING BY BRANCH DELEGATES**

Notwithstanding the provisions of section 86 of this Constitution:

- (a) **Representation of Branches:** At every National Annual or Special General Meeting of the Association, every Branch thereof shall be entitled to be represented in accordance with the provisions of this section.
- (b) **Branch Delegates:** A Branch shall be entitled to send to the NAGM:
 - 1) One delegate for every fifty (50) members thereof eligible to vote at such a meeting.
 - 2) One additional delegate where the total exceeds a multiple of fifty.
- (c) **Appointed Branch Delegates:** Before the commencement of any such National Annual or Special General Meeting, a statement signed by the President and the Secretary of each Branch shall be delivered to the General Secretary giving the number and names of Delegates appointed by the Branch General Meeting to represent the Branch at the National General Meeting.

88. **ROLL OF VOTERS**

For the purpose of voting on any issue at any Branch, sub-branch, section, class or group level, the members eligible for voting shall be the members who are listed on the last roll or rolls and who have not since resigned or have been suspended or expelled:

Provided that, a new member falling within that category shall be entitled to vote in the proceedings of a meeting of his respective category.

89. **RESULTS OF VOTING**

The Chairman of the meeting shall declare the results of the voting and such results shall be recorded in the minutes of that meeting.

90. **BALLOT VOTING PROCEDURE**

The procedure to be followed in taking the secret ballot shall be as follows:

- (a) **Ballot Committee:** The ballot shall be conducted by a committee of three persons who are not contesting for any office. The members of the committee shall be nominated by the Chairman of the Nominations Committee and shall consist of at least two members who are not the officers of the Association.

- (b) **Rolls & Ballots:** The General Secretary shall provide the committee responsible for conducting the ballot, a roll or rolls of members entitled to vote, an adequate supply of ballot papers and a suitable ballot box fitted with lock and key.
- (c) **Issue of Ballots:** The committee shall hand over the ballot paper to each member entitled to vote and at the same time mark off his name on the list of members.
- (d) **Confirmation of Issue:** A declaration jointly signed by the members of the committee that a ballot paper was handed to each member marked off on the list of members, shall be conclusive proof that the ballot paper was handed to each such member.
- (e) **Casting of Ballots:** The member voting shall, after marking the paper, fold it so as to cover the marking and deposit it in the ballot box.
- (f) **Certificate of Results:** The ballot papers shall be examined and the votes counted by the committee and a certificate which shall be signed by all the members of the committee shall state:
 - 1) The number of ballot papers handed out;
 - 2) The number of votes cast;
 - 3) The number of votes declared informal; and
 - 4) The number of votes in favour of each candidate or, the number of votes in favour and against the issue to be decided.
- (g) **Informal Votes:** A voting paper shall be declared informal in any of the following cases:
 - 1) If the voter is disqualified from voting under any provision of the Constitution;
 - 2) If the number of candidates whose names have been struck out is greater than the number of vacancies to be filled;
 - 3) If the name of the voter appears on the voting paper;
 - 4) If the committee elected to conduct the ballot has issued any specific material instructions which have not been followed by the voter.

91. **VOTING WHEN SUBSCRIPTIONS IN ARREARS**

Ineligibility to Vote: A person shall not be entitled to vote at a Special General Meeting of the Association or a Branch of the Association if:

- (a) In the case of a person who has elected to pay his subscription otherwise than by way of deductions from his salary, he was in arrears of subscription for more than thirteen weeks as at the date one (1) calendar month preceding the day of the Special General Meeting;

- (b) In the case of a person who has elected to pay his subscription by way of deductions from his salary, the deductions from his salary have ceased for more than thirteen weeks as at the date one (1) calendar month preceding the day of the Special General Meeting.

92. **BRANCH & OTHER SUB-GROUPS**

- (a) **Council Resolution:** The Council shall have the power to establish or dissolve, by its resolution, such Branches or sub-group of the Association, as it deems necessary.
- (b) **Branch Status:** Existence of, or absence of, any such resolution shall be a conclusive proof of the existence or non-existence, as the case may be, of such a Branch or sub-group.
- (c) **Territorial Scope of a Branch:** The Council shall in its resolution declare a Branch to consist of, or excluding members falling within a specialised geographical area or members falling under department, statutory body, sub-branch, section, class or group.
- (d) **Composition of Branch Committee:** The Council shall state in its resolution the composition of the Branch Executive Committee. Where a Branch consists of members falling under any sub-branch, section, class or group, the Branch Executives shall, wherever possible, include at least one representative of such a category/ies in general or aggregate proportional to that/those group/s.
- (e) **Notice & Agenda:** The Notice and Agenda for meetings of Branches and sub-groups shall generally follow that prescribed for the National Council, with suitable modifications to suit the occasion and the Branch.

93. **POWER OF NATIONAL COUNCIL**

The Council shall have the power to establish or dissolve or amend existing category/ies by its resolution, such sub-branches, sections, classes or groups or other constituent bodies or wings within the Association, as it deems necessary.

94. **ROLLS OF MEMBERS OF BRANCHES**

The Council shall cause to be maintained a separate roll of members in respect of each Branch, sub-branch, section, class or group or other constituent body established within the Association.

95. **DELEGATION TO BRANCHES**

The Council may from time to time delegate such powers and authorities as it deems necessary to the Branch Executives. The Council shall have the power to vary, from time to time, such powers and authorities.

96. **AMENDMENTS TO THE CONSTITUTION**

All amendments to the Constitution of the Association shall be made by secret ballots cast at the Annual or Special General Meeting of the Association, and/or by conduct of secret balloting by financial members at their work places or other advertised centres, and shall be in accordance with the provisions of this section:

- (a) **Criteria for Proposal of Amendments:** A notice in writing in Form “D” to this Constitution, signed by at least three (3) financial members of the Association, who have been members in good standing for at least two (2) consecutive years, setting out the motion intended to be moved to add to, delete or amend any provision of the Constitution, together with the intent and objectives of the motion, shall be sent to the General Secretary so as to reach him at least fourteen (14) clear days before the day/s fixed for such a meeting and/or balloting. A duly constituted National Council meeting shall be empowered to originate by its resolutions motions for such purposes.
- (b) **Referral to the Council:** The General Secretary shall call a meeting of the Council and shall table all such notices of motions received under section (a).
- (c) **Publication of Motions:** The Council shall cause to publish all such motions in accordance with the provisions of Section 64 of this Constitution.
- (d) **Approved Motions:** The General Secretary shall submit all such approved amendments to the Registrar of Trade Unions within fourteen (14) days of such a meeting being concluded or secret balloting conducted.
- (e) **Publication of Amendments:** Amendments to the Constitution may, after they have been approved by such a meeting and the Registrar be published in the Association's journal or in such other manner as the Council may determine from time to time. Such publication shall be deemed to have the same effect as if members were served with personal notice.

97. **STRIKES AND DISPUTES**

- (a) **Reporting of Disputes:** In the event of any dispute arising between a member and his employer:
 - (1) The member concerned shall make the same known to the General Secretary directly or through the Secretary of his Branch in accordance with his service conditions and/or ERP 2007;
 - (2) The General Secretary shall, if he thinks necessary, immediately place the complaint before the Council;
 - (3) The Council shall issue such directive to the President or to the General Secretary, as it deems necessary.

- (b) **Disputes with Employers:** In the event of any dispute arising between the Association and any employer whose employees are members of the Association, the Council shall deal with the dispute in such manner as it thinks fit.

98. **DECISION TO STRIKE**

Any decision to call a strike or lockout shall be taken by a secret ballot of members.

99. **COUNCIL AUTHORITY**

A strike shall not be called or a lockout declared without the express authority of the Council:

Provided that, Council in its sole discretion may confine the ballot to only those members who will or are likely to be involved in the strike.

100. **AMALGAMATION**

Conditions for Amalgamation: The Association shall not amalgamate with any other Association unless:

- (a) A secret ballot on the proposed amalgamation is taken at the Annual or Special General Meeting of the Association; and
- (b) A least half the votes of the members eligible for voting are cast and recorded; and
- (c) At least two-thirds of such votes cast and recorded are in favour of the amalgamation.

101. **DISSOLUTION**

Mandatory Provisions: The Association shall not be dissolved unless:

- (a) It is required to be dissolved in pursuance of any law existing at the time.
- (b) In the case of voluntary dissolution due notice of which has been given:
 - (1) A secret ballot is held at an Annual or a Special General Meeting of the Association; and
 - (2) At least seventy-five (75) per centum of the members eligible for voting cast and record their votes; and
 - (3) At least two-thirds of such votes cast and recorded are in favour of the dissolution of the Association.

- (c) The provisions of paragraph (b) of this Section shall not apply if the voluntary dissolution becomes necessary in order to amalgamate with any other Association. In such an event, approval to amalgamate with another Association shall be deemed to be an approval to dissolve voluntarily for that purpose.
- (d) When the substantive motion to dissolve the Association is approved, it shall be deemed to have similar effect on the Association's Trust and other constituent bodies previously formed by the Association.

102. **DISPOSAL OF ASSETS**

In the event of the Association being dissolved, all debts and liabilities lawfully incurred on behalf of the Association shall be discharged first and the remaining funds of the Association, if any, together with the nett proceeds (if any) of disposal of assets and properties held by the Association's Trust (excluding any provident, welfare or credit union fund which may have been established), shall be distributed equally among the financial members at the date of dissolution in a manner to be decided by the Council. Such distribution shall be subject to the approval of the Registrar of Trade Unions.

103. **EFFECTIVE DATE**

- (a) **Approval by the Registrar:** This Constitution shall become effective from the day it is approved and registered by the Registrar of Trade Unions.
- (b) **Transitional Provisions:** The officers of the Association and its Branches elected at the last preceding Annual General Meeting shall be deemed to be the officers elected under this Constitution:

Provided that, in the event of the number of Officers elected at the last preceding Annual General Meeting falling short of the number of Officers required to constitute the Officers of the Council under this Constitution, the Council shall be deemed to have the power under the provisions of Section 49 and Section 69 of this Constitution to fill the vacancy or vacancies so caused.

- (c) **Exemptions:** The provisions of Section 67 of this Constitution shall not apply to officers who are deemed to be the officers under the provisions of paragraph (b) of this Section.

104. **FORMER CONSTITUTION**

This Constitution shall repeal and replace the former Constitution, and any Rules made thereunder, from the date this Constitution becomes effective.

....oo0oo....



Fiji Public Service Association
Preliminary Notice of Meeting (Clause 63)
Annual General Meeting

(a)

1	In accordance with Clause 63, this Preliminary Notice is hereby given to Members of the Fiji Public Service Association that the National Annual General Meeting of the Association or FPSA Branch, shall be convened on or about	(b)
2 (day) (date)	(c)
3	The exact place, date and time and the nature of business (<i>Agenda</i>) shall be published at least fourteen (14) clear days before the day of the Meeting in a Confirmatory Notice pursuant to Clause 64(a). Further details of Nominations, Motions and balloting (if any) will also be published in FPSA's Journal, as required under Clause 64 (b).	(d)
4	This Preliminary Notice also invites Nominations (when due under Clause 63) and Motions (under Clauses 70 & 96) that Financial Members may wish to submit for the National or Branch Annual General Meeting. Vacancies exist for following positions:	(e)
5	Nominations and Motions shall be on the respective Forms B, C or D provided for the purpose and may be obtained from the General Secretary or a Branch Secretary of the Association at (address)	(f)
6	All Nominations and Motions MUST be received by the General Secretary prior to 04.00 pm on (Day/Date)	(g)
7	(Signed) <i>General Secretary</i> (Date)	(h)
8	Instructions: a) Insert the "Year" of the National or Branch AGM, as applicable. b) Where applicable, indicate the name of the Branch and delete "National". Alternately, delete reference to "Branch" and insert "number" of National AGM. c) Show the day or date of the Meeting. Under Clause 63, this Preliminary Notice must be issued at least 28 days clear of the proposed date for the AGM. d) Under Clause 64 (a), the exact date will be confirmed 14 days clear of the date of the AGM by the publication of a Confirmatory Notice, plus the Agenda and Motions, notice of which have been received. As per Clause 64 (b), full details of nominations, motions etc shall be published in the Association's journal. e) When elections are due, the word " <i>Nominations</i> " & the vacancies are shown. f) Forms C (<i>Motions</i>) or D (<i>Amendments to the Constitution</i>) shall be used as stipulated in Clauses 70 and 96 resp. In case of an Election year, the individual Vacancies shall be listed in this Preliminary Notice. g) Insert the closing date and time for the Nominations and/or Motions, being 14 days clear of the AGM date at 04.00pm on the nominated date, as stipulated in Clauses 66(b), 70 and 96 resp.	

[Form A1 updated reprint version 2022]



Fiji Public Service Association Confirmatory Notice of Meeting (Clause 64a) Annual General Meeting

(a)

1	In accordance with Form A1 and Clause 63 of FPSA Constitution, a <u>Preliminary Notice of Meeting</u> was published on Pursuant to Clause 64 (a) of the Constitution, this <u>Confirmatory Notice</u> is given to Members of the FPSA National Councillors and appointed Branch Delegates that the National Annual General Meeting of the Association or FPSA (or Branch), shall be convened, as follows:	(b)
2	(Day/Date) (Time) (Venue)	(c)
3	The AGENDA for the FPSA NAGM (or BAGM) shall be: 1) Opening: Quorum, Apologies, Welcome Address. 2) Introduction of and Address by Guest Speaker (if any) 3) Confirmation of Notice & Agenda for the NAGM (or BAGM) 4) Introduction & Roll Call of Delegates to the NAGM. 5) Confirmation of Minutes of Previous NAGM (or BAGM) & Matters Arising. 6) Presentation of National (or Branch) Activities Report & Matters Arising. 7) Presentation of National Audited Financial Reports & Matters Arising. 8) Appointment of Auditors of the Association. 9) Elections of FPSA National (or Branch) Councillors (when due). 10) Motions for the NAGM (or BAGM), if any. 11) General: Other business (with the permission of the Chair).	(d)
4	As required under Clause 64 (b) of the Constitution, details of the valid <i>Nominations (when due)</i> and <i>Motions (if any)</i> for the FPSA NAGM will be published in FPSA's journal <u>Service Worker</u> [Vol..., No. /...] for your information and attention.	(e)
5	The balloting schedule on the Nominations (<i>when due</i>) and Motions (<i>if any</i>) will also be notified in the <i>Service Worker</i> , as necessary.	(f)
6	(Signed) <u>General Secretary</u> (Dated)	(g)
7	Instructions: a) Insert the "Year" of the National AGM [NAGM] or Branch AGM [BAGM], as applicable. b) Insert date of publication of Preliminary Notice. As applicable, indicate the name of the Branch and delete "National". Alternately, delete reference to "Branch" and insert "number and year" of NAGM. c) Show the day, date, time and venue of the Meeting. Under Clause 63, this Confirmatory Notice must be issued at least 14 days clear of the confirmed date for the AGM. d) <u>Agenda</u> : Insert year. As per Clause 73, the stipulated <u>Business at NAGM</u> is to be listed. In addition, any special item may also be included, as necessary, or as directed by the National Council. Select NAGM or BAGM as applicable. e) Insert year. As per Clause 64 (b), full details of nominations (when due), motions (if any) etc shall be published in the Association's journal. When elections are due, the vacancies are published in Form A1. f) Upon receipt of valid motions and contested nominations for the National positions, a balloting schedule is to be printed in the Journal. Nominations & Motions (if any) for BAGMs are published by the Branch Officials.	(h)

[Form A2 updated reprint version 2022]



Fiji Public Service Association

NOMINATION FORM (Clause 66)

Annual General Meeting

(a)

1	We, the undersigned Financial Members of the Association, who qualify under Clause 66 (b), hereby nominate the following candidate, whose details are listed herein, for the FPSA vacancy as per Notice, and who to our knowledge has been for the past three (3) years, and still is, a financial Member of FPSA and in good standing with the Association, as stipulated in Rule 67.				(a)	
2	CANDIDATE	Mr/Ms			(b)	
3	Employer				(c)	
4	Occupation				(d)	
5	Ministry/Dept, Entity and/or Station				(e)	
6	FPSA Vacancy National or Branch				(f)	
7	NOMINATORS (Print)	EDP	Official Designation	Dept/Ministry/Entity	Signature	(g)
8					1)	
9					2)	
10					3)	
11	Nominee's Declaration: I hereby declare that I qualify as a candidate under the Constitution, that I have no objection to my nomination for the said office, and if elected to that office, I undertake to serve faithfully and to the best of my ability within the framework of the Constitution of the Association.				(h)	
12	Nominee's Signature, Date & EDP		(Signature)		Date: EDP	(i)
13	Witness: Print Name, Date, EDP & Sign		(Name) (Signature)		Date: EDP	(j)
14	Instructions: [Print all items legibly] a) Insert Year of the AGM as per Notice of Meeting. b) Enter the registered Name of the Candidate. c) State the Employer of the Candidate. d) Show the occupational post held by Candidate. e) Enter Candidate's Ministry, Dept or Station. f) Insert FPSA Vacancy as per Notice; show the "National" or "Branch" office being contested.				g) Three (3) Nominators must qualify under Clause 66(b). All 5 columns must be filled in each case. h) Declaration by the Nominee. i) EDP and Signature of the Candidate & enter date. j) Print Name, EDP and Signature of Witness, who must be another financial Member (not a Nominator) who himself must possess the qualifications to be a Proposer, plus date.	
15	Important Notes: 1) Clause 67: A Candidate must be financial Member and in good standing for 3 or 1 preceding years. 2) Clause 68: Nominations for more than one person, or for more than one office, on the same form shall invalidate all nominations. 3) Clause 68: Candidate shall not contest more than one office. If he signs more than one such form, then all Nominations are invalidated. 4) Clause 66(b): All 3 Proposers must be financial for 3 years, in good standing, and above 15 years of age.				5) Clause 66(b): In case of newly created Branches, the period above is one year's membership of the new Branch. 6) All Members are to check the provisions of the FPSA Constitution before submitting Nomination Forms. 7) Clause 66(b): Completed Nomination Forms must reach the General Secretary prior to 04.00pm on the date announced in the Preliminary AGM Notice. If it is received after that time, the Nominations Committee may ignore such a Nomination.	

[Form B updated reprint version 2022]

**Form C**

Fiji Public Service Association
NOTICE OF MOTION (Clause 70)
Annual/Special General Meeting

..... (a)

1	We, the undersigned Financial Members of the Association, who qualify under the FPSA Constitution, propose to move the following MOTION at the National Annual or Special General Meeting (<i>above</i>) or at the Branch AGM or SGM					(b)
2	scheduled to be held on (Date) at (place).					(c)
3	PROPOSERS	EDP	Official Designation	Dept/Ministry/Entity	Signature	(d)
4					1)	
5					2)	
6					3)	
7	MOTION READS AS FOLLOWS [Clause 70]					
8						(e)
9	The reasons for moving the motion and the purpose to be achieved are as follows:					
10						(f)
11	<u>Instructions:</u> [Print all items legibly] a) Insert Year of the AGM. Select "Annual" or "Special" as applicable. b) Delete "Annual" or "Special", and Quote the "Branch" name, as applicable. c) Show date and place of AGM or SGM as per Notice of Meeting. d) Full details of three (3) Proposers in each row and each column to be filled. e) Full text of the Motion as proposed. f) Reasons for the Motion, its Aims & Objects. <i>(Use reverse of this sheet as necessary)</i>			<u>IMPORTANT NOTES:</u> 1) Motions cannot be proposed by non-financial Members or those under 15 years of age. 2) Proposers must be present at the AGM to introduce and elaborate on the motion. 3) If Motions are in contravention of the Constitution, they may be declared null and void. 4) One motion only per one form permitted 5) Completed forms are to be with the General Secretary prior to 4pm on the nominated day.		(g)

[Form C updated reprint version 2022]

Form D



Fiji Public Service Association
Notice of Motion for Amendment
to the FPSA Constitution (Clause 96)
Annual/Special General Meeting

(a)

1	We, the undersigned Financial Members of the Association, who qualify under the FPSA Constitution, propose to move the following MOTION under Clause 96 at the National Annual or Special General Meeting or Branch AGM or SGM					(b)
2	scheduled to be held on(Date) at (Place)					(c)
3	PROPOSERS	EDP	Official Designation	Dept/Ministry/Entity	Signature	(d)
4					1)	
5					2)	
6					3)	
7	MOTION READS AS FOLLOWS [Clause 96]					
8	Clause No:					(e)
9	The reasons for moving the motion and the purpose to be achieved are as follows					
10						(f)
11	Instructions: [Print all items legibly] a) Insert Year of the AGM. Select "Annual" or "Special" as applicable. b) Delete "Annual" or "Special", and Quote the "Branch" name, as applicable. c) Show date and place of AGM/SGM as per Notice of Meeting. d) Full details of three (3) Proposers in each row and each column to be filled. e) Full text of the Motion for Amendment. f) Reasons for the Motion, its Aims & Objects. <i>(Use reverse of this sheet as necessary)</i>				IMPORTANT NOTES: 1) Motions cannot be proposed by non-financial Members or those under 15 years of age. 2) Proposers must be present at the AGM to introduce and elaborate on the motion. 3) If Motions are in contravention of the Constitution, they may be declared null and void. 4) One motion only per form permitted 5) Completed forms are to be with the General Secretary prior to 4pm on the nominated day.	(g)

[Form D updated reprint version 2022]

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FPSA CONSTITUTION

Record of Approved Amendments 1990-2002

NOTE: The amendment MOTIONS listed herein were presented at FPSA NAGMs, voted via secret balloting, adopted, and submitted to RTU and Approved & Registered. Some such changes were later superseded by subsequent amendment actions, as relevant.

	AGM & Motion No.	Clause or Sub-Clause	Amendment Introduced
1	1990/01	6 (a) Membership	Add "(iii) <i>Fiji Posts & Telecommunications Limited</i> "
2	1991/01	6 (a) Membership	Add "(iv) <i>National Marketing Authority of Fiji</i> "
3	1991/02	6 (a) Membership	Add "(x) <i>Fiji Pine Limited</i> "
4	1991/03	6 (a) Membership	Add/Amend "(xii) <i>Ports Authority of Fiji</i> "
5	1991/04	6 (a) Membership	Amend "(xv) <i>Ika Corporation Limited</i> "
6	1991/05	6 (a) Membership	Add "(xx) <i>Persons employed by Government Depts which are or may be corporatised/privatised.</i> "
7	1992/02	6 (a) Membership	Amend "(iv) <i>National Trading Corporation Ltd</i> "
8	1993/01	6 (a) Membership	Amend "(iv) <i>National Trading Corp Ltd</i> " to enable hourly paid staff to join
9	1993/02	6 (a) Membership	Amend "(ix) to read " <i>National Fire Authority</i> "
10	1994/01	6 (a) Membership	Amend "(xii) <i>PAF to include casual staff</i> "
11	1995/01	6 (a) Membership	Amend "(iv) <i>National Trading Corp Ltd</i> " include " <i>any of its successors</i> "
12	1995/02	6 (a) Membership	Add " <i>any of its successors</i> " to clauses (v), (vi), (vii), (viii), (x), (xii), (xv) & (xvii).
13	1995/03	6 (a) Membership	Amend "(ix) <i>NFA successors and in all municipalities</i> "
14	1995/04	6 (a) Membership	Amend "(xii) <i>PAF casual staff covered by Agreement</i> "
15	1995/05	6 (a) Membership	Amend "(iv) <i>EDB to read Fiji Trade & Industry Board</i> "
16	1995/06	6 (a) Membership	Amend "(xvi) <i>Sugar Cane Growers Fund Authority</i> "
17	1997/01	4 (a) Objects	Amend Sub Clause (a) enlarged with 4 sub-clauses (i), (ii), (iii) & (iv) to cater for staff in all Govt cases & re-structured entities.
18	1997/02	6 (a) Membership	Whole sub-clause (a) re-issued with updated amendments covering existing and new entries
19	1997/03	46 National Council	(v) Amend to introduce " <i>6 Women & 4 Youth Councillors</i> " (vi) Amend to read " <i>President & Secretary of each Branch</i> "
20	1998/01	6 (a) Membership	Amend (ii) CAAF to read " <i>CAAFI and Airports Fiji Ltd</i> " Add "(xii) <i>Maritime Ports Authority & Ports Terminal Ltd</i> "
21	1998/02	6 (a) Membership	Add "(xxv) <i>Customs & Revenue Authority of Fiji</i> " Add "(xxvi) <i>Fiji Land Transport Authority</i> "
22	1999/01	6 (a) Membership	Add "(xxvii) <i>Public Trustee Corporation Ltd</i> " Add "(xxviii) <i>National Shipping Corporation Ltd</i> " Add "(xxix) <i>Fiji Bureau of Statistics</i> " Add "(xxx) <i>Fiji Hardwood Corporation Ltd</i> "
23	1999/02	46 National Council	(v) Introduce " <i>6 Women & 4 Youth, 4 Suva Govt Depts, and 2 Suva Statutory Bodies Councillors</i> " latter to replace 3 Suva Branches
24	2000/01	4 (a) Objects	Amend "(iv) to add <i>non FTUC affiliated unions</i> "
25	2000/02	6 (a) Membership	Delete "(vii) <i>Fiji National Provident Fund</i> "
26	2000/03	6 (a) Membership	Amend "(xxiv) to add <i>FTUC affiliated unions</i> "
27	2000/04	6 (a) Membership	Add "(xxxi) <i>Occupational Health & Safety Authority</i> " Add "(xxxii) <i>National Road Safety Council</i> "
28	2000/05	6 (e) Membership	Add "(e) <i>past official to Life Membership</i> "
29	2001/01	6 (a) Membership	Add "(xxxiii) <i>Forum Secretariat</i> "
30	2001/02	6 (a) Membership	Add "(xxiv) <i>Persons not eligible for membership of a union affiliated to FTUC</i> "
31	2002/01	6 (a) Membership	Add "(xxxiv) <i>Immigration Dept, Govt Printing and Govt Supplies, which are about to be corporatised or privatised</i> "

FPSA CONSTITUTION

Record of Approved Amendments 2002-2006

NOTES:

- 1) All amendments listed herein were presented at the respective FPSA NAGMs, voted on via secret balloting, adopted, submitted to RTU (Ref TU 20/14), Approved & Registered on the dates shown.
- 2) Items 01 to 14 were presented at the Special General Meeting on 8th November 2002.
- 3) Items 15 to 24 were voted on in September 2003, but results made available in April 2005.
- 4) Items 25 to 37 were adopted by March 2006 AGM and approved by RTU in full in March 2007.

	AGM & Motion No.	Clause & Title	Amendment Introduced	Date Registered
1	2002/01	2 - Definitions	Add <i>"FPSA Trust Holdings"</i>	30.01.2003
2	2002/02	6(a)- Membership	Add a) <i>"(xvii) Persons in Govt Depts which are or may be corporatised or privatized"</i> Add b) <i>"(xiii) Persons in Fiji Institute of Technology"</i>	a) 15.03.2007 b) 28.04.2003
3	2002/03	24 - Discipline	Add Title and changes to clause re <i>"liability"</i>	30.01.2003
4	2002/04	25 - Discipline	Add Title <i>"Referral to Discipline Committee"</i> , minor changes and <i>"Chairperson"</i> identified.	30.01.2003
5	2002/05	26 - Discipline	Add Title <i>"Disciplinary Charges"</i> , <i>"a) Serving of Charges"</i> , and <i>"b) Responses by Persons Charged"</i>	30.01.2003
6	2002/06	43 – Assets	Amend to introduce: <i>"a) FPSA Trust Holding"</i> , <i>"b) Deed of Trust"</i> , <i>"c) Board of Trustees"</i> and <i>"d) Nomination of Trustees"</i>	30.01.2003
7	2002/07	44 – Deeds etc	Amend to add Title: <i>"Execution of Deeds"</i> <i>"a) IR issues by FPSA"</i> and <i>"b) Property/Assets by new Trust"</i> .	30.01.2003
8	2002/08	45 – Government	Add <i>"b) Duties of Principal Officers"</i>	30.01.2003
9	2002/09	49 – Co-option	Add in (b) <i>"for remainder of term of vacancy"</i>	30.01.2003
10	2002/10	57 – Post of General Secretary	Add new sub-clauses: <i>"e) Qualifications x 5 items"</i> , and <i>"f) Duties of Nominations Committee"</i> .	30.01.2003
11	2002/11	58 – Post of General Treasurer	Add new sub-clauses: <i>"c) Qualifications x 4 items"</i> , and <i>"d) Duties of Nominations Committee"</i>	30.01.2003
12	2002/12	66 – Nominations	Amend to add: <i>"a) New qualifications"</i> , <i>"b) Length of Membership"</i> , <i>"c) Supervision by Nominations Committee"</i> and <i>"d) Declarations by Nominations Committee"</i> .	30.01.2003
13	2002/13	67– Qualifications	Amend a) <i>"Qualification provisions for nominees"</i> and Delete <i>"proviso"</i> .	30.01.2003
14	2002/14	96 – Amendments	Amend with changes to Sub-Clause (a) to (e) incl.	30.01.2003
15	2003/01	04 – Objects	Amendments to sub clause 4(a) (1) to (4) inclusive on <i>"Objects"</i> and 4 (h) <i>"medium of Trust"</i> .	15.03.2007
16	2003/02	05 – Politics	Amend title to read <i>"Freedom of Association"</i>	25.10.2005
17	2003/03	06 – Membership	Add <i>"or any of its successors"</i> to sub clauses: (x), (xii), (xix), (xx), (xxi) and (xxxiii)	15.03.2007

(Amendments 2002-2006 – cont'd)

	AGM & Motion No.	Clause & Title	Amendment Introduced	Date Registered
18	2003/04	27 – Discipline	Add new Title & new line on <i>"response by Member"</i>	13.01.2003
19	2003/05	31 – Discipline	Add new Title & use of <i>"Form C"</i> for an appeal:	13.01.2003
20	2003/06	46 – National Council	Amend composition of Councillors to be elected from various districts and divisions etc.	15.03.2007
21	2003/07	47 – Principal Officers	a) Add new definition of <i>"Principal Officers"</i> b) Amend provision for Immediate Past President	15.03.2007
22	2003/08	63 – Notice 64 – 2 nd Notice	63 - Amend to read <i>"Preliminary Notice"</i> 64 (a) - Introduce <i>"Confirmatory Notice"</i> 64 (b)- Publish motions etc in FPSA Journal	25.10.2005
23	2003/09	101 – Dissolution 102 – Assets	101 – Add to (b) <i>"due notice to be given"</i> 101 – Add to (d) <i>"effect on other FPSA bodies"</i> 102 – Add new Title and amend provisions for manner of disposal of assets	25.10.2005
24	2003/10	57 – General Secretary	Amend sub clause (e) (3) by deleting <i>"or National Councillor"</i>	15.03.2007
25	2006/01	02 – Definitions	a) Add new definition on <i>"Principal Officers"</i> b) Add new definition on <i>"National AGM or SGM"</i>	08.06.2006
26	2006/02	03 – Head Office	Provision amended to locate HQ anywhere else	08.06.2006
27	2006/03	06 – Membership	Whole clause revised, updated and new entries shown in a consolidated format (in lieu of all older entries)	15.03.2007
28	2006/04	08 – Constitution	Amend to reflect cost of replacement copies	08.06.2006
29	2006/05	17 – Subscriptions	Amend <i>"\$130.00"</i> to read <i>"\$156.00"</i>	08.06.2006
30	2006/06	28, 29 & 30	Add Titles to Clauses 28, 29 & 30 on Discipline	08.06.2006
31	2006/07	46 – National Council	Whole clause revised to cater for third Vice President, 4 Women & Youth Councillors, Branch Delegates, Immediate Past National President and replacing 6 Suva based councillors.	03.01.2007
32	2006/08	54 – Office terms	Add Title and change all Councils to 3 year terms	08.06.2006
33	2006/09	55 & 56 – Post of Principal Officers	Add Titles and minor changes to both clauses, and specify duties for Vice Presidents	08.06.2006
34	2006/10	59 & 60 – Branch	Add Titles and minor amendment	08.06.2006
35	2006/11	68 & 69 – Nominations	Add Title and minor amend to clause	08.06.2006
36	2006/12	72 – Meetings	Add new Clause (b) on the composition of NAGM and SNGM, i.e. National Council & Branch Delegates	15.03.2007
37	2006/13	81 – Quorum	a) NAGM & SNGM, amended to be 30% b) Branch AGM & SGM remains at 20%	03.01.2007
38	2006/14	85 – Casting Vote	Amend to read <i>"Chairman to draw by lot"</i>	26.02.2007
39	2006/15	87 – Branch Delegates	a) Add new Title b) Delete sub clauses (c) (d) & (e) c) Insert new clause (c) <i>"Branch AGMs to elect Branch Delegates and forward names to NAGM"</i>	15.03.2007
40	2006/16	92, 93, 94 & 95	Addition of Titles and minor amendments	03.01.2007
41	2006/17	General	Motion to add Titles to Clauses & Sub Clauses	03.01.2007
42	2006/18	Forms A B C D	Adopt revised versions for the four forms	03.01.2007



Record of 2011 Amendments to FPSA Constitution [2007 Edition]

Presented to 68th NAGM, 19th March 2011,

Approved by RTU on 01st May 2011 (Ref TU 20/14)

Motion #	Clause #	Clause Title	APPROVED Amendment
1	2	Definitions	Insert new line 8: "ERP 2007" means "Employment Relations Promulgation, Decree #36 of 2007"
2	3	Office	Insert new sub-clause "(b) <u>Contact Addresses</u> : The postal and other contact addresses of the Head Office shall be as determined by the Council from time to time."
3	3	Office	Amend old (b) to read: "(c) <u>Notification</u> :" and in line 1, amend 'address' to "addresses."
4	4	Objects	Sub Clause (f): Line 2, after 'reconciliation' insert: "mediation"
5	4	Objects	Sub Clause (g), Line 2. In line 3, after 'manner', insert: "where possible and viable."
6	4	Objects	Sub Clause (i), Line 2. After 'benefits', insert: "where possible and viable."
7	6	Membership (a)	Item (5), Delete 'National Trading Corp' Insert "Agro Marketing Ltd"
8	6	Membership (a)	Item (8), Delete 'Fiji Visitors Bureau' Insert "Tourism Fiji"
9	6	Membership (a)	Item (32), Delete 'FIT', Insert "Fiji National University"
10	6	Membership (a)	Item (36), Delete 'MPAF', Insert "Fiji Islands Maritime Safety Authority or Maritime Safety Authority of Fiji."
11	6	Membership (a)	Item (39), Insert "or Water Authority of Fiji"
12	6	Membership (a)	Item (40) Delete 'FMIB', (Duplicate of item 22)
13	6	Membership (a)	Insert new Item (40), "Bio-Security Authority of Fiji."
14	6	Membership (b)	(2) Delete '\$24.00', Insert "\$48.00"
15	9 (a)	Age Limitations	In line 1, delete 'under age of sixteen,' Insert "aged fifteen (15) years and over"
16	9	Age Limitations	Delete sub-clause (b) altogether.
17	10	Application	(b) 4 th Line, after 'by him', insert "less any amounts accrued or owed by him to the Association"
18	12	Financial members	Insert new sub-clause (c): " <u>Arrears Arising</u> : A Member shall always be responsible to settle any subscription in arrears that may arise and accrue for any reason."
19	15 (b)	Re-Admission	In the last line, add: "and for the intervening period to the date of reinstatement."
20	19 (b)	Membership Rolls	Delete 'Trade Union Ordinance', insert: "ERP 2007"
21	33 (d)	Financial Discipline	Sub-clause (d), after 'Council' insert, "as drawn from Clause 46 (a), 1, 2 & 3"

(2011 Amendments – cont'd)

22	43	FPSA Trust	Insert new Sub-Clause (e): " <i>Nomination of Beneficiaries</i> . The Beneficiaries shall be nominated by the FPSA Council for stipulated terms and drawn from senior National Councillors other than those officials in Clause 43 (d) above."
23	44	Agreements & Deeds	Insert new sub-clause as follows: "(c) <u>Registration of Agreements</u> : Each agreement shall be registered with the relevant authorities as necessary."
24	46 (b)	National Council	In the proviso, amend 'him/her' to read "him"
25	46 (c)	National Council	Lines 1 & 2, amend 'he/she' to read "he"
26	56	National VP	Add to title: "and Other Councillors"
27	56 (b) & (c)	National VP	Amend 'b' to read "c". Insert new sub clause (b): " <u>Other Councillors</u> : The officials elected under Clause 46 (a), 5 & 6 shall be allocated duties by the Council pursuant of the objectives of the Association and its Branches and Sub-Groups, and which duties may be varied by the Council from time to time."
28	57 (b)	General Secretary	In line 1, after "shall", insert: "be the Administrator General of the Association and"
29	66 (b)	Nominations (Proposers)	1) In line 3, after 'years', insert "for National Posts" 2) In Line 3, after 'of', inserted "all Branches." 3) In line 4, Delete 'newly recruited persons forming a new Branch
30	67	Qualification of Candidates	In line 4, after 'National Council', insert: "and three (3) years in case of Branches."
31	82	Voting	In line 2, after 'ballot', insert: "cast at National or Branch AGM or SGM, and/or by conduct of secret balloting by financial members at their work places or at other advertised centres."
32	92 (a)	Council Resolution	In line 2, after 'Branches', insert: "or sub-group"
33	92 (b)	Council Resolution	In line 3, after 'Branch', insert: "or sub groups"
34	97 (a)	Disputes	In line 2 of (a) (1), after 'Branch', insert: "in accordance with his service conditions and/or ERP 2007;"
35	Form A	Section 4	In Line 3, amend "existing" to read "exist"
36	Form A	Section 5	In Line 1, after "D", insert "provided".
37	Form A	Instructions (e)	After 'vacancies', insert "are"
38	Form B	Note (1)	In line 2, after 'for 5', insert "3 or 1"
39	Form B	Note (4)	Delete whole 'Note 4' (Re-number remaining notes)
40	Form B	(Old) Note (5)	Delete '16', insert "15"
41	Form C	Note (1)	Delete '16', insert "15"
42	Form D	Note (1)	Delete '16', insert "15"



Fiji Public Service Association
Record of 2014 Amendments to FPSA Constitution [2007 Edition]
 Presented to 71st 2014 NAGM, 15th March 2014, Approved by RTU on 01 May 2014

Motion No.	Clause No.	Clause Title	Approved Amendment
2014/01	6 (a)	Membership	To Item 7, add “or Commerce Commission of Fiji” To item 38, add “or National Road Authority” After line 40, insert “(41) Nasinu Town Council” After line 41, insert “(42) Matrix Security Services”
2014/02	12	Financial Members	Insert new sub-clause: “(d) <u>Alternate Method</u> : In the event that the foregoing or any other agreed or available method is not feasible or has ceased to operate, it shall be mandatory for current Members, and new Members joining the Association, to become Members of <u>Service Worker Credit Union (SWCU)</u> in order to facilitate the regular and periodical payments of their FPSA subscriptions and/or settlement of arrears from their SWCU accounts to the Association.”
2014/03	46	National Council	Delete existing line (5). Insert new line (5): “(5) Four (4) National Councillors – General”
2014/04	57 (e)	Post of General Secretary	Insert new sub-clause 57 (e) (6): “57 (e) (6). He shall have a commensurate ability and record in planning for, building, operating and maintaining assets and creating a sustainable investment environment of sufficient level and he should have shown initiative and capability in managing substantial commercial enterprise/s for the continued viability and sustainability of the Association's assets and resources.”
2014/05	63	Preliminary Notice	Line 1, amend “Form A” to read “Form A1”
2014/06	64 (a)	Confirmatory Notice	Line 1, after “notice” add “as prescribed in Form A2”
2014/07	66 (b)	Proposers Proposers Delivery	Line 1, delete “five (5)”, insert “three (3)” Line 3, delete “three (3)”, insert “two (2)” Line 6, delete “twenty-one (21)”, insert “fourteen (14)”
2014/08	67	Qualification of Candidates	Line 3, delete “five (5)”, insert “three (3)” Line 4, delete “three (3)”, insert “one (1)”
2014/09	70	Submission of Motions	Line 3, delete “twenty-one (21)”, insert “fourteen (14)”
2014/10	96 (a)	Submission of Motions	i) Line 2, delete “five (5)” insert “three (3)”. ii) Line 3, delete “three (3)” insert “two (2)”. iii) Line 6, delete “twenty-one (21)” insert “fourteen (14)”
2014/11	Form A1	Section 4	Amend “Clause 70” to read “Clauses 70 & 96” Note (g): Delete “21”, insert “14”
2014/12	Form A2	(New)	THAT new “Form A2 “Confirmatory Notice of Meeting” as attached, be adopted [**]
2014/13	Form B	(New)	Delete requirements for the 4 th and 5 th Nominators
2014/14	Form C	(New)	Delete requirements for the 4 th and 5 th Proposers
2014/15	Form D	(New)	Delete requirements for the 4 th and 5 th Proposers

[**] **Note:** New approved Form A2 (full page), is as shown on page 37.

[**FORM A2** introduced for secret balloting as Motion No. 2014/12 at the 71st NAGM in Suva on 15th March 2014, adopted by the Members, and ratified by the RTU on 01st May 2014]



Fiji Public Service Association

Record of 2017 Amendments to FPSA Constitution [2007 Edition]

[2017 Motions Adopted at 74th NAGM, Approved by RTU on 05th May 2017]

Motion No.	Clause No. & Title	Adopted Amendment
2017/01	2 Definitions	Line 6) After “47”, insert “, and termed as the Executive Board”
2017/02	4 (a) Objects	(4) Line 3, after “Congress” add “or its successors or assigns”
2017/03	4 (b) Objects	Line 2, after “members” insert “as provided for in this Constitution or enabled by any legislation.”
2017/04	4 (d) Objects	Line 4, after: “authorities” insert “or entities.”
2017/05	6 (a) Scope of Membership	Add “(43) Personnel employed in diplomatic or other international missions.” Add “(44) Personnel employed by a Municipality or urban entity.” Add “(45) Labasa Town Council” Add “(46) Savusavu Town Council” Add “(47) Nausori Town Council”
2017/06	6 (d) Membership	(2) Delete “\$48.00”, insert “\$60.00”.
2017/07	6 (e) Membership	(3) Line 3, after “Life Members”: insert “or invited by the Chairman to contribute to the business at hand at other meetings.”
2017/08	6 (e) Membership	Add new sub-clause: “(4) The Association may similarly bestow <u>Emeritus Life Membership</u> status to former Members, Officials and Staff who rendered further service and/or made extraordinary contributions to the ideals and the objectives of the Association.”
2017/09	9 (a) Age Limitations	Line 2, delete “but shall not”, insert “and”
2017/10	14 Non-Financial Member	In Line 2, after “to”, add “attend,”
2017/11	16 Subscription Due	Line 3, after “year”, add: “or via any authorized alternate method as provided under Clause 12.”
2017/12	19 (a) Membership Rolls	(a) Line 1, after “registers”, add: “regularly updated”
2017/13	33 (d) Financial Discipline	(d) In last line, after “Clause 46 (a)”, delete “1, 2 & 3”, insert “1 to 4”
2017/14	33 (g) Financial Discipline	(g) Line 3, after “Ordinance” add: “or ERP 2007”
2017/15	35 Financial Year	After “period”, insert “from the” Add “(a)” to existing clause.
2017/16	47 (a) Principal Officers of the Council	Add new clause: (b) <u>Nominations Committee</u> : When National or Branch elections are conducted, the Nominations Committee shall be derived from this group, with or without co-options of other officials.”

(2017 Amendments – cont'd)

2017/17	49 Co-Option of Councillors	Line 2, after “Meeting” , insert “when elections are due” .
2017/18	55 The National President	Line 3, after “Council” , add “and the Executive Board.”
2017/19	57 Gen Secretary	(d) Delete “Trade Union Act” , insert “ERP 2007”
2017/20	58 Gen Treasurer	(b) Lines 3 & 5 (in 2 places), after “Ordinance” add: “or ERP 2007” (c) Line 3, delete “Trade Union Act” , insert “ERP 2007”
2017/21	65 Notice for Council Meetings	Line 1, after “Council” add “Executive Board” . Line 4, after “meeting.” add “The Notice shall contain an Agenda for such meetings which shall generally be based on matters prescribed for AGMs, but modified and adapted to suit quarterly or other periods or circumstances.”
2017/22	66 Nominations	Add new sub clause: “(e) <u>Withdrawal of a Nomination</u>: Should a candidate whose nomination was delivered by the advertised deadline (as provided in 66 [b] above), wish to withdraw from that election, he shall deliver a signed and witnessed declaration no later than within 72 hours of the closing time and date.
2017/23	67 Qualification of Candidates	Add line 7 “To qualify for a Youth Councillor, a nominee has to be a financial member of the Association for at least 18 months prior to the nomination date for the National Council.”
2017/24	87 (b) Branch Delegates	After “send” , insert “to the NAGM” .
2017/25	90 (a) Ballot Voting Procedure	(a) Line 3, delete “meeting” insert “Nominations Committee”
2017/26	92 Branch & Other Sub-Groups	Add new sub clause: “(e) <u>Notice & Agenda</u>: The Notice and Agenda for meetings of Branches and such sub groups shall generally follow that prescribed for the National Council, with suitable modifications to suit the occasion and the Branch.”
2017/27	Form A Section 3	In Line 3, after “Notice” , insert “(per Form A2) issued”
2017/28	Form A Instructions a)	Delete and replace with following: ‘a) Insert “.... National” or “.... Branch (name)” before and “Year” after “AGM” ‘
2017/29	Form A Instructions e)	After “vacancies” , insert “(pursuant to Clause 46 [a])”
2017/30	Form A Instructions e)	Add new sentence: “Insert: ‘No elections are due this year’ when applicable.”
2017/31	Form B Important Note (5)	Line 1, after “All” , delete “5” , insert “3” .

FPSA Constitution

Records of Future Amendments

(2023 onwards)

NOTES:

- (a) The holder of this copy is requested to enter future amendments to the Constitution, as notified to Members from time to time, in the main body of the text, as amended, in order to keep this document up to date.
- (b) Brief details of each amendment made are also to be entered on this page in the columns below in the sequence that they occur and are registered, and the date this copy was amended.
- (c) When sufficient changes occur to a page, then printed replacement pages may be issued in conjunction with an NAGM, or via FPSA Journal. These issues may be extracted and be pasted onto the relevant pages.

	NAGM & Motion #	Clause & Title	Amendment Introduced <i>(in brief only)</i>	Date Registered	Date Amended
1	2023/01				
2	2023/02				
3	2023/03				
4	2023/04				
5	2023/05				
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RECORD OF FUTURE AMENDMENTS

	NAGM & Motion #	Clause & Title	Amendment Introduced <i>(in brief only)</i>	Date Registered	Date Amended
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*Industria
cum Dignitate*