

Parti Bersatu Sabah

# **THE CONSTITUTION OF PARTI BERSATU SABAH**

(WITH AMENDMENTS)

# **1998**

*Note: Bold & Italic indicates amendments*

<b><u>ARTICLE</u></b>	<b><u>CONTENTS</u></b>	<b><u>PAGE</u></b>
<b>CHAPTER I</b>	<b>NAME, REGISTERED ADDRESS, SYMBOL BADGE AND FLAG</b>	
Article 1	Name	1
Article 2	Registered Address	1
Article 3	Symbol and Badge	1
Article 4	Flag	1
Article 4A	Motto	2
<b>CHAPTER II</b>	<b>AIMS AND OBJECTS</b>	
Article 5	Aims and Objects	2
<b>CHAPTER III</b>	<b>MEMBERSHIP</b>	
Article 6	Qualification for Membership	3
Article 7	Application for Membership	4
Article 8	Subscription	4
Article 9	Admission of Members	4
Article 10	Rights of Members	5
Article 11	Resignation of Members	5
<b>CHAPTER IV</b>	<b>REGISTERS AND MEMBERSHIP CARDS</b>	
Article 12	Membership Register	6
Article 13	Membership Cards	6
<b>CHAPTER V</b>	<b>HEADQUARTERS ORGANISATION AND ADMINISTRATION</b>	
Article 14	Executive Committee	6
Article 15	Headquarters Administration	8

## **CHAPTER VI FINANCE AND PROPERTY**

Article 16	Sources of income	10
Article 17	Financial Year	10
Article 18	Party assets and custody of Party money	10
Article 19	Board of Trustees	11
Article 20	Auditors	11

## **CHAPTER VII THE SUPREME COUNCIL**

Article 21	Composition of the Supreme Council	12
Article 22	Supreme Council meeting and quorum	13
Article 23	Powers of the Supreme Council	13
Article 24	Duties and responsibilities of the Supreme Council	14
Article 25	Resignation	16

## **CHAPTER VIII THE ANNUAL DELEGATES CONFERENCE**

Article 26	Supreme Authority	16
Article 27	The Annual Delegates Conference and Extra-Ordinary Delegates Meeting	18
Article 28	Composition of the Annual Delegates Conference	20
Article 29	Composition of the Extra-Ordinary Delegates Conference	20
Article 30	Substitution of Delegates	21
Article 31	Dismissal or Expulsion of official or member	21

## **CHAPTER IV DIVISION**

Article 32	Establishment of Divisions	21
Article 33	The Divisional Office	22
Article 34	Dissolution of a Division	22
Article 35	Annual General Meeting and Extra-Ordinary General Meeting	23

Article 36	Composition of Divisional General Meetings	24
Article 37	Composition of the Extraordinary General Meeting	24
Article 38	Substitution of Delegates	24
Article 39	Dismissal	25
Article 40	The Divisional Committee	25
Article 41	Duties of Divisional Office Bearers	26
Article 42	Authority of Divisional Committee	27
Article 43	Vacancy	27
Article 44	Resignation	27
Article 45	Meetings	28
Article 46	Quorum	28
Article 47	Absence of Chairman and Deputy Chairman	28
Article 48	Acting Divisional Chairman	28
Article 49	Duties, Powers and Responsibilities	28
<b>CHAPTER X BRANCHES</b>		
Article 50	Establishment of Branches	29
Article 51	Dissolution of Branches	30
Article 52	General and Extra-Ordinary Meeting	31
Article 53	The Branch Committee	32
Article 54	Duties and responsibilities of the Branch Committee	35
Article 55	The Branch Office	35
<b>CHAPTER XI DELEGATES</b>		
Article 56	Delegates	36

## **CHAPTER XII YOUTH AND WOMEN’S MOVEMENT**

Article 57 Youth Movement 36

Article 58 Women’s Movement 37

## **CHAPTER XII DISQUALIFICATION OF MEMBER AS CANDIDATES FOR ELECTIONS**

Article 59 Disqualification 37

Article 60 Exemption from disqualification 38

## **CHAPTER XIV PARTY DISCIPLINE**

Article 61 Disciplinary Committee 38

## **CHAPTER XV STANDING ORDERS AND RULES**

Article 62 Standing Orders and Rules 39

## **CHAPTER XVI GENERAL**

Article 63 Term of Office 39

Article 64 Prohibitions 40

Article 65 Amendment of the Constitution 41

Article 66 Dispute as to interpretation 41

Article 67 Dissolution of the Party 41

## **APPENDICES**

Appendix ‘A’

Appendix ‘B’

CHAPTER I

**NAME, REGISTERED ADDRESS, SYMBOL, BADGE AND FLAG**

**Article 1 NAME**

This organisation shall be known as “PARTI BERSATU SABAH” (PBS) or in English “SABAH UNITED PARTY” hereinafter referred to as ‘the Party’.

**Article 2 REGISTERED ADDRESS**

The Registered Address which shall be at the Headquarters of the Party shall be at Block M, Lot 4, Third Floor, Donggongon New Township, Penampang, Sabah, or at such other place as may be determined by the Supreme Council. The Registered Address shall not be changed without the prior written approval of the Registrar of Societies.

**Article 3 SYMBOL AND BADGE**

- (i) The SYMBOL and the BADGE of the Party shall be two hands clasped in handshake over the green map of Sabah outlined in bold brown border inside a brown-sided square with the words ‘PARTI BERSATU SABAH’ below it. The ‘handshake’ shall signify unity, friendship and cooperation among the people of Sabah; the colour ‘green’ shall signify the wealth with special emphasis on the agro-based nature of the State of Sabah; the colour ‘brown’ shall signify the fertility of its soil and the shape ‘square’ shall signify equality and justice among all the people in Sabah.
- (ii) The Supreme Council may make rules for the use of, or any matters connected with the symbol and badge of the Party.

(Please see Appendix ‘A’)

**Article 4 FLAG**

- (i) The flag of the Party shall be:-
  - (a) the part nearest to the rope shall be red which shall signify courage;
  - (b) the centre shall be white which signifies purity and superimposed with the symbol and badge of the Party; and
  - (c) the end portion shall be blue which shall signify peace and tranquility.

# THE CONSTITUTION OF PARTI BERSATU SABAH

---

(Please see Appendix 'B')

- (ii) The Supreme Council may make rules for the use of, or on any matters connected with the Party's flag.

## **Article 4A MOTTO**

*The motto of the Party shall be BERSATU which shall signify the foundation and means for the Party to pursue and achieve its aims and objects.<sup>1</sup>*

## CHAPTER II

### AIMS AND OBJECTS

## **Article 5 AIMS AND OBJECTS**

The aims and objects of the Party shall be:-

- (i) To uphold, maintain and ensure the continued and proper process and practice of Parliamentary Democracy.
- (ii) To uphold the Dignity of Man.
- (iii) To promote goodwill and work towards peace, progress, harmony and understanding so as to ensure a proper process of integration and unity among all races in Malaysia, particularly in Sabah.
- (iv) To preserve and to protect the rights and interests of Sabah within the Federation of Malaysia.
- (v) To protect and safeguard the rights and special privileges of the local bumiputera and the legitimate interests of other Malaysian citizens in Sabah.
- (vi) To protect, preserve and to promote the traditional customs, and cultures of all the peoples of Sabah.
- (vii) To ensure and uphold without conditions the practice of religious freedom.
- (viii) To promote awareness of being a Malaysian and of loyalty to King and Country.

---

<sup>1</sup> Approved by ROS on 25-07-1995

- (ix) To uphold support and maintain the principles of RUKUNEGARA in the true sense of the word and noble spirit.
- (x) To work with other Malaysian registered political organisations with similar aims and objects so as to ensure and encourage the healthy development of party politics; and to do all that is necessary and incidental to the above aims and objects towards a just, stable, harmonious and prosperous society.

### CHAPTER III

#### MEMBERSHIP

##### Article 6 QUALIFICATION FOR MEMBERSHIP

- (i) Any citizen of Malaysia who is residing in Sabah *or in the Federal Territory of Labuan*<sup>2</sup> and is not less than eighteen years of age, who accepts and subscribes to the Party's Constitution, programmes, *policies*<sup>3</sup> and principles, and who is not a member of any other political party may become a member of the Party.
- (ii) *Any member who:-*
  - (a) *wittingly applies or declares himself to be member of another political Party or otherwise acts or conducts himself howsoever which is likely to be detrimental to the interest of the Party or any of its Division shall forthwith cease to be a member of the Party.*<sup>4</sup>
  - (b) *had been proven to have given or employed or accepted money or presents or favour whatsoever or misconducted himself howsoever if the same are intended or for the purpose to garner and secure support whether for himself or otherwise for an election to any post within the Party shall cease to be a member of the Party as from the date when the member is found guilty by the Party Disciplinary Committee.*<sup>5</sup>

---

<sup>2</sup> Approved by ROS on 01-04-1988

<sup>3</sup> Approved by ROS on 14-03-1988

<sup>4</sup> Approved by ROS on 25-07-1995

<sup>5</sup> Approved by ROS on 25-07-1995

# THE CONSTITUTION OF PARTI BERSATU SABAH

---

## **Article 7 APPLICATION FOR MEMBERSHIP**

Any person who wishes to become a member shall submit his application in the prescribed form together with the payments of the entrance fee and the subscription prescribed for in Article 8 of this Constitution to the Secretary of the Branch in which he applies for membership.

## **Article 8 SUBSCRIPTION**

- (i) Every member shall pay to the Party Headquarters through his Branch and Division his yearly subscription.
- (ii) The Annual Subscription of a member shall be RM1.00.
- (iii) There shall be an entrance fee of RM2.00.
- (iv) Any annual subscriptions except the first subscription of a new member as provided by Article 7, shall be payable in the first month of each financial year.
- (v) The entrance fees and subscriptions collected under Clauses (ii) and (iii) of this Article shall be submitted by the Divisional Secretary to the *Treasurer*<sup>6</sup>-General within one month after the receipt of such sums.
- (vi) The Supreme Council shall decide from time to time the percentage of subscription to be held by the Branches and Divisions as Branch Funds and Division Funds to meet their own expenses.
- (vii) The *Treasurer*<sup>7</sup>-General shall allocate to the Divisions and Branches such proportion of such money collected as may be approved by the Supreme Council to meet their respective expenses.

## **Article 9 ADMISSION OF MEMBERS**

- (i) The Branch Secretary shall submit every application for membership to the meeting of the Branch Committee as soon as possible for its consideration.
- (ii) The Branch Committee shall decide on all applications for membership and may by voting approve or refuse the application or postpone consideration without assigning any reason for its decision.

---

<sup>6</sup> Approved by ROS on 14-03-1988

<sup>7</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (iii) Any applicant whose application for membership has been refused by a Branch Committee, may appeal first to the Divisional Committee for its consideration and then to the Supreme Council whose decision shall be final.
- (iv) An ex-member whose membership had ceased through expulsion or withdrawal cannot be readmitted as a member without the prior approval of the Supreme Council.

### **Article 10 RIGHTS OF MEMBERS**

- (i) Unless otherwise provided for in this Constitution a member, so long as he has not ceased to be a member for any reason, shall be entitled to:-
  - (a) attend and speak at all meetings which he is entitled to attend;
  - (b) vote at all meetings in which he is entitled to vote;
  - (c) hold such office in the Party to which he may be duly elected or appointed; and
  - (d) have access to and make reasonable use of such facilities as the party may provide.
- (ii) If any member shall without reasonable excuse fail to pay the yearly subscription within one month of such subscription becoming due, his rights as a member shall be suspended and such member shall not be recognised as a member until such subscription is paid.

### **Article 11 RESIGNATION OF MEMBERS**

A member may resign his membership by giving notice in writing to the Branch Secretary who shall report such resignation to the Branch Committee.

A copy of the letter of resignation shall be forwarded by the Branch Secretary to the Divisional Secretary and the Secretary-General respectively *provided that in the case of a member who ceases to be member by operation of Article 6(ii) shall be deemed to have resigned from the Party whether or not a notice of his resignation is received.*<sup>8</sup>

---

<sup>8</sup> Approved by ROS on 25-07-1995

CHAPTER IV

REGISTERS AND MEMBERSHIP CARDS

**Article 12 MEMBERSHIP REGISTER**

- (i) Every Divisional and every Branch office shall each keep a Register of all its members.
- (ii) The Party Headquarters shall keep a Register of all members.
- (iii) The Supreme Council may make rules concerning the Register of members.

**Article 13 MEMBERSHIP CARDS**

- (i) Every member shall possess a membership card.
- (ii) Membership cards shall be issued by the Secretary-General.
- (iii) A member shall not be recognised as such unless he is in possession of a membership card, and has paid his subscription for the current year. *Provided that a member shall be recognised as such if he is able to prove that he is a member of the Party.*<sup>9</sup>
- (iv) The Supreme Council may make rules concerning the Membership cards.

CHAPTER V

HEADQUARTERS ORGANISATION AND ADMINISTRATION

**Article 14 EXECUTIVE COMMITTEE**

- (i) There shall be an Executive Committee comprising of the following Party Officials:-
  - (a) The President;
  - (b) *Three (3)*<sup>10</sup> Deputy Presidents;

---

<sup>9</sup> Approved by ROS on 25-07-1995

<sup>10</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (c) Seven Vice Presidents, including the Leader of the Youth Movement and the Leader of the Women's Movement;
  - (d) The Secretary-General;
  - (dd) The Assistant Secretary-General;<sup>11</sup>*
  - (e) The Treasurer-*General*<sup>12</sup>;
  - (ee) The Assistant Treasurer-General;<sup>13</sup>*
  - (f) The Chief Publicity Officer; and
  - (g) The Assistant Chief Publicity Officer.<sup>14</sup>*
- (ii) The President, the *three (3)*<sup>15</sup> Deputy Presidents and five (5) of the Vice Presidents other than the Leader of the Youth Movement and the Leader of the Women's Movement shall be elected from among ordinary members by the Annual Delegates Conference of the year in which elections are held.
- (iii) *The Officials specified in paragraph (d), (dd), (e), (ee), (f) and (g) of Clause (i) of this Article*<sup>16</sup> shall be appointed by the President after consultation with the Supreme Council and shall hold office until the next election of Party Officials in the Annual Delegates Conference or until they resign or are removed by the Supreme Council for any reason or when the President relinquishes his office.
- (iv) Subject to the provisions of Article 63 of this Constitution, the names of the Candidates for election to the offices referred to in clause (ii) of Article 14 and clause (f) of Article 21 shall be *nominated*<sup>17</sup> by the respective Divisional Committee *of the Party provided that such names* shall only be put for *election of office if nominated by not less than three (3) Divisions and*<sup>18</sup> after a written consent to that effect is given by the candidates concerned. Election shall thereon shall be by simple majority vote of the delegates *conferences or Annual General Meetings as the case may be.*<sup>19</sup>

### Article 15 HEADQUARTERS ADMINISTRATION

---

<sup>11</sup> Approved by ROS on 14-03-1988  
<sup>12</sup> Approved by ROS on 14-03-1988  
<sup>13</sup> Approved by ROS on 14-03-1988  
<sup>14</sup> Approved by ROS on 14-03-1988  
<sup>15</sup> Approved by ROS on 14-03-1988  
<sup>16</sup> Approved by ROS on 14-03-1988  
<sup>17</sup> Approved by ROS on 25-07-1995  
<sup>18</sup> Approved by ROS on 25-07-1995  
<sup>19</sup> Approved by ROS on 25-07-1995

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (i) The Executive Committee referred to in Article 14 of this Constitution shall be responsible for the Central administration of the Party which shall be established at the Headquarters of the Party or at such other places as may be determined by the Supreme Council.
- (ii) The President shall be responsible for the proper day-to-day administration of the Party's Headquarters and in his absence, he may appoint his Deputy to take his place. He shall preside all Supreme Council meetings. He shall have a casting vote and shall sign the minutes of every meeting to signify the approval of such minutes.
- (iii) (a) ***The President shall appoint one of the Deputy Presidents to deputise for him during his absence.***<sup>20</sup>
- (b) The Vice Presidents shall assist the President and the Deputy Presidents in their performance of their duties and shall carry out such directives and activities as may be assigned to them by the Supreme Council from time to time. In the event of the absence of the President and the *three*<sup>21</sup> Deputy Presidents, the Supreme Council shall by a resolution appoint one from amongst the Vice Presidents to deputise for the President during his absence.
- (iv) The Secretary-General shall be the Chief Executive Officer of the Party's Headquarters and shall be deemed to be its Public Officer. He shall conduct the daily business of the Party in accordance with its rules and shall carry out the instructions of the Annual Delegates Conference and of the Supreme Council. He shall be responsible for conducting all correspondences and to keep proper custody of Party's files, books and other documents belonging to the Party. He shall attend all meetings conducted by the Supreme Council and he shall be responsible for recording the minutes of such meetings. He shall keep proper maintenance of the Party's premises and to liaise with all the Divisions relating to the Party. The Secretary-General shall within twenty-eight (28) days after the holding of the Annual Delegates Conference send to the Registrar of Societies an Annual Return of receipts and payments, funds and effects of the Party as audited and shall enclose therewith a copy of the Auditor's Report, if any.
- (iva) ***The Assistant Secretary-General shall assist the Secretary-General in the performance of his duties as specified in Clause (iv) of this Article and shall deputise for the Secretary-General during the latter's absence.***<sup>22</sup>

---

<sup>20</sup> Approved by ROS on 14-03-1988

<sup>21</sup> Approved by ROS on 14-03-1988

<sup>22</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (v) No appointment shall be made to the staff of the Secretary-General without the approval of the President acting on the authority of the Supreme Council.
- (vi) The Treasurer-*General*<sup>23</sup> shall be responsible for all financial interests of the Party. He shall be responsible for the proper management of the Party's Funds.
- (via) *The Assistant Treasurer-General shall assist the Treasurer-General in the performance of his duties as specified in Clause (vi) of this Article and shall deputise for the Treasurer-General during the latter's absence.*<sup>24</sup>
- (vii) The Secretary-General and the Treasurer-*General*<sup>25</sup> shall be paid officials of the Party.
- (viii) All Cheques shall be signed by the Treasurer-*General*<sup>26</sup> or in his absence, the Secretary-General and any one of four (4) Executive Committee members as may be decided by the Supreme Council.
- (ix) The Chief Publicity Officer shall be responsible for the proper conduct of the information section of the Party. He shall plan and organise civil and political forums in liaison with all Divisions of the Party as and when necessary. He shall be responsible to collect publications of other materials which are connected or, of the interests of the Party. He shall refer the publications of other materials to the Supreme Council if and when necessary. He shall, before releasing any press or other outgoing statements from the Party refer such press or outgoing statements to the President or the Secretary-General for scrutiny.
- (ixa) *The Assistant Chief Publicity Officer shall assist the Chief Publicity Officer in the performance of his duties as specified in Clause (ix) of this Article and shall deputise for the Chief Publicity Officer during the latter's absence.*<sup>27</sup>
- (x) The other Committee members shall assist in the administration of the Party Headquarters and may be assigned with such special duties as may be determined by the President from time to time.

---

<sup>23</sup> Approved by ROS on 14-03-1988

<sup>24</sup> Approved by ROS on 14-03-1988

<sup>25</sup> Approved by ROS on 14-03-1988

<sup>26</sup> Approved by ROS on 14-03-1988

<sup>27</sup> Approved by ROS on 14-03-1988

**CHAPTER VI**

**FINANCE AND PROPERTY**

**Article 16 SOURCES OF INCOME**

The income of the Party shall be derived from the following sources:

- (a) Subscriptions;
- (b) Donations;
- (c) Such other sources as may be approved by the Supreme Council or by such appropriate Sub-Committee as may be approved by the Supreme Council; and
- (d) A member who is also member of the Senate or the House of Representatives or the State Legislative Assembly or who is holding a post designated by the Supreme Council shall make such monthly payment as may be fixed by the Supreme Council to the Party Headquarters. In the event of such member refusing or failing to pay, the Supreme Council may take such action as may be appropriate, including expulsion of such member, subject nevertheless to the provisions of Article 31 of this Constitution.

**Article 17 FINANCIAL YEAR**

- (i) The Financial Year shall be from 1st January to the 31st December of each year.
- (ii) The Subscription Year shall be the same as the Financial Year.
- (iii) The offices of the Branches and Divisions shall submit to the Secretary-General their respective Yearly Reports and Statement of Accounts duly audited and adopted.

**Article 18 PARTY ASSETS AND CUSTODY OF PARTY MONEY**

- (i) All party monies, except petty cash, shall be kept in a Bank in the name of the Party.
- (ii) All cheques shall be signed by the officials referred to in Article 15 Clause (viii) of this Constitution in the case of Party Headquarters Account and by the respective Committee in the case of Division or Branch Account.

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (iii) A Division shall be entitled to all monies, lands, buildings and other property of a Branch which has been dissolved.
- (iv) The Supreme Council shall be entitled to all monies, lands, buildings and other property of a Division which has been dissolved.
- (v) The Supreme Council may make rules and regulations in connection with the control disposition and handling of property of the Party at all levels of its organisation and from one level to another from time to time.

### **Article 19 BOARD OF TRUSTEES**

- (i) There shall be a Board of Trustees consisting of three members who shall be appointed by the Annual Delegates Conference.
- (ii) The Party Headquarters, any Division or Branch may acquire land, building and other property either by purchase or otherwise dispose of such land or building or other property in accordance with the law applicable to such transactions. All lands, buildings and other property, except money deposited with the bank, shall be vested and held in trust for the Party by the Board of Trustees.
- (iii) The Trustees shall hold office until death, resignation or removal from office by the Annual Delegates Conference for any reason whatever. When any trustees cease to hold office, the fact shall be reported to the Annual Delegates Conference at a meeting subsequent to the event.
- (iv) In the interim period before an Annual Delegates Conference the Supreme Council may appoint another member to be a Trustee and such appointment shall also be reported to the Annual Delegates Conference.

### **Article 20 AUDITORS**

- (i) The Annual Delegates Conference shall appoint a firm of accountants to audit the accounts of the Party.
- (ii) The Divisional General Meeting and the Branch General Meeting shall appoint two members to audit their respective accounts and the Statement of Accounts together with the Auditor's Report shall be tabled at their respective Annual Meetings.
- (iii) The Supreme Council or its authorised representative may at any time inspect the accounts of the Divisions and Branches.

- (iv) The Supreme Council may make Rules regulating the manner in which the accounts are to be kept.

## CHAPTER VII

### THE SUPREME COUNCIL

#### Article 21 COMPOSITION OF THE SUPREME COUNCIL

There shall, subject to the provisions of Clauses (ii), (iii) and (iv) of Article 14 and of Article 63 of this Constitution, be a Supreme Council which shall consist of the following Officers and shall be termed as the “Office bearers” of the Party.

- (a) The President;
- (b) The *Three*<sup>28</sup> Deputy Presidents;
- (c) The Seven Vice Presidents, including the Leader of the Youth Movement and the Leader of the Women’s Movement;
- (cc) *The Four (4) Vice Presidents appointed by the President;*<sup>29</sup>
- (d) The Secretary-General;
- (dd) *The Assistant Secretary-General*<sup>30</sup>
- (e) The Treasurer-*General*<sup>31</sup>;
- (ee) *The Assistant Treasurer-General;*<sup>32</sup>
- (f) Not more than sixteen (16) Ordinary Council Members to be elected by the Annual Delegates Conference of the year in which elections are held;
- (g) The Chief Publicity Officer;
- (gg) *The Assistant Chief Publicity Officer; and*<sup>33</sup>

---

<sup>28</sup> Approved by ROS on 14-03-1988

<sup>29</sup> Approved by ROS on 24-08-1990

<sup>30</sup> Approved by ROS on 14-03-1988

<sup>31</sup> Approved by ROS on 14-03-1988

<sup>32</sup> Approved by ROS on 14-03-1988

<sup>33</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (h) Not more than **12**<sup>34</sup> Ordinary Council Members to be appointed by the President.

### **Article 22 SUPREME COUNCIL MEETING AND QUORUM**

- (i) The Supreme Council shall meet at least once in every three months or when directed by the President or on the written requisition of at least one-third of the members of the Supreme Council. Seven (7) days notice of each meeting shall be given to the members.
- (ii) The presence of half the number of members of the Supreme Council shall form a quorum for a meeting of the Supreme Council.

### **Article 23 POWERS OF THE SUPREME COUNCIL**

- (i) The Supreme Council shall be the body responsible for the administration of the affairs of the Party under the authority and direction of the Annual Delegates Conference.
- (ii) The Supreme Council shall have the power to do all acts, either general or specific on behalf of the Annual Delegates Conference between one meeting of the Annual Delegates Conference and the next but it must report its activities to the Annual Delegates Conference.
- (iii) Notwithstanding Clause (ii) of Article 25 of this Constitution, if the President shall cease to hold office *the Supreme Council shall elect any one of the three (3) Deputy Presidents to*<sup>35</sup> act in that office until a President shall have been elected at the Annual Delegates Conference in which elections are held.

**PROVIDED** that in the event of that Acting President ceasing to hold office for any reason before a President shall have been elected by a meeting of the Annual Delegates Conference, the remaining members of the Supreme Council shall elect *one of the remaining Deputy Presidents*<sup>36</sup> or one of the Vice-Presidents to be the Acting President.

---

<sup>34</sup> Approved by ROS on 24-08-1980

<sup>35</sup> Approved by ROS on 14-03-1988

<sup>36</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

### Article 24 DUTIES AND RESPONSIBILITIES OF THE SUPREME COUNCIL

- (i) The duties and responsibilities of the Supreme Council shall be:
- (a) to formulate principles, political programmes and policies, including economic, educational, cultural, welfare and social policies, to be presented to the Annual Delegates Conference;
  - (b) to recommend members for appointment to the Senate and to select candidates for Parliamentary and the State Elections as proposed by the Divisional Committees;
  - (c) to control, supervise and decide on all matters connected with any elections;
  - (d) to co-operate and work with other organisations either inside or outside Sabah but within Malaysia on political or other matters which are not inconsistent with the provisions of this Constitution;
  - (e) to select members to represent the Party in any assembly or council or similar bodies;
  - (f) to confirm and grant recognition to the establishment of a Division and to see that its activities conform to the Constitution of the Party;
  - (g) to supervise and direct the activities and administration of the Divisions so as to promote their well-being;
  - (h) to settle, with the consent of the parties concerned, any dispute which may arise within the Party;
  - (i) to table before the Annual Delegates Conference a report of its activities and progress made during the previous year together with a Statement of Account which has been audited and passed;
  - (j) to send to the Divisions the Annual Report together with the notice of meeting of the Annual Delegates Conference at least *forty-five (45)*<sup>37</sup> days before the date of the Annual Delegates Conference;

---

<sup>37</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (k) *to carry out the provisions of this Constitution, the Standing Orders and Rules, regulations and by-laws of the Party, and decisions of the Annual Delegates Conference, to enforce discipline and to take such steps as may be necessary in order to ensure compliance even to the extent of suspending or removing a member or dissolving a Division or a Branch; and*<sup>38</sup>
- (l) to take such other steps not enumerated in the preceding clauses of this Article for the well-being of the Party;
- (ii) In carrying out any of the functions enumerated in the preceding paragraphs of clause (i) of this Article or under any other provisions of this Constitution, the Supreme Council shall have the powers:-
- (a) to appoint from time to time Committees or Sub-Committees with such powers to co-opt as they may deem fit to consider and deal with specific matters as may be necessary;
- (b) to determine and provide terms of reference for such Committees or Sub-Committees as it may think fit and to make such Standing Orders or Rules or Regulations as may be necessary for the conduct of their business. Such Committees or Sub-Committees shall be responsible to the Supreme Council.
- (c) *To appoint a Permanent Chairman and a Deputy Permanent Chairman, who shall hold office subject to Article 63, to preside and conduct all Annual Delegates Conference and Annual General Meetings of Division, Branch and the Youth and Women Movements at all levels as the case may be in accordance with the terms of reference stipulated by the Supreme Council and / or the Standing Orders and Rules of the Party.*

*Provided that the Supreme Council may authorise the Division or Branch Committee or the Youth and Women Movements at all levels to appoint their respective Permanent Chairman and Deputy Permanent Chairman as it may deem fit.*<sup>39</sup>

*Provided further that in the event both the Permanent Chairman and the Deputy Chairman fail to attend or being unable to perform their functions at the meeting for whatsoever reason then the delegates at such meeting shall have the power to appoint any member present to preside over that meeting.*<sup>40</sup>

---

<sup>38</sup> Approved by ROS on 24-08-1990

<sup>39</sup> Approved by ROS on 24-01-1997

<sup>40</sup> Approved by ROS on 09-12-1988

**Article 25 RESIGNATION**

- (i) If two thirds or more of the members of the Supreme Council *resign simultaneously then the remaining members of the Supreme Council irrespective of their number shall continue to administer the affairs of the Party and shall have power to reconstitute the Supreme Council until the next Annual Delegates Conference.*<sup>41</sup>
- (ii) A member of the Supreme Council may resign his office by giving his reason to the Secretary-General who shall submit it to the Supreme Council. If the resignation is accepted, the Supreme Council shall have the power to appoint *any member*<sup>42</sup> to fill in the vacancy. In the case of the Secretary-General, the Treasurer-*General*<sup>43</sup> or the Chief Publicity Officer or any appointed member resigning or ceasing from holding office by reason of death or removed or for whatsoever reason the President shall have the power to appoint another member of the Party to fill the vacancy.

*Provided that a vacancy arising by operation of Article 6 (ii) may thereafter be filled at any time by the Supreme Council in the case of an elected Supreme Council Member and by the President in the case of a nominated member.*<sup>44</sup>

- (iii) In the event of any of the elected members of the Supreme Council ceasing to hold office due to death, resignation, or removal by the Annual Delegates Conference, the Supreme Council shall have the power to appoint another member to fill the vacancy until the Annual Delegates Conference of the year in which elections are held.

**CHAPTER VIII**

**THE ANNUAL DELEGATES CONFERENCE**

**Article 26 SUPREME AUTHORITY**

- (a) Subject to the provisions of this Constitution and to the Standing Orders and Rules of the Annual Delegates Conference the Supreme Authority of the Party shall be the Annual Delegates Conference and all executive functions shall be exercised under the authority and directions of the Annual Delegates Conference.

---

<sup>41</sup> Approved by ROS on 25-07-1995

<sup>42</sup> Approved by ROS on 14-03-1988

<sup>43</sup> Approved by ROS on 14-03-1988

<sup>44</sup> Approved by ROS on 25-07-1995

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (b) The duties of the Annual Delegates Conference shall in addition to the duties specified in Article 27 clause (c) of this Constitution be to:-
  - (i) Determine the Party Policies;
  - (ii) Supervise activities and works of the Supreme Council;
  - (iii) Subject to Article 63 to elect members of the Supreme Council.
- (c) The responsibilities, the duties and, without prejudice to the generality of its powers conferred by this Constitution, the powers of the Annual Delegates Conference shall, in addition to all the powers of the Supreme Council, Divisional and Branch Committees, be as follows:-
  - (i) To regulate its own proceedings direct, manage and control the affairs of the Party and act in the name of the Party;
  - (ii) To grant affiliation to any organisation registered within Malaysia having aims similar to those of the Party and to withdraw such affiliation if the interests of the Party require it;
  - (iii) To add, to repeal, amend, substitute or alter any Article of this Constitution as it shall think expedient for the attainment of any of the objects of the Party or for the better management thereof;
  - (iv) To promote or oppose legislative and other measures affecting or likely to affect the members of the Party, to communicate with public authorities and with kindred bodies on all matters affecting the interests of members and co-operate with other organisations or bodies in such matters;
  - (v) To delegate with or without powers to sub-delegate and subject to such conditions as it may think fit, all or any of its powers, except the power to effect changes to this Constitution to the Supreme Council or any other Committees or Sub-Committees;
  - (vi) To deal with all matters pertaining to the Party not specifically provided for by these provisions.

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

### Article 27 THE ANNUAL DELEGATES CONFERENCE AND EXTRA-ORDINARY DELEGATES CONFERENCE

- (a) The Annual Delegates Conference shall meet not later than a month of *October*<sup>45</sup> in each year unless otherwise decided by the President.
- (b) A preliminary notice of the Annual Delegates Conference stating the time, date and place of meeting, calling for motions for debate during the Conference and amendments to this Constitution, shall be sent by the Secretary-General to all Divisional Secretaries not later than forty-five (45) days before the date fixed for the Conference *and all Divisional meetings shall be held not later than thirty (30) days before the date fixed for Annual Delegates Conference unless ordered otherwise by the Supreme Council.*<sup>46</sup>
- (c) The Annual Delegates Conference shall transact the following business:-
- (i) to confirm the Minutes of the last Annual Delegates Conference;
  - (ii) to receive the report from the Supreme Council reviewing the Party's activities and progress during the previous year;
  - (iii) to receive the *Treasurer-General's*<sup>47</sup> report and the audited Accounts of the Party for the previous year;
  - (iv) to appoint auditors for the ensuing year;
  - (v) to decide on any motion or resolution *of any Division of the Party which has given not less than 21 days notice before the Annual Delegates Conference and approved by the Supreme Council to be debated during the Annual Delegates Conference or such motion or resolution of the Supreme Council, which in the event of being urgent in nature as certified by the President,*<sup>48</sup> a shorter notice may be given under the hand of the Secretary-General.
- (d) The names of Delegates, motions for discussions and other proposal shall be sent by the Divisional Secretaries to the Secretary-General immediately after convening the Divisional General Meeting.

---

<sup>45</sup> Approved by ROS on 24-01-1997

<sup>46</sup> Approved by ROS on 24-01-1997

<sup>47</sup> Approved by ROS on 24-01-1997

<sup>48</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (e) The Secretary-General shall furnish all Divisional Secretaries with the Agenda of the Conference, copies of previous Minutes and audited Accounts of the Party for the preceding year.
- (f) An Extra-ordinary Delegates Conference may be held at any time:-
  - (i) if directed by the President; or
  - (ii) if requested in writing by at least one-third of the members of the Supreme Council; or
  - (iii) if requested in writing by at least one-third of the number of delegates appointed to the Delegates Conference.
- (g) An extra-ordinary Delegates Conference other than that directed by the President can only be convened if the reasons are given in writing to the Secretary-General, and at least thirty (30) days prior notice must be given of the date and time of the meeting and the agenda for discussion.

PROVIDED that on a certificate of urgency stating the reasons therefore signed by the President a shorter notice of not less than seven (7) days may be given.

**AND PROVIDED FURTHER<sup>49</sup>** that any notice by less than seven (7) days shall not invalidate the proceedings of any Delegates Conference if non-compliance with this Article and its proviso is ratified by a resolution of the Delegates Conference concerned.

- (h)
  - (i) A quorum for all Delegates Conferences shall be considered as having been formed if the delegates present, irrespective of their total number, represent more than half the total number of Divisions in the Party.
  - (ii) If half an hour after the time appointed for a Delegates Conference a quorum is not present, the Conference shall be postponed to date (not exceeding fourteen (14) days to be decided by the Supreme Council; and if a quorum is not present half an hour after the time appointed for the postponed conference, the delegates present shall have the power to proceed with the business of the day but they shall not have power to alter the Rules of the Party or to make decisions affecting the whole membership.

---

<sup>49</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (iii) In the case of an Extra-Ordinary Delegates Conference convened under clause (f) of this Article if there is insufficient quorum the Conference shall not be requisitioned for the same purpose until after the lapsed of least six months from the date thereof.

### **Article 28 COMPOSITION OF THE ANNUAL DELEGATES CONFERENCE**

The Annual Delegates Conference shall consist of:-

- (a) the members of the Supreme Council;
- (b) *Not more than 10 delegates duly appointed by the respective Annual Divisional General Meeting of the Party;*<sup>50</sup>
- (c) the Chairman of every Divisional Committee or, if such Chairman is unable to be present himself, any member of the Divisional Committee appointed by him in writing to attend on his behalf;
- (d) *ten (10)*<sup>51</sup> delegates elected by the General Meeting of the Party's Youth Movement;
- (e) *ten (10)*<sup>52</sup> delegates elected by the General Meeting of the Party's Women Movement; and
- (f) The Party's members who are also Member of Parliament or of the Sabah Legislative Assembly.

### **Article 29 COMPOSITION OF THE EXTRA-ORDINARY DELEGATES CONFERENCE**

Any Extra-Ordinary Delegates Conference shall be attended by the same members as those for the previous Annual Delegates Conference as provided in Article 28 above. The nature of business to be discussed at the above Conference shall be confined only on items requested for when making applications under Article 27.

The quorum for the above Conference is provided under Article 27 clause (h) of this Constitution.

---

<sup>50</sup> Approved by ROS on 25-07-1995

<sup>51</sup> Approved by ROS on 24-01-1997

<sup>52</sup> Approved by ROS on 24-01-1997

**Article 30 SUBSTITUTION OF DELEGATES**

- i) *In the event of any delegate of a Division to the Annual Delegates Conference is unable to attend, the Divisional Secretary may before the Annual Delegates Conference apply in writing to the Secretary General for the appointment of another delegate.*
- ii) *In the event of a delegate being elected a member of the Supreme Council, his delegation may make application for the appointment of another delegate. Such application shall be made at the meeting of the Annual Delegates Conference.<sup>53</sup>*

**Article 31 DISMISSAL OR EXPULSION OF OFFICIAL OR MEMBER**

- (i) The Annual Delegates Conference may dismiss or *expel*<sup>54</sup> any elected or *appointed*<sup>55</sup> member of the Supreme Council if approval by at least two-thirds of the number of delegates present at the meeting of the Annual Delegates Conference.
- (ii) The Supreme Council may dismiss or *expel*<sup>56</sup> any appointed *or elected*<sup>57</sup> member of the Supreme Council who is shirking from his responsibilities and whose conduct and behavior render him unfit to be a member of the Supreme Council or for any other reasons.

**CHAPTER IX**

**DIVISION**

**Article 32 ESTABLISHMENT OF DIVISIONS**

- (i) There shall be established a Division in every State Assembly Constituency provided that the requirement of this Article may be waived or varied by the Supreme Council if it thinks fit to do so.

*For the clearance of doubt the establishment of a division under this article shall include the establishment of a division in the Federal Territory of Labuan.<sup>58</sup>*

---

<sup>53</sup> Approved by ROS on 24-01-1997

<sup>54</sup> Approved by ROS on 24-08-1990

<sup>55</sup> Approved by ROS on 24-08-1990

<sup>56</sup> Approved by ROS on 24-08-1990

<sup>57</sup> Approved by ROS on 24-08-1990

<sup>58</sup> Approved by ROS on 24-08-1990

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (ii) Every Division shall have at least 500 members whose subscriptions must be up-to-date and its establishment must be approved by the Supreme Council.
- (iii) Subject to the provisions of this Constitution and of Standing Orders and Rules of the Annual Delegates Conference, the executive authority of a Division shall be vested in the Divisional General Meeting and all executive functions shall be carried out under the authority and directions of the Divisional General Meeting.

### **Article 33 THE DIVISIONAL OFFICE**

- (i) The Secretariat of the Division shall be the Divisional Office.
- (ii) The Divisional Office may be located at any place within the Division as may be approved by the Divisional Committee.
- (iii) No appointment shall be made to the staff of the Divisional Office without the approval of the Divisional Chairman.

### **Article 34 DISSOLUTION OF A DIVISION**

- (i) The Supreme Council may by a majority vote taken at a Supreme Council meeting, dissolve a Division if such Division refuses to abide by the Party Standing Orders and Rules or refuses to comply with any decision made by the Delegates

Conference or is guilty of conduct detrimental to the Party. PROVIDED that before a decision is taken to dissolve any such Division as hereinabove provided that Division shall be given thirty (30) days notice in writing to answer the allegation made against it as to why it should not be dissolved.

- (ii) The order to dissolve a Division shall be signified by the Secretary-General and upon receipt of such an order that Division shall thereupon cease to function except for the purpose of winding-up. Such Division may by notice in writing addressed to the Secretary-General within thirty (30) days of its receipt appeal against such order for determination by the next Delegates Conference. Notwithstanding such appeal, the order of dissolution shall remain operative until set aside by the Delegates Conference but in such a case the Supreme Council may appoint from among its members a caretaker Divisional Committee to deal with the affairs of that Division pending the determination of the appeal.

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

### Article 35 ANNUAL GENERAL MEETING AND EXTRAORDINARY GENERAL MEETINGS

- (i) The Annual Divisional General Meeting shall be held once a year *not later than the month of August*<sup>59</sup> unless otherwise directed by the Supreme Council.
- (ii) The Divisional Secretary shall issue a notice to all Branches notifying them about the convening of the Annual Divisional Meeting. Such notice must be sent not later than fourteen (14) days before such meeting is held.
- (iii) The Annual Divisional Meeting shall transact the following business:-
  - (a) to receive reports of the previous year on the activities of the Division;
  - (b) to receive reports of the previous year on the financial accounts of the Division;
  - (c) subject to Article 63, to elect new office-bearers of the Division;
  - (d) to appoint delegates to represent the Division on an Annual Delegates Conference of the Party; and
  - (e) to discuss any other business.
- (iv) An Extraordinary General Meeting may be held at any time:
  - (a) If required by the Divisional Chairman; or
  - (b) On the written application of at least one-third of the members of the Divisional Committee; or
  - (c) On the written application of at least one half of the number of delegates appointed to the Divisional General Meeting; or
  - (d) As directed by the Secretary-General.
- (v) The request mentioned in *Sub-Clauses (b) and (c) of Clause (iv) hereinabove*<sup>60</sup> must set out full reasons for making the request, giving at least twenty one (21) days notice in writing to the Divisional Secretary

---

<sup>59</sup> Approved by ROS on 24-01-1997

<sup>60</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

and specifying the date and time of the Extraordinary General Meeting and the agenda for discussion.

### **Article 36 COMPOSITION OF DIVISIONAL GENERAL MEETINGS**

The Annual Divisional General Meeting shall consist of:-

- (a) The members of the Divisional Committee;
- (b) The Chairman of every Branch within the Division or in his absence a member of the Branch Committee appointed by him;
- (c) *Not more than five (5)*<sup>61</sup> delegates from the Youth Movement as elected by its Divisional General Meeting and
- (d) *Not more than five (5)*<sup>62</sup> delegates from the Women's Movement as elected by its Divisional General Meeting;
- (e) Delegates appointed by Branches at their General Meeting being one delegate for first 50 members and a maximum of 10 delegates from each branch.

*In the event that Article 52(vi)(b) applies where any number of members present forms the quorum, then those present shall constitute half the number required for the purpose of determining the number delegates from that Branch.*<sup>63</sup>

### **Article 37 COMPOSITION OF THE EXTRAORDINARY GENERAL MEETING**

An Extraordinary Divisional General Meeting shall have the same members as for the previous Annual Divisional General Meeting stated in Article 36 of this Constitution.

### **Article 38 SUBSTITUTION OF DELEGATES**

- i) *In the event of a delegate of any Branch to the Annual Divisional General Meeting is unable to attend, the Branch Secretary may before the meeting apply in writing to the Divisional Secretary for the appointment of another delegate.*<sup>64</sup>

---

<sup>61</sup> Approved by ROS on 24-01-1997

<sup>62</sup> Approved by ROS on 24-01-1997

<sup>63</sup> Approved by ROS on 24-01-1997

<sup>64</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- ii)* In the event of a delegate being appointed a member of the Divisional Committee his delegation may apply that his place be taken by another. ***Such application shall be made at the Annual Divisional General Meeting.***<sup>65</sup>

### **Article 39 DISMISSAL**

The Divisional General Meetings shall have the power to remove from office any member of the Divisional Committee if approved by at least two-thirds of the members present at the meetings of the Divisional General Meetings.

### **Article 40 THE DIVISIONAL COMMITTEE**

- (i) The Divisional Committee shall consist of:-
- (a) The Chairman;
  - (b) The Deputy Chairman;
  - (c) Four Vice-Chairmen including one from the Youth Movement, and one from the Women's Movement;
  - (d) The Secretary;
  - (dd) The Assistant Secretary;***<sup>66</sup>
  - (e) The Treasurer;
  - (ee) The Assistant Treasurer;***<sup>67</sup>
  - (f) The Publicity Officer;
  - (g) Not more than five (5) Ordinary Committee members to be elected by the Divisional General Meeting; and
  - (h) Not more than two (2) Ordinary Committee members to be appointed by the Divisional Chairman after consultation with the Divisional Committee.
- (ii)* The Chairman, The Deputy Chairman, the Vice Chairmen and members of the Divisional Committee ***mentioned in paragraph (g)***<sup>68</sup> of clause (i) hereof shall be elected by the Annual Divisional General Meeting in which the election is held. The names of Candidates shall be proposed

---

<sup>65</sup> Approved by ROS on 24-01-1997

<sup>66</sup> Approved by ROS on 14-03-1988

<sup>67</sup> Approved by ROS on 14-03-1988

<sup>68</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

*in writing by not less than three Branches of the Division at their respective Annual General Meetings and after a consent in writing is given by the candidates, who shall contest for one post only, their names shall be printed in ballot papers according to the post they have chosen to contest<sup>69</sup> and election thereon shall be by a simple majority vote.*

- (iii) *The members specified in paragraphs (d), (dd), (e), (ee), (f) and (h) of clause (i) hereof<sup>70</sup> shall be appointed by the Divisional Chairman after consultation with the Divisional Committee.*

### **Article 41 DUTIES OF DIVISIONAL OFFICE BEARERS**

(a) ***Duties of Divisional Office Bearers:-***

- (1) The Divisional Chairman shall be responsible for the efficient administration of the Divisional Office. He shall during the term of office preside *at all Committee Meetings<sup>71</sup>* and shall be responsible for their proper conduct. He shall have a casting vote and shall sign the minutes of each meeting at the time they are approved.
- (2) The Deputy Chairman shall assist the Chairman in the performance of his duties *and shall deputise the Chairman during his absence or inability to act for whatsoever reason.<sup>72</sup>*
- (3) The Vice Chairmen shall assist the Chairman or the Deputy Chairman in their duties *and if both the Chairman and the Deputy Chairman cease to hold office for whatsoever reason, then the Divisional Committee shall elect one of the Vice Chairmen as the case may be.<sup>73</sup>*
- (4) The Divisional Secretary shall be the Administrative Officer of the Divisional office. He shall conduct the business of the Division in accordance with the rules of the Party and shall carry out the instructions of the General Meeting and of the Committee. He shall be responsible for conducting all correspondence and keeping the books, documents and papers except the account and financial records. He shall attend all meetings and record the proceedings.

---

<sup>69</sup> Approved by ROS on 24-01-1997

<sup>70</sup> Approved by ROS on 24-01-1997

<sup>71</sup> Approved by ROS on 24-01-1997

<sup>72</sup> Approved by ROS on 24-01-1997

<sup>73</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (4a) *The Assistant Secretary shall assist the Divisional Secretary in the performance of his duties as specified in paragraph (4) of this Article and shall deputise for the Divisional Secretary during the latter's absence.*<sup>74</sup>
- (5) The Treasurer shall be responsible for the finances of the Division. He shall keep accounts of all its financial transactions and shall be responsible for their correctness. All cheques shall be signed on behalf of the Division by the Treasurer and countersigned by the Secretary or the Chairman.
- (5a) *The Assistant Treasurer shall assist the Treasurer in the performance of his duties as specified in paragraph (5) of this Article and shall deputise for the Treasurer during the latter's absence.*<sup>75</sup>
- (6) The Publicity Officer shall be in charge of all the Publicity works in the Division.

### **Article 42 AUTHORITY OF DIVISIONAL COMMITTEE**

The Divisional Committee shall be the body responsible for running the affairs of the Division and empowered to exercise all functions and on behalf of the Divisional General Meeting between one Annual Meeting of the Divisional General Meeting and the next, but it shall report all its activities to the Annual Divisional General Meeting. It shall manage the affairs of the Division in accordance with this Constitution and the instructions of the Supreme Council and the Annual Delegates Conference.

### **Article 43 VACANCY**

In the event of any member of the Divisional Committee *ceasing to hold office due to death, resignation, removal or for whatsoever reason the Divisional Committee irrespective of its numbers shall have powers to fill the vacancy or vacancies at anytime.*<sup>76</sup>

### **Article 44 RESIGNATION**

Any member of the Divisional Committee may by letter resign giving his reasons to the Secretary who shall submit it to the Divisional Committee for its decision.

---

<sup>74</sup> Approved by ROS on 14-03-1988

<sup>75</sup> Approved by ROS on 14-03-1988

<sup>76</sup> Approved by ROS on 24-01-1997

## **THE CONSTITUTION OF PARTI BERSATU SABAH**

---

### **Article 45 MEETINGS**

- (i) The Divisional Committee shall meet at least once in two (2) months or at any time as may be directed by the Chairman or on the written request of not less than one-third of its members. Seven (7) days' notice shall be given to all the members on any such meetings.
- (ii) One half of the number of members of the Divisional Committee shall form a quorum.

### **Article 46 QUORUM**

- (i) The presence of at least one half of the members of Branch representative shall form a quorum for a Divisional General Meeting.
- (ii) If after half an hour after the time appointed for the Divisional General Meeting a quorum is not present, the Divisional Secretary shall postpone such meeting to a date not exceeding fourteen (14) days from the date of postponement and if a quorum is not present half an hour after the time appointed for the postponed meeting any number of attendances shall be deemed a quorum and there shall be no further postponement.

### **Article 47 ABSENCE OF CHAIRMAN AND DEPUTY CHAIRMAN**

At any meeting of the Divisional Committee, if the Chairman, the Deputy Chairman shall be absent, one of the Vice Chairmen mentioned in paragraph (c) of Clause (i) Article 40 shall be the Chairman of such meeting.

### **Article 48 ACTING DIVISIONAL CHAIRMAN**

If the Divisional Chairman shall cease to hold office, the Deputy Chairman shall act in that office until a new Chairman shall have been elected at the next meeting of the Annual Divisional General Meeting in which elections are held.

### **Article 49 DUTIES, POWERS AND RESPONSIBILITIES**

The duties, powers and responsibilities of the Divisional Committee shall be:-

- (a) to establish, subject to the agreement of the Supreme Council, Branches within the Division and to co-ordinate their activities in conformity with the provisions of this Constitution;
- (b) to liaise with any Party or organisations within the Division on any political or other matters which are not inconsistent with this Constitution;

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (c) to settle, with the consent of the parties concerned, any dispute which may arise in the Party within the Division;
- (d) to recommend the expulsion or suspension of a member or the dissolution of a Branch to the Supreme Council;
- (e) to recommend to the Divisional General Meeting the removal of any member of the Divisional Committee;
- (f) to propose for the consideration of the Supreme Council the names of members for appointment to Municipal Councils, Town Boards and/ or District Council within the Division.
- (g) to propose for the consideration of the Supreme Council the names of members to represent the Party on any Board or Council within the Division;
- (h) to lay before the Annual Divisional General Meeting a report on the activities of the Division and its progress during the past year together with a Statement of Account duly audited and passed;
- (i) to send to the Branches the Annual Report and the Statement of Account at least fourteen (14) days before the date fixed for the Annual Divisional General Meeting;
- (j) to enforce the provisions of this Constitution, the Standing Orders and Rules and Party discipline and to take such action as may be appropriate for bringing them into effect; and
- (k) to carry out such directives or activities as may be directed by the Supreme Council.

### CHAPTER X

#### BRANCHES

##### **Article 50 ESTABLISHMENT OF BRANCHES**

- (i) There shall be established a Branch in every polling district or in any other place as may be approved by the Divisional Committee.
- (ii) The establishment of a Branch must be approved and recognised by the Divisional Committee.

- (iii) A Branch shall not be established if membership is less than thirty (30) members.
- (iv) Subject to the provisions of this Constitution and of the Party's Standing Orders and Rules, the Executive authority of a Branch is vested in the Branch General Meeting and all executive functions shall be exercised by the Branch Committee under the authority and direction of the Branch General Meeting.

### **Article 51 DISSOLUTION OF BRANCHES**

- (1) The Divisional Committee may dissolve a Branch:-
  - (a) If for a consecutive period of six (6) months the number of Branch members is below thirty (30); or
  - (b) If the Branch refuses to abide by the Orders or Rules of the Party or the decisions of the Divisional General Meeting or the Divisional Committee or if it is in opinion of the Divisional Committee guilty of conduct detrimental to the Party.
- (2) A decision to dissolve a Branch shall be by a majority vote at a meeting of the Divisional Committee, provided that before a decision is taken to dissolve a Branch on the ground stated on paragraph (1) (b) of this Article the Branch concerned shall be given thirty (30) days' notice for an opportunity to answer the allegations made against it.
- (3) The order of dissolution shall be signed by the Divisional Secretary. On receipt of such order the Branch shall cease to function except for the purpose of winding up. Any Branch aggrieved by an order of dissolution may, by notice in writing to the Divisional Secretary within thirty (30) days of its receipt, lodge an appeal to the Annual Divisional General Meeting. Notwithstanding such appeal, the order of dissolution shall be operative until set aside by the Annual Divisional General Committee but in such circumstances the Divisional Committee may appoint from among its members a caretaker Committee to deal with the affairs of the Branch pending the hearing of the appeal.
- (4) In the event of a Branch being *dissolved*<sup>77</sup> for the reason stated in paragraph (1) (a) of this Article, the Divisional Committee shall transfer the remaining members to the nearest Branch, and in the event of a

---

<sup>77</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

Branch being *dissolved*<sup>78</sup> for reason stated in paragraph (1) (b) of this Article, the member shall cease to be members of the Party.

- (5) It shall be the responsibilities of the Chairman, the Secretary and the Treasurer of such Branch to deliver to the Divisional Secretary all books, records, money and other property in the possession of the Branch, together with a Statement of Account of the Branch from the date of last submission of accounts to the date of the order of dissolution.
- (6) If the members of a Branch decide to secede from the Party, its office bearers shall forthwith deliver to the Divisional Secretary all book, records, money and other property of the Party and shall forthwith prepare and deliver to the Divisional Secretary a Statement of Account as stated in paragraph (5) of this Article.

### Article 52 GENERAL AND EXTRA-ORDINARY MEETINGS

- (i) The Branch General Meeting shall be held once a year *not later than the month of July unless otherwise directed by the Divisional Committee.*<sup>79</sup>
- (ii) The Branch Secretary shall notify all Branch members about the date of the convening of the Annual Branch General Meeting. Such notice must be sent not later than fourteen (14) days before any such meeting is held.
- (iii) The Annual Branch General Meeting shall transact the following business:
  - (a) to receive reports of the previous year on the activities of the Branch;
  - (b) to receive reports of the previous year on the financial accounts of the Branch;
  - (c) subject to Article 63, to elect new office bearers of the Branch; and
  - (d) to discuss any other business.
- (iv) An Extra-Ordinary Meeting of the Branch may be held at anytime:-

---

<sup>78</sup> Approved by ROS on 24-01-1997

<sup>79</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (a) if directed by the Branch Chairman; or
  - (b) if requested in writing by at least one half to the members of the Branch Committee; or
  - (c) if requested in writing by at least one-third of the members of the Branch; or
  - (d) if directed by the Divisional Committee.
- (v) The request in paragraphs (b) and (c) of clause (iv) of this Article, must set out the full reasons for making the request giving at least twenty-one (21) days' notice in writing to the Branch Secretary and specifying the date and time of the meeting and the agenda for discussion.
- (vi) (a) One half of the members of the Branch shall form a quorum for a Branch General Meeting.
- (b) If after half an hour after the time appointed for the Branch General Meeting a quorum is not present the Branch Secretary shall postpone such meeting to a date not exceeding fourteen (14) days from the date of postponement and *if half an hour after the time appointed for the postponed meeting less than fifteen (15) members of that Branch are present then the meeting shall be aborted due to lack of quorum and there shall be no further postponement.*<sup>80</sup>

### Article 53 THE BRANCH COMMITTEE

- (i) The Branch Committee should consist of:-
- (a) The Chairman;
  - (b) The Deputy Chairman;
  - (bb) *Two Vice-Chairmen being the Leader of the Youth Movement and the Leader of the Women's Movement if established in the Branch;*<sup>81</sup>
  - (c) The Secretary;
  - (cc) *The Assistant Secretary;*<sup>82</sup>
  - (d) The Treasurer;

---

<sup>80</sup> Approved by ROS on 09-12-1998

<sup>81</sup> Approved by ROS on 24-01-1997

<sup>82</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (dd) *The Assistant Treasurer;*<sup>83</sup>
- (e) Not more than three (3) ordinary Committee members to be elected by the Branch General Meeting; and
- (f) Not more than two (2) ordinary Committee members to be appointed by the Branch Chairman after consultation with the Branch Committee.
- (ii)
- (a) *The Chairman, the Deputy Chairman and members of the Branch Committee mentioned in paragraph (e) of clause (i) hereof shall be elected by the Branch General Meeting in which the names of the candidates shall be proposed and seconded, subject to the consent of the candidates, who shall contest for one post only, election thereon shall be by a simple majority vote.*<sup>84</sup>
- (b) *The members specified in paragraphs (c), (cc), (d), (dd) and (f) of clause (i) hereof shall be appointed by the Branch Chairman after consultation with the Branch Committee.*<sup>85</sup>
- (iii) If the Branch Chairman shall cease to hold office, the Deputy Chairman shall act in that office until a new Chairman shall have been elected at the next Branch General Meeting.
- (iv) In the event of any member of the Branch Committee *ceasing to hold office due to death, resignation, or removal or for whatsoever reason the Branch Committee irrespective of its numbers shall have the power to fill the vacancy or vacancies at any time.*<sup>86</sup>
- (v) Any member of the Branch Committee may resign his office by making an application in writing stating his reason thereof addressed to the Branch Committee for its consideration.
- (vi) The Branch Committee shall be responsible for running the affairs of the Branch between the Branch General Meeting and the next, but it shall report all its activities to the Annual General Meeting. It shall manage the affairs of the Branch in accordance with the rules of the Party and the instructions of the Divisional Committee and the Annual Divisional General Meeting

---

<sup>83</sup> Approved by ROS on 14-03-1988

<sup>84</sup> Approved by ROS on 24-01-1997

<sup>85</sup> Approved by ROS on 24-01-1997

<sup>86</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (vii) The Branch Committee shall meet at least once in every month and also when requested by the Branch Chairman or on the written application of at least one-third of the Branch Committee members. Seven (7) days notice shall be given to all the Committee members about the holding of any such meeting.
- (viii) One half of the Committee members present shall form a quorum.
- (ix) At any meeting of the Branch Committee if the Branch Chairman or Deputy Chairman, shall be absent, the members present shall elect one of themselves to preside at the meeting.
- (x) Duties of Branch office Bearers:
  - (1) The Chairman shall during his term of office preside at *all Committee Meetings*<sup>87</sup> and shall be responsible for their proper conduct. He shall have a casting vote and shall sign the Minutes of each meeting at the time they are approved.
  - (2) The Deputy Chairman shall deputise for the Chairman during the latter's absence.
  - (3) The Secretary shall conduct the business of the Branch in accordance with the Rules of the Party and shall carry out the instructions of the General Meeting and of the Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records. He shall attend all meetings, and record the proceedings. He shall also maintain a membership register of all the Branch members.
  - (3a) *The Assistant Secretary shall assist the Secretary in the performance of his duties as specified in Clause (3) of this Article and shall deputise for the Secretary during the latter's absence.*<sup>88</sup>
  - (4) The Treasurer shall be responsible for the finances of the Branch. He shall keep accounts of all its financial transactions and shall be responsible for their correctness. All cheques shall be signed on behalf of the Branch by the Treasurer and countersigned by the Secretary or the Chairman.

---

<sup>87</sup> Approved by ROS on 24-01-1997

<sup>88</sup> Approved by ROS on 14-03-1988

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

*(4a) The Assistant Treasurer shall assist the Treasurer in the performance of his duties as specified in paragraph (4) of this Article and shall deputise for the Treasurer during the latter's absence.<sup>89</sup>*

### **Article 54 DUTIES AND RESPONSIBILITIES FOR THE BRANCH COMMITTEE**

The duties and responsibilities of the Branch shall be:-

- (a) to co-operate with any party or organisation on political or other matters which are not inconsistent with this Constitution;
- (b) to recommend to the Divisional Committee the removal of any member of the Branch Committee found to be shirking from his responsibilities;
- (c) to lay before the Branch General Meeting, a report on the activities of the Branch during the previous year together with a Statement of Accounts duly audited and passed;
- (d) to send to every member a copy of the Annual Report and Statement of Accounts at least fourteen (14) days before the date fixed for the Annual Branch General Meeting;
- (e) to propose to the Branch General Meeting any amendment to this Constitution or to the Standing Orders and Rules. Such proposals, if approved by the Branch General Meeting, shall be forwarded to the Annual Delegates Conference through the Annual Divisional General Meeting.
- (f) to recommend the expulsion or suspension of a member to the Divisional Committee;
- (g) To carry out such directives or activities as may be directed by the Divisional Committee from time to time; and
- (h) to enforce the provisions of this Constitution, the Standing Orders and Rules of the Annual Delegates Conference and the Party's discipline and to take such steps as may be necessary in order to bring them into effect.

### **Article 55 THE BRANCH OFFICE**

- (i) The Secretariat of the Branch shall be the Branch Office.

---

<sup>89</sup> Approved by ROS on 14-03-1988

## **THE CONSTITUTION OF PARTI BERSATU SABAH**

---

- (ii) The Branch Office may be located at any place approved by the Branch Committee.
- (iii) The Branch Secretary shall be the Administrative Officer of the Branch Office.
- (iv) The Branch Chairman shall be responsible for the efficient administration of the Branch Office.
- (v) No appointment shall be made to the Staff of the Branch Office without the approval of the Branch Chairman.

### **CHAPTER XI**

#### **DELEGATES**

##### **Article 56**

- (i) Every delegate appointed to any level shall not represent more than one delegation.
- (ii) Unless otherwise arranged, the Divisions and the Branches concerned shall be respectively responsible for all expenses for sending their delegates to the Annual Delegates Conference.

### **CHAPTER XII**

#### **YOUTH AND WOMEN'S MOVEMENT**

##### **Article 57 YOUTH MOVEMENT**

- (i) There shall be established a Youth Movement at all levels with the following objects:-
  - (a) to encourage its members to study and participate in the field of politics, economy, culture, tradition, sports and education;
  - (b) to encourage its members to take active part in the development of a progressive and united Malaysia;
  - (c) to co-operate with any recognised Youth Organisation;

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (d) to assist the Supreme Council in implementing and achieving the objects of the Party.
- (ii) For the purpose of achieving the objects mentioned in clause (i) of this Article the Supreme Council may from time to time make rules not inconsistent with the provisions of this Constitution.

### **Article 58 WOMEN'S MOVEMENT**

- (i) There shall be established at all levels a Women's Movement with the following objects:-
  - a) To encourage its members to study and participate in the field of politics, economy, culture, tradition, sports, education, welfare and domestic science;
  - b) To encourage its members to take active part in the development of a progressive and united Malaysia;
  - c) To co-operate with any recognised Women's Movement or organisations;
  - d) *To assist the Supreme Council in implementing and achieving the objects of the Party.*<sup>90</sup>
- (ii) For the purpose of achieving the objects mentioned in clause (i) of this Article the Supreme Council may from time to time make rules not inconsistent with the provisions of this Constitution.

## CHAPTER XIII

### **DISQUALIFICATION OF MEMBERS AS CANDIDATES FOR ELECTION**

#### **Article 59 DISQUALIFICATION**

- (i) No member shall qualify for nomination as a candidate for any election:-
  - (a) if he has been member for less than a year;

---

<sup>90</sup> Approved by ROS on 24-01-1997

- (b) if he has been readmitted as a member subsequent to his resignation *for a period of less than 3 years unless otherwise decided by the Supreme Council;*<sup>91</sup>
  - (c) if he is disqualified under any law relating to elections or under any provision of this Constitution.
- (ii) The above provisions shall also apply to a candidate to be appointed to the State Legislative Assembly, the House of Representatives and/or the Senate.

**Article 60 EXEMPTION FROM DISQUALIFICATION**

Save where any member is disqualified under any law, the President for special reasons shall have the power to exempt a member from the provision of Article 59.

**CHAPTER XIV**

**PARTY DISCIPLINE**

**Article 61 DISCIPLINARY COMMITTEE**

- (i) There shall be established a Disciplinary Committee to deal with all recommendations for the expulsion, suspension or disciplinary action against any member.
- (ii) The Disciplinary Committee shall consist of five members to be appointed by the Supreme Council.
- (iii) The Disciplinary Committee shall have power to suspend or expel any member when it considers that the interest of the Party so requires, but before a member is suspended or expelled, his conduct shall be enquired into by the Committee and he shall be informed of the complaints against him and be given an opportunity to defend and explain himself. PROVIDED that the foregoing power to expel a member shall not apply to a member appointed or elected to the Supreme Council.
- (iv) If in any case the President considers that immediate action to suspend is desirable in the interest of the Party, the President may suspend a member pending action by the Disciplinary Committee.

---

<sup>91</sup> Approved by ROS on 25-07-1995

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

- (v) A member aggrieved by the decision of the Disciplinary Committee may with *fourteen (14)*<sup>92</sup> days from the date such decision was given appeal to the Supreme Council whose decision shall be final.
- (vi) A member who is expelled in accordance with this Article shall forfeit his rights and privileges as a member and shall have no claim on the Party, and in the case of a suspension the member shall be subject to such reduction of his rights and privileges as a member as the Committee may decide.

### CHAPTER XV

#### STANDING ORDERS AND RULES

##### Article 62 STANDING ORDERS AND RULES

- (i) *Standing Orders and Rules not inconsistent with the provisions of this Constitution may be formulated and amended or otherwise rescinded by the Supreme Council from time to time.*<sup>93</sup>
- (ii) *All*<sup>94</sup> Standing Orders and Rules referred to in clause (i) hereof shall be considered by *the Supreme Council in its meeting*<sup>95</sup> and if adopted, such Standing Orders and Rules shall form part of this Constitution and shall accordingly, have the same force and effect.
- (iii) The Standing Orders and Rules of an Annual Delegates Conference shall be adopted for meetings of a Divisional General Meetings or Branch General Meetings.

### CHAPTER XVI

#### GENERAL

##### Article 63 TERM OF OFFICE

Unless otherwise provided for in this Constitution, all office bearers elected or appointed under this Constitution shall hold office until next election. Every Branch, Division and the Annual Delegates Conference shall hold a general election for its

---

<sup>92</sup> Approved by ROS on 24-01-1997

<sup>93</sup> Approved by ROS on 24-01-1997

<sup>94</sup> Approved by ROS on 24-01-1997

<sup>95</sup> Approved by ROS on 24-01-1997

## THE CONSTITUTION OF PARTI BERSATU SABAH

---

respective office bearers according to the provisions of this Constitution once in every three (3) years.

*Provided that notwithstanding the provisions hereinabove, whenever two-thirds of the Supreme Council Members or Office Bearers of the Party resign or are removed or disqualified from being members or cease to hold office of the Party simultaneously for any reason whatsoever then the Party or the Division or the Branch during its next Annual Delegates Conference or Annual General Meeting as the case may be shall elect a new Supreme Council or the Divisional or Branch Office of the Party as the case may be.*<sup>96</sup>

### Article 64 PROHIBITIONS

- (1) The Party shall not have affiliation or connection with any political parties established outside Malaysia.
- (2) No University or College student shall be admitted as a member of the Party unless he has obtained a prior written permission from the Vice-Chancellor of the University or College concerned.
- (3) Every member of the Party, every officer performing executive functions and every adviser of the Party shall be Malaysian Citizens.
- (4) *Every member of the Supreme Council, Divisional or Branch Committee shall attend every meeting called by the Supreme Council, Division or Branch Committee. PROVIDED that any such member may absent himself from such meeting if he has obtained leave from the President in the case of a Supreme Council Meeting or the Chairman in the case of a Divisional or Branch Committee meeting. If any such member is absent from three (3) consecutive meetings without leave as aforesaid such members shall be deemed to have resigned his membership from the Supreme Council, Divisional or Branch Committee as the case may be.*<sup>97</sup>

### Article 65 AMENDMENT OF THE CONSTITUTION

- (i) The Constitution or any part thereof may be amended or rescinded by a resolution supported by at least two-thirds of the number of the delegates present at the Annual Delegates Conference.
- (ii) Any resolution to amend or rescind this Constitution shall be forwarded to the Secretary-General and must comply with the Standing Orders and

---

<sup>96</sup> Approved by ROS on 25-01-1995

<sup>97</sup> Approved by ROS on 14-03-1988

## **THE CONSTITUTION OF PARTI BERSATU SABAH**

---

Rules pertaining to such amendments or rescission shall take effect from the date of their approval by the Registrar of Societies.

### **Article 66 DISPUTE AS TO INTERPRETATION**

In the case of any dispute as to the interpretation, construction, rendering and meaning of all or any of the Article of this Constitution or of any word or words contained in any such Article, the interpretation, construction, rendering and meaning determined by the Supreme Council shall be final unless and until countermanded by a resolution of an Annual Delegates Conference.

### **Article 67 DISSOLUTION OF THE PARTY**

- (i) The Party may be voluntarily dissolved by a resolution of not less than three-fourths of the total number of Party members.
- (ii) If the Party of dissolved, all debt and liabilities legally and reasonably incurred shall be fully discharged and any remaining funds (if any) shall be disposed off in a manner determined by the last Delegates Conference.

## APPENDIX 'A'

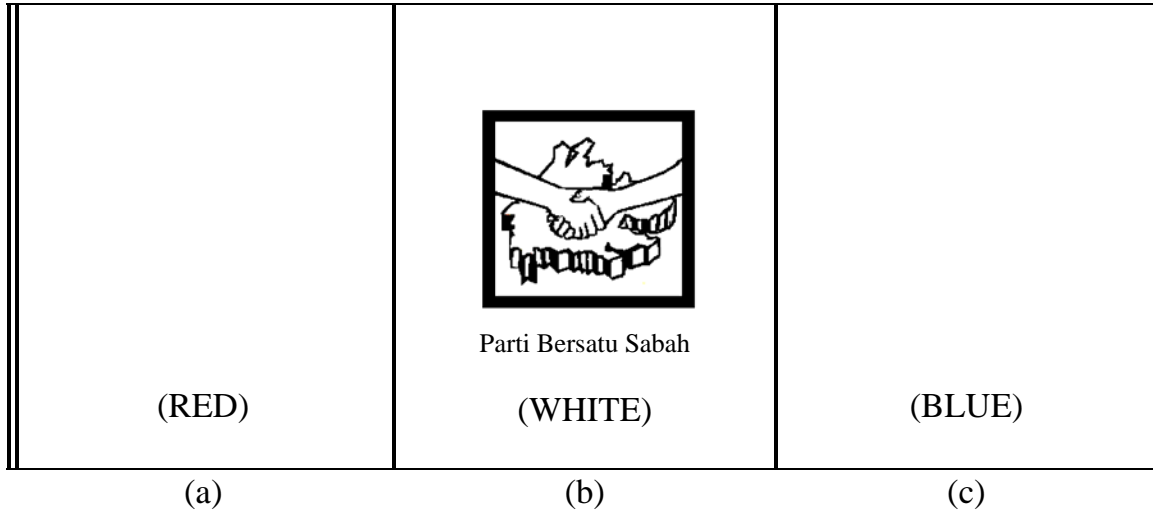


Parti Bersatu Sabah

### **SYMBOL AND BADGE**

The **SYMBOL** and the **BADGE** of the Party shall be two hands clasped in handshake over the green map of Sabah outlined in bold brown border inside a brown-sided square with the words 'PARTI BERSATU SABAH' below it. The 'handshake' shall signify unity, friendship and cooperation among the people of Sabah; the colour 'green' shall signify the wealth with special emphasis on the agro-based nature of the State of Sabah; the colour 'brown' shall signify the fertility of its soil and the shape 'square' shall signify equality and justice among all the people in Sabah

APPENDIX 'B'



**FLAG**

The Flag of the Party shall be:-

- (a) the part nearest to the rope shall be red which shall signify courage;
- (b) the centre shall be white which signifies purity and superimposed with with the symbol and badge of the Party; and
- (c) the end portion shall be blue which shall signify peace and tranquility.