



CONSTRUCTION INDUSTRY COUNCIL

CONSTRUCTION INDUSTRY COUNCIL CONSTITUTION

PART I

1. The name of the Association shall be Construction Industry Council.
 - (a) The Registered Postal Address shall be P.O Box 990, Suva.
 - (b) The Registered Office shall be 4 MacGregor Road, Suva
 - (c) The Executive Council shall have the power to determine from time to time the Registered Postal Address and where the Registered Office shall be.

PART II

2. The objects of the Association shall be:
 - (a) To secure the complete organization of the Association;
 - (b) To promote, protect and maintain just and proper treatment of members in all aspects;
 - (c) To represent the interest of the members to the Fiji Government;
 - (d) To negotiate all matters relating to the promotion and development of the Fiji building industry;
 - (e) The improvement of the standard of construction in Fiji;
 - (f) The adoption of standards of materials and workmanship involved in the construction industry;

- (g) The registration of builders, constructors, sub-contractors, suppliers and manufacturers of materials and components used in the construction industry, architects, engineers, quantity surveyors, land surveyors, property valuers, project managers and separate organisations involved in the construction industry;
- (h) Education for apprentices involved in the construction industry;
- (i) Improvement in the standards of ethical behaviour of all those involved in the construction industry and the formulation of a Code of Ethics to regulate this;
- (j) The increase of the public awareness of the importance of an ethical, standardised and accountable construction industry;
- (k) The voice of the Fiji construction industry to communicate and cooperate with the Government of Fiji and local Authorities;
- (l) To do all such things as are incidental or conducive to the attainment of the above objectives.

PART III – MEMBERSHIP

- 3. The membership is open to any organisation which represents a profession or sector in the Fiji building industry.

Members shall be regularly and normally engaged in the industry, which the Association represents and shall not, be a member of another Industrial Association.

- 4. The entrance fee for member organisation of the Association shall be free charge and the subscription shall be One Thousand dollars (\$1000.00) annually. The subscription fee shall be due on 1st August each year and is non-refundable.

ALTERATION OF FEES AND IMPOSITION OF LEVIES

- 5. The Annual or a Special General Meeting of the Association shall have power to alter all fees, subscriptions and contribution for the purpose of providing further benefits for members.

MEMBERS BREAKING RULES

6. All member organisations must abide by the rules of the Association. Any member organisation breaking the rules of the Association may be liable to disciplinary action or face expulsion by the Executive Committee. Any member organization disciplined or expelled shall have the right to appeal to the Annual or a Special General Meeting whose decision shall be final.

CESSATION OF MEMBERSHIP

7. A member organization shall cease to be a member of the Association when these circumstances happen: Death, Migration, Voluntary withdrawal of membership and Expulsion through Disciplinary action on a member organisation by the Executive Committee and any other reasonable circumstances to which the Executive Committee deems fit.

ARREARS

8. A member organisation shall be automatically deemed in arrears for non-payment of the levied subscription as at 31st August each year. A member organisation which is in arrears of subscriptions shall not be entitled to any Association benefits nor will they be permitted to vote at any Association's meeting. Member organisation whose subscription is more than thirteen (13) weeks in arrears shall cease to be a member of the Association.

NEW MEMBERS

9. All intending new member organisations have to apply in writing to the General Secretary and such application shall be tabled at a General Meeting wherein a majority vote of member organisations shall determine accreditation.

PART IV – CONSTITUTION AND GOVERNMENT

SUPREME AUTHORITY

10. The Supreme Authority of the Association shall be vested in the Annual General Meeting, and subject to that authority, the Association shall be governed by the Executive Committee.

DATE OF ANNUAL GENERAL MEETING AND AGENDA

11. The Annual General Meeting shall be held within three months of the end of the financial year at a time and place to be determined by the Executive Council. The General Secretary shall prepare an Agenda and made it known by inserting the notice in a newspaper circulating in the Republic of Fiji fourteen (14) days before such meeting.

VOTING OF THE ANNUAL GENERAL MEETING AND SPECIAL GENERAL MEETING

12. All member organisations whose subscriptions are not in arrears are entitled to vote at the Annual General Meeting and a Special General Meeting.

CALLING OF SPECIAL GENERAL MEETING

13. Special General Meeting may be called by the Executive Committee or at the request of the fifty percent (50%) or more of the total number of member organisations of the Association who are not in arrears with subscriptions and fourteen (14) days notice shall be given with agenda of such meeting and may be published in a newspaper circulating in the Republic of Fiji.

BUSINESS OF ANNUAL GENERAL MEETING

14. The business of the Annual General Meeting shall be:
- To receive reports from the Executive Committee, to review the past work of the Association and to plan future policy;
 - To consider motions, if any, for which due notice had been given;
 - To receive the accounts for the previous financial year and to consider the financial position of the Association.
 - To elect the Association Office Bearers; and
 - To consider any other business on the agenda

AMENDMENT

15. The Annual General Meeting or any Special General Meeting called in conformity with Rules (12) and (15) of this Constitution, shall be the only authority to rescind, alter, or add to any of these rules in the Constitution.

NOTICE OF MOTION

16. Notices of motion for consideration at the Annual General Meeting must be submitted to the General Secretary in writing fourteen (14) clear days before the days fixed for such meeting.

NOMINATIONS FOR EXECUTIVE COMMITTEE

17. The nominations for the election of the President, Vice President, Treasurer, General Secretary and two (2) Committee Members at Large shall reach the General Secretary fourteen (14) clear days before the date fixed for such meeting.

QUORUM

18. The quorum for all General Meeting and Special General Meeting of the Association shall be five (5) member organisations.

VOTING

19. Each member organization in good financial standing is entitled to one vote by its nominated representative. The voting will be by show of hands. Provided that if fifty percent (50%) or more voting members at the Annual General Meeting or an Special General Meeting ask for a vote to be taken by secret ballot on any important issue, such vote must be taken by secret ballot.

PART V – SECRET BALLOT

SECRET BALLOT HELD UNDER THE AUTHORITY OF THE EXECUTIVE COMMITTEE

20. All matters for decision by secret ballot at an Annual General Meeting or at a Special General Meeting of the Association shall be held under the Authority of the Executive Committee or a sub-committee appointed by the Executive Committee specifically for such purposes.

ISSUE OF BALLOT FORMS

21. The General Secretary or other officer appointed for the purpose shall be responsible for issuing of ballot forms. Ballot forms will be issued only to voting members.

COMPLETION OF BALLOT FORMS

22. All ballot forms must be filled in at the place provided. They must not be signed by the person filling them in. They must be placed in the sealed box provided only by the person filling the ballot form. The Executive Committee or the Sub - Committee will appoint persons to supervise and safeguard ballot boxes.

SCRUTINEERS

23. Two or more scrutineers shall be elected at the Annual or Special General Meeting from members. The scrutineers shall be responsible under the Executive Committee or Sub – Committee for collecting ballot boxes and counting and checking ballot forms.

PART VI – EXECUTIVE COMMITTEE

GOVERNMENT OF ASSOCIATION VESTED IN EXECUTIVE COMMITTEE

24. The Government of the Association and the conduct of its business in the periods between Annual General Meetings shall be vested in the Executive Committee.

COMPOSITION OF EXECUTIVE COUNCIL

25. The Executive Council shall consist of the President, Vice President, General Secretary, Treasurer, and two other members duly elected by at an Annual General Meeting, or by a Special General Meeting. All members of the Executive Committee must be the members of a member organisation of the Association.

POWER TO FILL VACANCIES

26. In the event of the vacation of office before the expiry of the full term, for any reason, by an officer, or other members of the Executive council, the vacancy shall be filled by the Executive Committee and such appointments will hold good until the next Annual General Meeting elections. In filling such vacancy, the Executive Committee shall consider the merits of the candidate.

APPOINTMENTS OF ACTING GENERAL SECRETARY AND TREASURER

27. In the event of the General Secretary or the Treasurer, being temporarily absent from the republic of Fiji or for any other reason are unable to perform their functions required of them under these rules, the Executive Committee may appoint an Acting General Secretary or an Acting Treasurer as the case may be to perform their respective duties on their behalf during such absence or disabilities.

REMOVAL FOR NOT ATTENDING MEETING OF EXECUTIVE COMMITTEE

28. Any officer or the other members of the Executive Committee who is absent without satisfactory reason from three consecutive meetings may be removed from office by the Executive Committee.

DISMISSAL AND SUSPENSION OF OFFICERS

29. The Executive Committee may suspend for a period not exceeding three months and/or recommend for dismissal of any officer for neglect of duty, dishonesty, incompetence, refusal to carry out decisions of the Executive Committee, or for any other reason that it deems good and sufficient and, in the interests of the Association. Any officer who is suspended or who is recommended for dismissal shall have the right of appeal to the Annual or to a Special General Meeting.

REMOVAL BY A SPECIAL GENERAL MEETING

30. Any officer or member of the Executive Committee may be removed by a majority three quarters (3/4) of the voting members present at a Special General Meeting.

EXECUTIVE COMMITTEE MEETING AND QUORUM

31. The Executive Committee shall meet at least six (6) times in every twelve (12) months at such times and places where the Executive Committee member think fit. The quorum shall consist of not less than three (3) members of the Executive Committee.

PROTECTION OF FUNDS BY EXECUTIVE COMMITTEE

32. The Executive Committee shall give peruse the objects of the Association and shall protect its funds against extravagance or misappropriation. The Executive Committee shall give all necessary instructions as to the investment of the funds of the Association to such officers of the Association who are responsible for such matter.

INSTRUCTIONS AND SUB-COMMITTEE

33. The Executive Committee shall give instruction to the General Secretary and all other officers of the Association in regard to the conduct of the affairs of the Association. It may appoint sub-committee as it considers necessary.

FINES AND EXPULSION OF MEMBERS

34. If any member organisation is proved to the satisfaction of the Executive Committee to have been guilty of the conduct prejudicial to the interest of the Association the Executive Committee may:
- Suspend such member from the Association for a period not exceeding three (3) months; or
 - Expel such member from the Association
 - Any member organization so suspended or expelled shall have the right to appeal to the Annual General Meeting or to a Special General Meeting.

DECISION OF EXECUTIVE COMMITTEE

35. The decision of the Executive Committee shall be binding on all members of the Association.

INTERPRETATION OF RULES BY THE EXECUTIVE COMMITTEE

36. Between Annual General Meeting, the Executive Committee shall when necessary, interpret the rules and determine any point that the rules do not adequately cover.

OFFICER OF EXECUTIVE COMMITTEE MUST BE PAID MEMBERS

37. All officers and members of the Executive Committee must members of a member organization fully paid with all subscriptions prior to any election of office in the Association during an Annual General Meeting or at a Special General Meeting.

APPOINTMENT AND DISMISSAL OF STAFF AND SUB – COMMITTEE

38. The Executive Committee shall give instructions to the General Secretary and all other officers of the Association regarding the conduct of the affairs of the Association. The Committee shall appoint such organizers and clerical staff as is considered necessary on such terms as it considers desirable and dismiss such

organizers and staff for reasons which the Executive Committee deems good and sufficient. It may appoint sub-committee as it considers necessary.

PART VII – OFFICERS OF THE ASSOCIATION

ELECTION AND DUTIES OF PRESIDENT

39. (a) The President shall be elected every year at the Annual General Meeting and shall serve for one (1) year in office, until the Annual General Meeting and shall be eligible for re-election.
- (b) The President, if present, shall preside at all Special General Meeting and Executive Committee meetings and shall be responsible for the proper conduct of business. He shall sign each minutes of the meeting after they are approved.
- (c) He shall endeavor to secure the observance of these rules by the members. He shall have a casting vote.

ELECTION AND DUTIES OF THE VICE PRESIDENT

40. The Vice President to be elected every year at the Annual General Meeting and shall serve for one (1) year and shall be eligible for re-election.

ELECTION AND DUTIES OF GENERAL SECRETARY

41. (a) The General Secretary shall be elected every year at the Annual General Meeting and shall serve for one (1) year and shall be eligible for re-election.
- (b) He shall call and attend all meetings and record the minutes thereof. He shall have the right to speak and vote.
- (c) He shall conduct the correspondence and general business of the Association in accordance to the rules and shall carry out all instructions given to him by the Annual and Special General Meeting and by the Executive Committee.
- (d) He shall keep a register of all members in which shall be entered:
- The name, address and the occupation of each member organisation
 - The date of which each member organization was admitted to membership
 - The payments made by each member organization in respect of entrance fee, subscriptions or any other payments provided for under the constitution and the dates of such payments
 - The dates of which any member organisation ceased to be a member

- He shall prepare the Annual Report of the Association for submission to the Annual General Meeting and any other reports necessary for Special General Meetings. He shall at the end of every financial year, forward to the Registrar of Industrial Associations the Annual Returns, Auditors Report and such other information as may be properly called for.
- He shall supervise generally the work of the Association. Where he is employed on a full-time basis, he shall be fully responsible for the overall administration and affairs of the Association. He may engage such number of staff as shall be determined by him after consultation with the Executive Committee.

ELECTION AND DUTIES OF THE TREASURER

42. (a) The treasurer shall be elected every year at the Annual General Meeting. He shall serve for one (1) year until the next Annual General Meeting and shall be eligible for re-election.
- (b) He shall be responsible for the safety of all monies belonging to the Association and shall keep full and accurate account of all transactions conducted in the name of the Association. He shall prepare a financial statement for each meeting of the Executive Committee and an Annual Statement of Accounts for Audit and for presentation to the Annual General Meeting. He shall have the right to speak and to vote on all matters except financial matters.
- (c) On a request made to him at the Annual General Meeting, or thereafter within one month of the receipt of such request, he shall give to every voting members of the Association free of charge a general statement of accounts of all the receipts and expenditure of the Association.
- (d) He shall deposit in the bank appointed by the Executive Committee all such money received by him.

LEGAL ADVISOR

43. The Executive Committee may appoint from time to time a legal advisor and fix his remuneration.

FULL TIME OFFICERS MAY BE PAID SALARY

44. Any officer whose duties call for full time services on behalf of the Association may be paid a salary, such salary to be determined by the Executive Committee.

OFFICER MAY BE REQUIRED TO PROVIDE SECURITY

45. Any officer whose duties involve financial responsibility shall provide such security as the Executive Committee may require.

BOOKS TO BE KEPT IN THE HEAD OFFICE

46. All receipts, accounts, etc shall be kept in the Head Office of the Association.

PART VIII – USE OF FUNDS

USE OF FUNDS

47. The funds of the Association shall be used solely for: -
- The authorized payment of salaries, allowances and expenses of officer of the Association and legal fees.
 - The payment of expenses of the administration of the Association, including audit of accounts of the funds of the Association.
 - The prosecution or the defence of any legal proceedings to which the Association or any member is a party when such prosecution or defence is undertaken for securing or protecting any rights of the Association as such or any rights arising out of the relations of any member with his employer.
 - The conduct of disputes on behalf of the Association or any member.
 - The payment of subscription, fees and contributions necessary for affiliation to any Industrial Association organization in the Republic of Fiji.
 - Expenses incurred on Industrial Association by officers and members of the Industrial Association.
 - The erection of any building or the purchase or lease of any buildings or land required for the Association, and for the rent, upkeep and furnishing thereof.
 - The education, cultural and vocational training of members and any incidental expenses thereof.
 - The purchase of books newspaper and other literature and the upkeep of a reading for the use of members.
 - The editing, printing, publication and circulation of any book, newspaper or other periodical, bulleting, pamphlet or other printed literature for the advancement of the lawful objects of the Industrial Association or the promotion of the interests of its members as such
 - Contribution to any charitable, education or cultural institution or society
 - Any other objects which by notification in the Gazette the Minister may be the same or any subsequent notification direct
 - The use of funds on any of the above matters must be done with the approval of the Executive Committee.

ACCOUNT TO BE OPERATED BY

48. The account of the operation shall be operated upon cheques signed by the President, General Secretary and the Treasurer or such other person or persons as the Executive Committee by resolution may direct or appoint.

INVESTMENT OF FUNDS

49. The funds of the Association which are not required for current expenses may on the direction of the Executive Committee, be invested by the President, Treasurer and General Secretary in Government securities, or in such other securities as the Executive Committee may recommend and which are approved by the voting members at the Annual General Meeting.

FINANCIAL YEAR

50. The Financial year of the Association shall commence on the first (1st) day of August each year and ends on the thirty first (31st) day of July of the following year.

PART IX – PROPERTY AND LIABILITY OF OFFICERS

PROPERTY

51. All property of the Association shall be in the name of the Association.

EXECUTION OF AGREEMENTS AND DOCUMENTS

52. All Industrial agreements, deed, documents of the securities for money, mortgage or other instruments shall be executed under the common seal of the Association and signed by the President and the General Secretary or such other persons as the Executive Committee may appoint on their behalf.

CUSTODIAN OF THE COMMON SEAL

53. The General Secretary shall be the Custodian Seal, which may be affixed by the General Secretary in the presence of the President or such other person or persons as the Executive Committee may appoint on their behalf of such industrial agreements, deeds, documents of title, securities for money, mortgage or other instrument shall be deemed to have been duly executed if signed by the President and the General Secretary or such other person or persons as the Executive Committee may appoint on their behalf.

EXECUTIVE COMMITTEE MEMBERS LIABILITY

Every member of the Executive Committee shall be individually liable for whatever CIC funds he receives but he shall not be responsible for any misappropriation by any others, or neglect by any others which results in unrecoverable financial loss to the CIC .

PART X – LEVIES

IMPOSITION OF LEVY

54. The Executive Committee may recommend that a levy be imposed upon all members of the Association to recover additional expenses incurred on behalf of members as Legal fees, etc. This levy imposed by the Executive Committee shall be approved by the members of the association before it is implemented.

FAILURE TO PAY LEVY

55. If any member fails to pay a levy imposed in pursuance of Rule 55, herein with twenty-six (26) weeks of its imposition, such members shall be regarded as being in arrears of levy and shall not be entitled to any of the benefits to which the levy was imposed.

PART XI – AUDITORS

AUDITORS

56. One or more auditors, who need not to be members of the Association, shall be appointed or elected by the Annual General Meeting.

AUDIT OF ACCOUNTS AND COPY OF AUDITORS REPORT

57. The treasurer shall cause all the account of the Association to be audited as soon as possible after the close of each financial year and at all other times when required by law. All books and accounts of the Association will be examined and the certification as to their correctness or otherwise be given thereafter. A copy of audited accounts and auditor's report should be available to the Registrar on or before the thirtieth (30th) day of November in every year. A copy of an auditor's report of Association funds shall be conspicuously placed at the office of the Association where it may be conveniently examined by any member.

PART XII – INSPECTION OF BOOKS

INSPECTION OF BOOKS

58. Any member to be allowed at any reasonable time to inspect the account books and the register of members. Applications to do so must be made to the General Secretary.

PART XIII – DISSOLUTION

DISSOLUTION

59. The Association shall not be dissolved, except with the consent of two thirds or more of the total voting membership of the Association obtained by means of a secret ballot.

DEBTS AND LIABILITIES FULLY DISCHARGED

60. In the event of the Association being dissolved all debts and liabilities legally incurred on behalf of the Association shall be fully discharged and the remaining funds together with the proceeds of the sales of any assets of the Association (excluding any provident or welfare fund which may have been established) shall be divided amongst all voting members in the equal proportion or otherwise disposed of in accordance with a resolution passed at the meeting at which the dissolution was approved.

NOTICE SENT TO REGISTRAR OF INDUSTRIAL ASSOCIATION

61. When the Association is dissolved, notice of the dissolution signed by the General Secretary and seven (7) voting members shall be sent by the General Secretary to the Registrar of Industrial Associations within fourteen days of the date of the meeting at which the Dissolution was agreed to.

PART XIV – RULES

RULES TO BE MADE AVAILABLE TO MEMBERS

62. A copy of these shall be given to a member organisation within seven (7) days of joining the Association.

RULES TO BE DISPLAYED IN REGISTERED OFFICE

63. A copy of these rules shall be prominently displayed in the registered office of the Association.

PART XV – INTERPRETATION

64. For the purpose of these rules the “Registrar” means the Registrar of Industrial Associations appointed under the provisions of the Industrial Associations Act.

Approved and adopted by the Special General Meeting of the Association held at _____ on the _____ day of _____ year.

CERTIFIED: _____
President (signature) Name

Secretary (signature) Name