

# THE CONSTITUTION OF THE AFRICAN COMMUNITIES FORUM INCORPORATED

## **PART 1 STRUCTURE AND PURPOSE**

### **1. NAME**

**Article 1:** The Forum shall be called the **AFRICAN COMMUNITIES FORUM INCORPORATED** herein after called “forum”

### **2. OBJECTIVES**

**Article 2:** The objectives of the forum will be to:

- I. Promote the General Welfare and advancement of members of the Forum and for that purpose do any or all of the following:
- II. Consider any issues arising from any situation pertaining to the forum in all areas of human endeavours.
  - a. Encourage understanding through socio-economic programmes;
  - b. Promote contact and communication between Africans residing in Auckland, the people of New Zealand, and the African Continent.
  - c. To give and receive mutual support and co-operation between and among other ethnic groups in Auckland.
  - d. Promote Social, Cultural, Commercial, Educational and other mutually beneficial exchanges between New Zealand and African.
  - e. Co-operate with central and local government, agencies and voluntary organisations in the promotion of objectives that will be beneficial to the forum and its members.
  - f. Monitor and respond to items about Africa in the New Zealand Media.
  - g. Help and support the settlement of African Immigrants arriving in New Zealand.

### **3. REGISTERED OFFICE**

**Article 3:** The registered office of the Forum shall be at such place as the Executive may decide from time to time.

### **4. MEMBERSHIP**

**Article 4:** There shall be three classes of membership in the Forum: Ordinary, Honorary and Associate membership.

#### **4.1 Ordinary Membership**

**Article 5:** Ordinary membership of the Forum is open to:

- 1) All Africans in New Zealand who subscribe to the objectives of the Forum without distinction as to race, gender, language, religion or country of origin, and. members of the family of such a member shall also be eligible to become ordinary members of the Forum.
- 2) People of African descent.

**Article 6:** Any person who wishes to become a member of the Forum must have the support of 2 existing members. Eligibility to membership shall be at the discretion of the Executive Committee.

#### **4.2 Honorary Membership**

**Article 7:** Honorary membership is open to persons of distinction who have rendered services to Africa and/or the Forum.

**Article 8:** Honorary members shall be entitled to all the privileges of ordinary membership except the right to vote at any meeting of the Forum and the eligibility to hold office in the Forum. Honorary members shall not be liable to pay any membership fees or subscription.

#### **4.3: Associate Membership.**

**Article 9:** Associate membership is open to individuals and institutions in Auckland which subscribe, and demonstrate commitment to the objectives of the forum. Such persons and institutions shall not otherwise qualify for membership under Article 4(1) above.

**Article 10:** Associate members shall be entitled to the privileges of ordinary membership, but shall be exempted from voting at any meeting of the Forum.

**Article 11:** The parent of a citizen of any country married to an African cannot be an ordinary member but could be an Honorary or Associate member.

**Article 12:** There shall be two categories of ordinary membership, namely, financial and Non-financial ordinary members.

- a. Members who have paid their membership fee to the forum shall be Financial Ordinary members.
- b. Financial Ordinary members shall be entitled to enjoy the rights and privileges of the forum, including the right to vote at meetings:

**Article 13:** Non-financial Ordinary members are all African citizens who do not pay their membership fee. Nonfinancial Ordinary members shall not be entitled to enjoy the rights and privileges of the forum. They cannot vote at meetings.

**Article 14:** No person shall be granted ordinary membership until they have met the condition provided in article 7.

**Article 15:** Any person who is elected to become an ordinary member has thirty (30) days from the date he is elected to pay an annual membership fee of NZ \$20.00 (\$10.00 for student members).

**Article 16:** An Associate member shall pay the first annual subscription to the treasurer within thirty (30) days of being elected.

**Article 17:** The provisions of Article 7 shall not apply to founding members of the Forum.

**Article 18:** All ordinary members shall pay to the forum an annual subscription.

**Article 19:** The Executive Committee from year to year will decide the amount and the due date of the payment of the annual subscription fee.

## **5: MODE OF CEASING TO BE A MEMBER**

**Article 20: Ceases to be member of the forum:**

- a. Any member may resign from the Forum by giving written notice to the Secretary
- b. Any member who commits a breach of these Rules or behaves in a manner which in the opinion of the Executive Committee is prejudicial to the interest of the Forum may be suspended or expelled by the Executive Committee.
- c. Any member who does not pay the annual Subscription fee after receiving two consecutive written requests, for payment from the Forum shall cease to be a - member but may resume their membership by paying the annual membership fee for the current year.

**Article 21:** Every resignation notice shall take effect from the date on which it is received by the Secretary unless a later date is stated in the notice.

**Article 22:** No member shall be suspended or expelled unless he/she was first given written notice by the Secretary of the Executive Committee's intention to consider his suspension or expulsion and has also been given an opportunity to explain his action

**Article 23:** Any member who is suspended or expelled by the Executive Committee shall have a right of appeal to a special general meeting of the Forum. Such appeal shall be in writing.

**Article 24:** An expelled member can reapply for membership by writing to the Executive Committee. Re-admittance, of an expelled member is at the discretion of the Executive Committee

**Article 25:** In the event that the Executive Committee fails to reach a decision, the matter shall be put before all members at a general meeting.

## **PART 2: MEETINGS**

## 1. ANNUAL GENERAL MEETING:

**Article 26:** The Annual General Meeting (AGM) shall be held in the month of February or March of every year on a date and at a place to be decided by the executive Committee to discuss the following agenda:

1. To receive from the Executive Committee a report, balance sheet and statement of accounts for the preceding year.
2. To elect members of the Executive Committee and to appoint an Auditor and Legal Advisor for the current year.
3. To fix the annual membership fee for the current year.
4. To decide on any resolution that has been correctly submitted to the meeting
5. The quorum for Annual General Meetings shall be 1/3 of members or a minimum of 20 members

**Article 27:** The agenda of the AGM shall be conducted in the following order:

- Apologies
- Confirmation of minutes of previous AGM
- Matters arising from the minutes
- Annual financial report, balance sheet and statement of account
- Executive committee's report
- Notices of motion (if any)
- Election of Executive Committee Members
- Appointment of Auditor
- Appointment of Legal Advisor
- Fixing of membership fee for current year
- Any other business (A.O.B.)

## 2. SPECIAL GENERAL MEETING (SGM)

**Article 28:** The Executive Committee may at any time for any special purpose call a Special General Meeting (SGM) if it deems necessary; or when it receives a written request for such a meeting by members. The written request must be signed by at least 1/3 of the members or a minimum of 20 and must state the purpose for which the meeting is requested.

### 3. ORDINARY GENERAL MEETING (OGM)

**Article 29:** An Ordinary General Meeting shall be held at such times and places as the Executive Committee shall decide for the purpose of doing the business of the forum and deciding upon any resolutions which have been correctly submitted to the meeting.

**Article 30: Notice of the Business:** There should be at least 14 days written notice given for all general meetings.

**Article 31:** The agenda of the OGM must be given to every member together with the notice of the meeting. No business except business of which such notice has been given shall be discussed at that meeting.

**Article 32: Service of notices:** Every notice that is required to be given to a member shall be deemed to have been correctly given if posted in a prepaid letter addressed to that member at his last known place of residence or sent via email to the email address of that member as held by the Executive Committee. Every notice must be in English.

### 3. PROCEDURES AT MEETINGS AND VOTING

**Article 33:** All general meetings shall be chaired by the President of the forum or any other person entitled in his absence to act in his place.

**Article 34:** Each member present shall have one vote and resolutions shall be passed by a simple majority. In the event of an equality of votes, the President shall have a casting or additional vote.

**Article 35:** The mode of voting on all matters shall be by a show of hands or by secret ballot if the chairman or any two members shall require.

**Article 36:** A Returning Officer and a sufficient number of assistants and scrutinizer shall be appointed to conduct a secret ballot. Once the voting is concluded, all ballot papers shall be destroyed by the returning officer immediately after the result of the secret ballot is communicated to the meeting attendees.

**Article 37:** All questions and matters shall be decided wherever possible by consensus in a spirit of mutual friendship and respect for different points of view by simple majority of the members present unless otherwise specified in these rules.

**Article 38:** Only a person who was a financial member during the previous financial year shall be entitled to vote at any AGM.

**Article 39:** The quorum for Annual and special General Meetings shall be one third (1 / 3) of the Members. If not available, the Executive Committee will decide whether to proceed or reschedule the meeting.

**Article 40:** Once the AGM is adjourned, the quorum shall be only the majority (half plus one) of the financial members.

## 4. MINUTES

**Article 41:** The Secretary must keep minutes as a record of what takes place at all meetings of the Forum including General Meetings, the Board of the community leaders meetings and Executive Committee Meetings. The minutes must be written in or filed in an Forum Minutes Book. (The minutes must be written in English.

**Article 42:** The minutes of every meeting shall record the following information:

- Date of the meeting
- Place of the meeting
- Time at which the meeting began
- Number of people present at the meeting
- Names of people present at an Executive Committee meeting
- Names of people who sent apologies to the meeting
- Confirmation that the minutes of the previous meeting are a correct record of that meeting.
- Details of discussions and decisions made at the meeting, the name of the person who proposes a motion; the name of the person who seconds a motion; whether the motion was passed unanimously or by majority vote; in the cases of a majority vote how many people voted in favour of the motion and how many people voted against the motion.
- Any other matters which the members wish to record.
- Time at which the meeting was adjourned/finished.

**Article 43:** If a member of the Forum requests a copy of the minutes of any meeting, it will be delivered within seven days after a written request is received by the Secretary. A copy of the requested minutes will be sent by email to the email address of that member as held by the Executive Committee.

## **PART 3 STRUCTURE OF THE EXECUTIVE COMMITTEE (FROM 23<sup>RD</sup> MARCH 2014 ONWARDS)**

### **1. THE EXECUTIVE COMMITTEE**

**Article 44:** The affairs of the Forum shall be conducted by the Executive Committee.

**Article 45:** The Executive Committee shall consist of the President, Vice President, General Secretary, Treasurer, **Community liaison & Events Officer**, Public Relations Officer, **Youth Affairs Officer** , **Women Affairs Officer** and two elected ordinary members.

**Article 46(a):** The position of any Executive Committee Member who is absent for three consecutive meetings without leave of absence shall automatically become vacant. Acceptance of an apology shall be deemed to constitute the grant of such leave.

**Article 46(b):** The following person shall be disqualified from becoming an Executive Committee members of the organization (from 23<sup>rd</sup> March 2014 onwards), namely a person who:

- a) Is an un-discharged bankrupt
- b) Is under the age of 16 years
- c) Has been convicted of a crime in the past 3 years
- d) Is prohibited from being a director or promoter of, or taking part in the management of a company or an organization
- e) Has been disqualified as being an officer under section 31(4)(b) of the Charities Act 2005
- f) Is an individual who is subject to a property order, or whose property is managed by a trustee corporation
- g) A body corporate that is being wound up, in liquidation or receivership, or subject to statutory management.

## **2. APPOINTMENT OF THE EXECUTIVE COMMITTEE (FROM 23<sup>RD</sup> MARCH 2014 ONWARDS)**

**Article 47(a):** The members of the Executive Committee shall be elected at every AGM and shall hold office until retirement or removal from office or election of successors to office. An auditor and a legal advisor shall be appointed in the same way.

**Article 47(b):** The term of office shall be two years for elected Executive Committee members of the organization

**Article 48:** Any ordinary member of the Forum shall be qualified without any restriction to become President, Vice President, General Secretary, Treasurer, **Community Liaison & Events Officer**, Publicity Officer, **Youth Affairs Officer**, **Women Affairs Officer** and two elected ordinary members.

**Article 49:** Any vacancy occurring by resignation or otherwise may be filled by the Committee. Retiring members of the Executive committee shall be eligible for re-election.

**Article 50(a):** Not more than two people per African country of origin shall be appointed to the Executive Committee at any one time unless there are not enough people from other countries or willing and eligible to sit on the committee.

**Article 50(b):** The Executive Committee in consultation with the members of the organization shall appoint people with the right skills and deem to be able to act in the best interest of the organization to be on the Advisory Board to advice the Executive Committee from time to time. The appointed members don't necessarily have to be members of the organization.

Article 50(c): The term of office for the Advisory Board shall be 3 year but can be re-appointed by the Executive Committee for 2 terms.

Article 50(d): The number of people for the Advisory Board would be 3 to 5 members

### 3. DUTIES OF THE EXECUTIVE COMMITTEE

**Article 51:** It shall be the duty of the Executive Committee:

1. To conduct the general affairs of the Forum;
  2. To keep usual and proper books of account properly posted up and other records of the affairs of the Forum;
  3. To notify members of intended meetings and the affairs to be done
  4. To prepare and submit to the AGM a reports, the balance sheet and statement of accounts for the preceding year.
- 11.2

**Article 52:** Meetings of the Executive Committee may be convened at such times and places as the President (or the person entitled in his absence to act in his place) shall appoint.

**Article 53:** The Executive Committee shall meet at least once every two months. Four fifths (4/5) of the members of the Executive Committee shall make a quorum. (This should include either the President or Vice President)

**Article 54:** The Executive Committee may co-opt members/of the Forum to undertake specific tasks. Co-opted members shall not have the power to vote at the meetings of the Executive Committee.

**Article 55:** The Executive Committee may from time to time appoint from among their number such sub-committees as they may consider necessary and may delegate to them such of the powers and duties of the Executive Committee as the Executive Committee may determine. Any subcommittees shall periodically report their proceedings to the Executive Committee and shall conduct their business in accordance with the directions of the Executive Committee.

**Article 56:** The Executive Committee shall be responsible for the management of the Forum and shall have the sole right of appointing and determining the terms and conditions of service of employees of the Forum.

**Article 57:** The members of the Executive Committee shall be entitled to an indemnity out of the assets of the Forum for all expenses and other liabilities properly incurred by them in the management of the affairs of the Forum.



## **PART 4: (REPRESENTATIVE COUNCIL OF AFRICAN COMMUNITY LEADERS)**

### **1. COMPOSITION**

**Article 58(a):** The Representative Council of African community leaders shall be made of all African community leaders and/or representatives.

**Article 58(b):** African Business leaders and other leaders with associate and honorary membership shall be co-opted on the Representative Council when deemed necessary by the Executive committee of the organization.

**Article 58(c):** Community leaders as representative on the Council must be members of the group they represent and must be members of the Association or the group in the year in which they shall hold office on the Representative Council.

### **2. RESPONSIBILITY & DUTIES**

**Article 59:** The duties of the board of community leaders are:

- a. To set an annual strategic plan to be carried out by the executive committee
- b. To mobilize members of the forum towards achieving the common goal of bringing all communities of African background to have a common voice
- c. To support the executive in conducting some of the duties requiring the intervention of all Africans as one people (eg: the African Union Day Celebration, Sports and Cultural activities etc.)
- d. To be advised by an Advisory Board that shall be appointed by the Executive Committee.

### **3. REGULARITY OF THE MEETINGS**

**Article 60(a):** The board of the community leaders will meet quarterly (once every 3 months). However, they may be conveyed to extraordinary meetings any time the executive finds it necessary to seek their points of view or their immediate involvement in the business being conducted.

**Article 60(b):** The President of the organization shall chair the meetings of the Representative Council and in his absence the Vice President or his/her nominee.

## **PART 5 MISCELLANEOUS**

### **1. COMMON SEAL**

**Article 61:** The name of the Forum shall be engraved, on its Common Seal. The Executive Committee shall be responsible for the safe custody and control of the common seal.

**Article 62:** The common seal shall be affixed to documents only pursuant to a caution of the Executive Committee or the Forum. Every document to which the common seal is affixed must be signed by the President (or the person entitled in his absence to act in his place) and countersigned by the Secretary or Treasurer or by any other person appointed in writing by the Executive Committee

for the purpose.

## **2. CONTROL AND USE OF FUNDS**

**Article 63:** Any moneys received by or on behalf of the Forum shall immediately be paid to the credit of the Forum and deposited to the Forum's bank account.

**Article 64:** Any cheques or withdrawal slips drawn on the bank account must be signed by the President (or the person entitled in his absence to act in his place) and countersigned by the Secretary or by the Treasurer or by any other person appointed in writing by the Executive Committee as a signatory to the account

## **3. BORROWING POWERS**

**Article 65:** The Forum shall have the power to borrow or raise money from time to time by issuing debentures, bonds, mortgagee or any other security founded or based on all or any of the property or rights of the Forum or without any such security and upon such terms as the Forum shall think *fit*.

**Article 66:** The Forum can borrow or raise money only if it passes a resolution to that effect by a two-thirds majority of the members present at a General Meeting.

**Article 67:** The Executive Committee shall have no power to borrow money.

## **4. FURTHER SUBSCRIPTIONS**

**Article 68:** The Forum shall have the power to levy upon its members such sums of money as the Forum shall consider necessary or expedient for the purpose of furthering the interests of the Forum and its members. The Forum can levy money only' if it passes a resolution to that effect by a two-thirds majority of the members present at a General Meeting.

**Article 69:** Every member must pay such levy to the Forum within the period stated in the resolution making the levy. The Executive Committee shall decide what action to take in the event that any member fails to pay a levy within the stipulated time period.

**Article 70:** The executive committee shall have the power to specify the penalty at the time of levy is voted.

## **5. REGULATIONS**

**Article 71:** The Forum may from time to time by resolution in general meeting make, amend or rescind regulations inconsistent with these rules and governing procedures at its meetings and the conduct of its general affairs.

## **6. DISSOLUTION AND WINDING UP CLAUSES**

**Article 72:** The Forum may be wound up voluntarily if the Forum, at a General Meeting passes a resolution by a simple majority of members present (either in person or by proxy requiring the Forum to be wound up voluntarily. The resolution is confirmed at a subsequent General Meeting called together for that purpose and held at least thirty one days after the date on which the winding up resolution was passed.

**Article 73:** The dissolution shall take effect from the date of the resolution and the members of the Executive Committee shall be responsible for the winding-up of the assets and liabilities of the Forum.

**Article 74:** Any property remaining after the discharge of the debts and liabilities of the Forum shall be given to a charity or charities with the same purposes nominated by the last Executive Committee.

## **8. PATRONS**

**Article 75:** The Forum may invite any person to become a Patron of the Forum for such time as determined by an Ordinary general Meeting.

**Article 76:** Political issues arising outside New Zealand must not be brought into the Forum without the unanimous approval of the Executive Committee on every occasion.

## **7. RESTRICTION ON PUBLIC STATEMENTS**

**Article 77:** Only persons authorized unanimously by the Executive Committee on every occasion shall have the power to make public statements on behalf of the Forum.

## **8. DEMOCRATIC PRINCIPLES**

**Article 78:** All Forum business must be conducted in an open manner and in accordance with democratic principles. All members shall have equal rights and opportunities to fully participate in the Forum's affairs. No member shall have the right to use the Forum or these rules to impose his personal views about any subject on other members

## **9. NEW ZEALAND LAW**

**Article 79:** These rules and the conduct of the Forum affairs shall be governed by New Zealand laws and regulations

## **10. INTERPRETATION**

**Article 80:** In these rules the expressions "he", "him", "his" and "Chairman" shall include the female gender. Where the context requires, words importing the singular shall impart the plural and vice versa.

## 11. DISCIPLINE AND BREACH OF RULES

**Article 81:** The Executive Committee shall have the power to discipline an ordinary member of the Forum where in its opinion such a member is in breach of the rules of the Forum.

**Article 82:** The Executive Committee shall have powers of (i) admonition, (ii) suspension, and (iii) expulsion in serious cases.

**Article 83:** A member shall not be expelled unless that member is give 14 days' written notice (i) of the details of the complaint(s) made against him and (ii) to attend a meeting of the Executive Committee for the purpose of considering the said complaint(s).

**Article 84:** The member concerned shall be given an opportunity to appear before the Executive Committee to answer any complaint(s) made against him, and shall not be expelled unless at least two-thirds (2/3) of the Executive Committee then present vote in favour of his expulsion.

**Article 85:** At meetings of the Executive Committee under this Article, **half plus one member** shall constitute a quorum.

## 12. REVOCATION

**Article 86:** These rules shall revoke every previous rules of the organization.