

YEAR 2017

PERSATUAN AMPUNYA JENTERA PEMBINAAN BERAT MALAYSIA (MALAYSIA HEAVY CONSTRUCTION EQUIPMENT OWNERS' ASSOCIATION)

RULES

1. NAMES

The name of the Association shall be Persatuan Ampunya Jentera Pembinaan Berat Malaysia (Malaysia Heavy Construction Equipment Owners' Association) shall be known as "PAJPBM" .

2. PLACE OF BUSINESS

The registered place of business of the Association shall be at No. 32-1, Jalan 9/23A, Medan Makmur, Off Jalan Usahawan, 53200 Setapak, Kuala Lumpur or at other place as may from time to time be decided by the committee. The registered place of business shall not be changed without the prior approval of the Registrar of Societies.

3. OBJECTS

The objects of the Association are :-

- 3.1 To establish communications with all relevant authorities, housing developers and contractors of housing, sewerage and drainage, and earthworks and general contractors in the use of heavy construction equipments.
- 3.2 To enable all members throughout Malaysia to assemble and discuss matters concerning the approval, use and hire of all construction equipments.
- 3.3 To assist and protect members in their legitimate rights and benefits in the retention of a legal adviser for arrears of hiring fees and in receipts of payments.
- 3.4 To promote goodwill, co-operation and friendship among members and members with the relevant authorities, developers and contractors.
- 3.5 To strengthen the relation with members at various states and other lawful associations.

4 **MEMBERSHIP**

- 4.1 All owners of heavy construction equipments to effect housing construction, earthworks, sewerage and drainage, earthworks and pipe laying shall be eligible for membership. Only corporate membership is allowed and each member shall have one vote.
- 4.2 Every application for membership shall be forwarded to the General Secretary who shall submit it to the committee for approval. The Committee may at its discretion reject any application without assigning any reason therefore.

5. **OBLIGATION OF MEMBERS**

- 5.1 Members shall have the obligations to observe the rules of the Association and all resolutions passed at its meeting and to expedite the payment of entrance fees, annual subscriptions and special donations.
- 5.2 Entrance Fee : RM50.00
- 5.3 Life membership : RM650.00 (The subscription payable one time only)
- 5.4 Affiliate Membership : RM300.00 (The subscription payable one time only, but not entitle for Clause 6 : Rights Of Members)
- 5.5 Special fund : If and when the Association deems it necessary, it may request from the members donations to the special fund. Amount of donations are unrestricted.
- 5.6 A member who fails to abide by the rules or resolution of the Association may be suspended or dismissed from membership by a majority decision of the Committee. An aggrieved member may however appeal to a general meeting whose decision shall be final.
- 5.7 Withdrawal of membership : A member may withdraw from membership by giving a written notice to the General Secretary, and the latter will in return report it to the Management Committee.
- 5.8 When a member withdraws voluntarily or expelled by the Association from membership all subscriptions or donations paid by him shall not be refunded to him.

6 **RIGHTS OF MEMBERS**

Unless otherwise specified elsewhere in these Rules, a member, who has not been expelled from membership for any reason by the Association, shall be entitled to the following rights :-

- 6.1 To attend all meetings that he is entitled to, and to address such meetings or to send a representative on his behalf with his written consent.
- 6.2 To cast votes at such meetings.
- 6.3 May assume office after 2 years of membership, to which he/she has been elected or appointed. If the appointed or elected candidate has less than 2 years membership, he/she will need approval from at least more than half of current committee.
- 6.4 To enjoy the reasonable use of facilities offered by the Association.
- 6.5 The members present for the general meeting will have the right to appoint a Life President who shall remain for his natural life unless he or she chooses to relinquish his/ her post. To qualify for the Life President, he or she must have had served in the Committee for not less than three (3) consecutive terms. The position of the Life President is consultative.

7 **COMMITTEE**

- 7.1 A Committee consisting of the following, who shall be the office bearers of the Association, shall be **elected once every three years** at its Annual General Meeting.

A President

A Deputy President

Two Vice President

A General Secretary

An Assistant Secretary

A Treasurer

An Assistant Treasurer

A Commercial Affair Officer

Two Assistant Commercial Affair Officer

A Welfare Officer

An Assistant Welfare Officer

A Leisure Officer

An Assistant Leisure Officer

A Business Communication Officer

An Assistant Business Communication Officer

7.2 All the office-bearers of the Association and every officer performing executive functions in this Association shall be federal citizens and of legal age of 21 years old.

7.3 In the event of the death or resignation of a member of the Committee the candidate who received the next highest number of votes at the previous election for the post effected shall be invited to fill the vacancy. If there is no such candidate or if such candidate declines to accept office, the committee shall have the power to co-opt any other member of the Association to fill the vacancy until the next annual general meeting.

7.4 The committee will have the right to appoint a Patron who is a Minister or Deputy Minister of a relevant Ministry. The Patron has the right to accept or relinquish his/her post at any time.

7.5 The Association will have the power to enter into any business agreement or contract with any company, corporation, organization of Government bodies. This responsibility shall rest with the Committee.

7.6 The Association will have the power to hold shares or invest in any business, company, corporation, firm of any other whatsoever enterprise. This responsibility shall rest with the committee

7.7 The General Meeting shall be the supreme authorities of the Association.

7.8 The Committee shall execute all the resolutions of the General Meeting.

7.9 The Committee shall interpret the rules and whose interpretation is final.

8 **DUTIES OF OFFICE BEARERS**

- 8.1 The President shall control all the important affairs of the Association. He shall be the Chairman at all meetings.
- 8.2 The Deputy President shall assist the President in dealing with the affairs of the Association, and deputize for him during his absence.
- 8.3 The Vice President shall assist the President and the Deputy President in the performance of their duties and act for them in their absence.
- 8.4 The General Secretary shall conduct the general business of the Association. He shall be responsible to keep all books of the Association including the membership register, except financial records.
- 8.5 The Assistant Secretary shall assist the General Secretary in the performance of his duties and act for him in his absence.
- 8.6 The Treasurer shall have control over all the receipts and expenditures and account of the Association. If the cash in hand exceeds RM1,000.00, it should be deposited in the name of the Association with a bank approved by the Association. Cheques for withdraw of fund shall be valid only when jointly signed by the Treasurer and either the President or the General-Secretary.
- 8.7 The Assistant Treasurer shall assist the Treasurer in the latter's duties, and shall deputize for him during his absence.
- 8.8 A Commercial Affair Officer shall provide professional advice on trade issues and undertakes any other related duties as directed by the management.
- 8.9 The Assistant Commercial Affair Officer shall assist the Commercial Affair Officer in the performance of his duties and act for him in his absence.
- 8.10 A Welfare Officer shall strive to ensure the provision of information and support to all members on welfare issues.
- 8.11 The Assistant Welfare Officer shall assist the Welfare Officer in the latter's duties, and shall deputize for him during his absence.
- 8.12 A Leisure Officer shall promoting and maintaining a positive and healthy community through providing Sporting, Recreational, Educational, Life Skills and

Leisure activities.

- 8.13 The Assistant Leisure Officer shall assist the Leisure Officer in the latter's duties, and shall deputize for him during his absence.
- 8.14 A Business Communication Officer shall be responsible for communications to all members, including but not limited to media, bloggers, influential members of the business community, the press, the community and the public.
- 8.15 The Assistant Business Communication Officer shall assist the Business Communication Officer in the latter's duties, and shall deputize for him during his absence.
- 8.16 The Officers shall have the rights to speak out their ideas and to make proposals for the benefit of the Association.
- 8.17 An Office bearer who fails to abide by the rules or resolutions of the Association, or fails to attend any three Committee meetings consecutively may be suspended or terminated by a majority decision of the Committee, which shall then nominate a new Committee member in replacement.
- 8.18 An Office bearer who has been suspended or terminated from the Committee can appeal to a general meeting.
- 8.19 The tenure of office for all office-bearers shall be three years. Those re-elected shall continue to hold their offices for another term.

9 **AUDIT**

Two persons, who shall not be office-bearers of the Association, shall be appointed by the annual general meeting as Honorary Auditors. They shall hold office for a term only and shall not be re-appointed.

10 **FINANCIAL PROVISIONS**

Expenditure below RM400.00 may be approved by the president, Secretary or Treasurer.

- 10.1 No expenditure exceeding RM 400.00 shall be incurred without the prior sanction of the Committee.
- 10.2 As soon as possible after the end of each financial year (31st December each year), a statement of receipts and payment and a balance sheet for the year shall be prepared and audited by the Auditors appointed under Rule (11). The audited accounts shall be submitted for the approval of the next annual general meeting,

and copies shall be made available at the registered office or place of meeting of the Association for the perusal of members.

11 MEETING

- 11.1 The Annual General Meeting of members shall be held once a year. At least twice the number of the committee members must be present for its proceedings to be valid and to constitute a quorum. At least seven days notice of meeting shall be given to members.
- 11.2 An Annual General Meeting of Members of the Association shall be held as soon as possible after the close of each financial year, but not later than the month of April, on a date and at a time and place to be decided by the Committee. The business of the annual general meeting shall be :-
- 11.2-1 To receive the committee's report on the working of the association during the previous year.
- 11.2-2 To receive the Treasurer's report and the audited accounts of the Association for the previous year.
- 11.2-3 To elect a Committee once in every three years and to appoint auditors for ensuing year.
- 11.2-4 To deal with such other matters as may be put before it.
- 11.3 Notwithstanding Rule 13.1, if half an hour after time appointed for the meeting a quorum is not present, the members present shall constitute a quorum.
- 11.4 The extraordinary General Meeting of Members shall convened :
- 11.4-1 Whenever the Committee deems its desirable, or
- 11.4-2 At the joint request in writing of not less than twenty members comprising of at least one from each seven States of Malaysia stating the objects and reasons for such meeting.
- 11.5 Rule (13) of the Association regarding the quorum, notice of meeting and the postponement of an annual general meeting, shall apply also to an extraordinary general meeting, but with the provision that if no quorum is present after half an hour from the time appointed for a postponed extraordinary general meeting requisitioned by members, the meeting shall be cancelled.
- 11.6 The Committee shall meet at least once every three months and at least one half of the committee members must be present for its proceedings to be valid and to constitute a quorum. At least 7 days notice must be given to the members.

11.7 At any meeting, if the votes for and against a proposal are equal, the President shall have the right to cast the decisive vote.

12 **TRUSTEES**

12.1 If the Association owns any immovable property, three members shall be elected by the General Meeting of Members as Trustees of the Association. They shall have vested in them all immovable property of the Association upon execution of the Deed of Trust. A Trustee may, at any time, resign from his office as Trustee. If a Trustee dies, or becomes mentally unsound, or has left this country for over a year, he is deemed to have resigned from his office. If a Trustee has misconducted himself and becomes unfit to be a trustee, the Association shall convene a General Meeting to dismiss him from his office as Trustee and elect a member to replace him. The Trustee shall not sell, withdraw or transfer any of the property of the Association without the consent and authority of a General Meeting of members.

12.2 If there is any proposal to dismiss a Trustee such proposal should be made in writing and posted in the premises of the Association two weeks before the General Meeting. The decision of the Meeting shall then be forwarded to the Registrar Of Societies.

13 **AMENDMENT OF RULES**

The Rules of the Association shall not be amended or added except by resolution passed by the General Meeting. Such amendment or addition shall not be effective unless it has been approved by the Registrar of Societies. Any amendment shall be sent to the Registrar of Societies within 28 days.

14 **DISSOLUTION**

14.1 The Association may be voluntarily dissolved by a resolution of not less than three-fifths of the total membership.

14.2 In the event of the Association being dissolved as provided above the Registrar of Societies shall be informed and all debts and liabilities legally incurred on its behalf shall be fully discharged and the remaining funds shall be disposed of in such manner as may be decided upon by a General Meeting. Notice of dissolution shall be sent to the Registrar of Societies within 14 days.

15 **PROHIBITIONS**

15.1 Any form of gambling is prohibited in the premises of the Association.

15.2 Neither the Association nor its members shall attempt to restrict or in any other

manner interfere with the trade or prices or engage in any Trade Union activities as defines in the Trade Union Ordinance, 1959.

16 **LOGO**

16.1 The spherical background in 3 colors ; blue, white and red and the Malaysian Map outline indicates unity and harmony. And its activities are conducted with ethics, nationwide. The green color of the Malaysian Map indicates the preserved greenery of nature.

16.2 The images of the heavy equipment are lined around, is majority used in the construction and development activities of the nation.

16.3 The full name of the Association is lined in a semi-circle in two languages, Bahasa Malaysia (bold black) and Mandarin (red).