



**PAM**

**PAM  
CONSTITUTION  
AND  
BYE-LAWS**

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### PAM CONSTITUTION

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**CONSTITUTION OF  
PERTUBUHAN AKITEK MALAYSIA  
(MALAYSIAN INSTITUTE OF ARCHITECTS) (PAM)**

**CLAUSE 1 NAME**

1.0 NAME

1.1 Pertubuhan ini dikenali dengan nama

**PERTUBUHAN AKITEK MALAYSIA (MALAYSIAN INSTITUTE OF ARCHITECTS) (PAM)**

Selepas ini disebut **Pertubuhan**

1.2 Takrif Nama :

1.3 Taraf Pertubuhan : **Lain-lain**

**CLAUSE 2 ADDRESS**

2.0 PLACE OF BUSINESS

2.1 Alamat berdaftar dan tempat urusan pertubuhan ialah

**99L, JALAN TANDOK, BANGSAR, 59100 KUALA LUMPUR**

dan alamat untuk surat-menyurat adalah

**99L, JALAN TANDOK, BANGSAR, 59100 KUALA LUMPUR**

atau di tempat lain atau tempat-tempat yang akan ditetapkan dari semasa ke semasa oleh Jawatankuasa;

2.2 Tempat urusan berdaftar dan alamat surat menyurat Pertubuhan tidak boleh diubah tanpa kebenaran Pendaftar Pertubuhan terlebih dahulu.

**CLAUSE 3 AIMS AND OBJECTIVES**

3.0 OBJECTS AND POWERS

The Objects and Powers of the Institute are:

3.1 To promote and enlarge knowledge, study and practice of architecture and the various arts and sciences connected therewith.

3.2 To provide a central organisation for architecture in the form of a learned and scientific society for the advancement of the art, science and profession of architecture.

3.3 To assist and advise Governments, local authorities, private or public bodies, and the general public, on questions relating to the art and science of architecture, architectural education, the development of property, town and country planning, the built environment and the design and construction of buildings generally.

- 3.4 To promote friendly interaction and discourse amongst Architects, and to hold meetings for readings and discussions of matters relating to the art and science of architecture.
- 3.5 To regulate the promotion and conduct of architectural design and planning competitions in accordance with the conditions laid down by the Institute.
- 3.6 To obtain and disseminate among the Members, information on matters affecting the profession and to compile, print, sell, lend, publish, issue or distribute the proceedings and reports of the Institute or any papers, periodicals, books, circulars and other literary undertakings or any extracts therefrom as may seem conducive to any of these objects.
- 3.7 To provide facilities interchange with other associations carrying on similar work or with Governments, local authorities, educational and scientific bodies engaged in research on matters relating to the work, theory or practice of architecture or allied subjects.
- 3.8 To arrange for alliance or affiliation with any Institution, Association or Society with similar object to those of the Institute on such terms or conditions as may be in the interests of the Institute.
- 3.9 To present generally the views of the profession and the interest of the Institute.
- 3.10 To preserve and to maintain the integrity and status of the profession; to suppress dishonourable and unprofessional conduct or practices and to lay down and enforce a Code of Conduct which shall be binding on all Members.
- 3.11 To institute Chapters consisting of such Members as may be resident in any territory as defined from time to time in accordance with the Constitution of the Institute and to confer on such Chapters all such powers, authorities and discretion as may be thought fit.
- 3.12 To hold examinations of proficiency in the science and art of architecture and to award certificates thereof.
- 3.13 To hold exhibition of works of architectural interest and to allocate any portion of funds for this purpose.
- 3.14 To work closely with other members of the building industry for the betterment and development of the industry.
- 3.15 To originate and promote improvement in the law and regulations affecting architects, architecture and other matters connected with them.
- 3.16 To promote the appreciation, confidence and understanding of the public in the profession and architecture.
- 3.17 To establish, form and maintain libraries and collection of models, designs, drawings and other articles of interest in connection with the art and science of architecture.
- 3.18 To purchase, lease, hire or otherwise acquire suitable premises for the use of the Institute and to manage, improve and to develop and utilize any such premises and to sell, mortgage, let or dispose of the same.
- 3.19 To acquire by purchase, take or lease, gift or otherwise any real or personal property and any rights or privileges necessary or convenient for the purpose of the Institute and to resell, lease, or sublease, mortgage, surrender, or turn to account, or otherwise dispose of such property or any part thereof, and to erect upon such land, and building or other structure for the purpose of the Institute and to alter, add to, or maintain the



same.

- 3.20 To accept donations, legacies or loans (free of interest) to be applied to the objects of the Institute.
- 3.21 To borrow any monies required for the purposes of the Institute upon such terms and upon such security as may be determined.
- 3.22 To institute, carry or discontinue any legal proceedings in the name of the Institute or its Officers, Servants or Members for the recovery of any debts or demands claimed by or on behalf of the Institute or for the assertion of any actual or supposed rights or privileges of the Institute or any Member thereof and to defend any legal proceedings commenced against the Institute or any Member thereof in his capacity or representing the Institute and to pay out of the funds of the Institute any costs or charges incurred in connection with such legal proceedings.
- 3.23 To invest the monies of the Institute not immediately required upon such securities or in such manner as may from time to time be determined.
- 3.24 To lend money or give financial assistance by way of donation or subscription or otherwise to any association or other body not carrying business for profit.
- 3.25 To make loans or grants of money, books, equipment or otherwise for the purpose of training candidates in the architectural profession and for the promotion of research work in relation to building science or to the art and science of architecture.
- 3.26 To devote any portion of the funds of the Institute to the establishment of a trust fund or to the formation or endowment of scholarships or otherwise assist the architectural education of students or others who may desire to qualify for the architectural education of students or others who may desire to qualify for the practice of architecture, and in connection therewith to hold lectures, classes, and examinations in the science and art of architecture and to award certificates of proficiency.
- 3.27 To appoint any persons to accept and hold in trust for the Institute any property belonging to the Institute or in which it is interested and to execute and do all such deeds, instruments, acts and things as may be requisite to vest in the same in such person or persons and to remunerate any such persons.
- 3.28 The Institute shall not support any object, which is an object of the Institute would make it a Trade Union or trade protection society.

## **CLAUSE 4 MEMBERSHIP**

### **4.0 MEMBERSHIP OF THE INSTITUTE**

#### **4.1 Category and Classes of Membership**

4.1.1 There shall be two categories of membership, namely, Corporate membership and Non-Corporate membership and each category of membership of the Institute may have one or more classes.

4.1.2 The category of Corporate membership shall be divided into the following classes:

- (a) Ordinary Member

- (b) Retired Member
- (c) Overseas Member
- (d) Fellow Member

4.1.3 The category of Non-Corporate membership shall be divided into the following classes:

- (a) Honorary Member
- (b) Graduate Member
- (c) Associate Graduate Member
- (d) Student Member
- (e) Academic Member
- (f) International Member

## 4.2 Qualifications for Corporate membership

4.2.1 Every person desirous of qualifying for candidature as a Corporate Member must possess an architectural qualification which this constitution and the bye- laws may prescribe or allow and which is acceptable to the Council of the Institute.

### 4.2.2 Ordinary Member

Any applicant who

- (a) has obtained the architectural qualifications from schools recognised by the Institute and
- (b) having obtained the necessary practical experience of 2 years as required by both the Architects Act 1967 and the Institute and
- (c) having passed the professional practice and practical experience Part 3 examinations recognised by the Institute or
- (d) having obtained the academic qualifications, the necessary practical experience and professional qualifications as above which qualifies the candidate for registration with the Board of Architects Malaysia as an architect under the Architects Act 1967.

shall be deemed acceptable to the Council for admission to the ordinary Corporate membership of the Institute as per Bye-laws.

### 4.2.3 Retired Member

Any ordinary Member who has attained the age of 60 years, and who has voluntarily retired from practice and ceased to be registered with the Board of Architects Malaysia shall, upon request by the prescribed form as per Byelaws

and subject to approval of Council, be eligible for the rights and privileges which this Constitution and the Bye-laws may prescribe or allow.

#### 4.2.4 Overseas Member

Any ordinary Member who, for whatever reason, intends to reside overseas for a minimum of 1 year or has ceased to reside in Malaysia permanently shall upon request by the prescribed form as per Bye-laws and subject to the approval of Council, be eligible for the rights and privileges which this Constitution and the Bye-laws may prescribe or allow.

#### 4.2.5 Fellow Member

Any person who has been a Corporate Member for not less than 20 years, of good standing and who has contributed to the works of the Institute, or the profession or the industry, may apply or be recommended for the Fellowship of the Institute.

### 4.3 Qualifications for Non-Corporate membership

4.3.1 Every person, desirous of qualifying for admission as a non-Corporate Member must possess qualification which this Constitution and the Bye-laws may prescribe or allow and which is acceptable to the Council of the Institute.

#### 4.3.2 Honorary Member

- (a) Any person, who is not eligible for Corporate membership of the Institute may be elected as an Honorary member if he is, by reason of his eminence, interest in Architecture and the arts and sciences connected therewith and of his contribution to the objectives of the Institute, considered by the Council to be eligible for the honour of Honorary membership.
- (b) Such person shall be nominated for election to Honorary membership of the Institute by resolution of the Council for which due notice shall be given to every member of the Council and if carried unanimously by those present and voting by secret ballot at a meeting of the Council.
- (c) Such nomination will then be considered by a panel of Past Presidents and fellows appointed by the Council as per Bye-laws on the recommendation of the panel such person shall then be elected as Honorary member by the Council.
- (d) The number of Honorary members shall not exceed ten in number at any one time at the date of the election.
- (e) Such Honorary members may remain Honorary members at the pleasure of the Council.

#### 4.3.3 Graduate Member

Any person who

- (a) is not eligible for Ordinary Corporate Membership under Clause 4.2.2. and
- (b) having completed a course of studies from a school which is recognised by the Institute as equivalent to passing the Part I and Part II requirements

of the Board of Architects Malaysia, or

- (c) having passed the Part I and Part II examinations recognised by the Institute, and
- (d) qualifies him for registration as an Architectural Graduate under the Architects Act 1967.

shall be deemed acceptable to the Council for admission to Graduate membership of the Institute as per Bye-laws and shall not remain a Graduate member after he has passed the Part III examination recognised by the Institute which qualifies him to be a candidate for Corporate membership.

#### 4.3.4 Student Member

Any person who

- (a) is not less than 16 years of age, and
- (b) having passed the Malaysian Certificate of Education or Cambridge Overseas School Certificate or Higher School Certificate or any examination recognised as being equivalent and acceptable by the Council, and
- (c) having been admitted to a course leading to a professional degree or diploma in architecture

shall be deemed to be acceptable by the Council for admission to Student membership of the Institute as per Bye-laws. A university or university college student in Malaysia shall not be admitted as a member unless with the prior approval of the Vice-Chancellor of the university or the university college concerned. No person shall remain as a Student member for more than ten years after the date of his admission as a Student member, provided that the Council may in any case before the expiration of the said period of ten years extend such period on the application of the Student member concerned.

Any person who meets the prescribed qualification shall, upon application by the prescribed form as per Bye-laws and subject to approval of Council, be admitted to Student membership. Such Student members shall not be required to pay any fees and shall be eligible for only such rights and privileges which this Constitution and Bye-laws may prescribe or allow.

#### 4.3.5 Academic Member

Any person who

- (a) possesses qualifications in architecture acceptable to the Council for this class of membership and is interested in the objectives of the Institute and
- (b) has been lecturing or teaching architecture full time in a college or university or engaged in building research or special projects in Malaysia and
- (c) is residing in Malaysia and
- (d) is not qualified for admission as a Corporate member or Student member may upon nomination by the prescribed form as per Bye-laws and subject to the approval of the Council be eligible to be admitted as an Academic

member. The Council may at any time and without being required to give any reason terminate his membership.

#### 4.3.6 Associate Graduate Member

Any person who

- (a) has graduated from a school of architecture but who is not qualified for admission as a Corporate member, Graduate member or Student member but acceptable to the Council for this class of membership and is interested in the objectives of the Institute, and
- (b) is employed full time in an architectural practice or engaged in the building and design industry and
- (c) is residing in Malaysia

may upon nomination by the prescribed form as per Bye-laws and subject to the approval of the Council be eligible to be admitted as an Associate graduate Member. The Council may at any time and without being required to give any reason terminate his membership.

#### 4.3.7 International Member

Any person who

- (a) has graduated from a school of architecture but who is not qualified for admission as a Corporate member, Graduate member or Student member but is acceptable to the Council for this class of membership and is interested in the objectives of the Institute, and
- (b) is a Corporate Member in his country of residence or origin or holds equivalent membership of an Institute of Architects which itself is a member institute of the International Union of Architects (UIA)

may upon nomination by the prescribed form as per Bye-laws and subject to the approval of the Council be eligible to be admitted as an International Member. The Council may at any time and without being required to give any reason, terminate his membership.

#### 4.3.8 Application or Recommendation for International Honorary Membership

Any person who

- (a) is registered and/or is appropriately recognised in his country of origin or residence and has been a registered member of an Institute of Architects which itself is a member institute of the International Union of Architects (UIA), and
- (b) is currently holding or has held a position as the President in the particular Institute
- (c) may, upon nomination by current PAM Office Bearers in the prescribed form as per Bye-Laws, be eligible for the conferment of International Honorary Membership.

The nomination shall then be assessed by PAM Council for its final approval.

#### 4.4 Use of Suffixes

Subject to the provisions of the Architects Act, 1967 for the time being in force.

- (a) A Corporate member who has been duly admitted under the clauses prescribed in this Constitution may use after his name any description or initials indicative of his class of membership of the Institute which the Bye-laws may prescribe or allow in regard to that class of membership.
- (b) An honorary office bearer of the Institute may use after his name any description or initials indicative of his honorary office of the Institute which the Bye-laws may prescribe or allow in regard to the honorary office.

#### 4.5 Qualification Examinations

Subject to the provisions of the Architects Act 1967 for the time being in force all examinations deemed necessary to qualify applicants for admission to membership shall be conducted at such time, manner and place as may be appointed by the Council and as prescribed under the Bye-laws.

#### 4.6 Election of Members

##### 4.6.1 Applications for Membership

- 4.6.1.1 Every applicant for admission as a Corporate Member, Graduate Member, Associate Graduate Member and Student Member shall make and subscribe a statement that he is eligible under the Constitution and that he is willing, if admitted to be bound by this Constitution and the Bye-Laws and any other Regulations of the Institute in force for the time being.
- 4.6.1.2 Every applicant for admission as an Ordinary member, Graduate Member, Associate Graduate Member, Student member or as a Academic member shall make application and be proposed by at least two Corporate members of the Institute in accordance with the proposal form as per Bye- laws of his class of membership to which admission is sought.
- 4.6.1.3 In the case of any applicant for membership not being personally acquainted with the number of members herein required to propose him, the Council shall, if satisfied with his qualifications, have the power to propose him for admission.
- 4.6.1.4 The proposal of every applicant for admission to any class of membership must be forwarded to the Honorary Secretary for submission to Council and if the Council approve such proposal and find such candidate to be eligible and qualified according to the Constitution and Bye-Laws for the time being in force, he shall be admitted to membership in the class to which he has been proposed and such admission shall be recorded in the minutes of the Council meeting at which such nomination is approved.

##### 4.6.2 Refusal of Application

The Council reserves the right to refuse admission to any applicant for

membership for any of the reasons listed in Clause 5.1 or for not complying to this Constitution and Bye-laws relating to qualification for membership and the Council shall not be obliged to give any reason for its admission or refusal to admit a person to any category or class of membership.

#### 4.6.3 Payment of Entrance Fees and Subscriptions

4.6.3.1 Application for membership shall be accompanied by the entrance fee together with the first annual subscription appropriate to the class of membership to which admission is sought. In the event the applicant is not admitted by the Council such fees and subscription paid shall be refunded to the applicant.

4.6.3.2 The Honorary Secretary shall send to every person who is admitted notice of his admission soon as is practicable after the date of the admission together with a copy of this Constitution, the Bye-laws and the PAM Code of Conduct.

#### 4.6.4 Rights, Privileges and Obligations

4.6.4.1 Members of the Institute in each category and class are subject to the Constitution, the Bye-laws and the PAM Code of Conduct and other regulations as laid down by the Institute.

4.6.4.2 The rights and privileges of a member of the Institute shall be personal to himself and shall not be transferable or transmissible by his own act or by operation of law.

#### 4.6.5 Death of Member

Upon the notification of death of any Member, the Council shall remove his name from the Register for the Members of the Institute.

### CLAUSE 5 **RESIGNATION & TERMINATION**

#### 5.0 Resignation of Membership

A member may resign his membership by giving notice in writing accompanied by the certificate of membership held by him and sent by registered post to the Honorary Secretary, and such notice shall become effective on the date on which it is accepted by Council, provided always that the Council

- (a) shall not unreasonably withhold or delay its acceptance of such notice of resignation;
- (b) shall not permit a member to resign when such member is under financial liability to the Institute;
- (c) shall not permit a member to resign from the Institute whilst he is the subject of any disciplinary proceeding or it appears likely to the Council that such member is likely to be or become the subject of disciplinary proceedings.

#### 5.1 Termination of Membership

Membership of the Institute may be terminated if the member:

- (a) is struck off from any statutory register of architects in consequence of a criminal

- offence or professional misconduct, or
- (b) has contravened the Constitution or the Bye-laws or PAM Code of Conduct of the Institute, or
- (c) is declared bankrupt, or
- (d) is declared insane or of unsound mind, or
- (e) is convicted of a felony.

## 5.2 Readmission and Reinstatement to Membership

The readmission to membership of any person who has ceased to be a Member of the Institute under Clauses 5.0 and 5.1 shall be dealt with in the same manner as an original application for membership.

## CLAUSE 6 ENTRANCE FEES, SUBSCRIPTIONS AND OTHER DUES

### 6.0 ENTRANCE FEES, SUBSCRIPTIONS AND OTHER DUES

#### 6.1 Entrance fees, Subscriptions and Other Dues

- (a) The amount of entrance fees, subscriptions and other dues shall be as prescribed from time to time in the Bye-Laws.
- (b) Annual subscriptions shall be payable in advance and shall be due on the first day of January of each year.
- (c) Members admitted before the first day of July in any year shall pay the annual subscription payable for the current year, and those admitted on and after the first day of July shall pay half the annual subscription.

#### 6.2 Suspension of Rights and Privileges for Non-Payment

No member whose annual subscription remains unpaid for a period of three months shall be entitled to attend or take part in the meetings of the Institute, nor to receive the notices or publications of the Institute, nor shall he be entitled to vote if he is entitled to vote, nor shall he be entitled to be nominated for any office until he has paid in full such subscriptions and other dues.

#### 6.3 Defaulters

- (a) Whenever any Member shall suffer his annual subscription to remain in arrears for a period exceeding one year, he shall become a defaulter and notice of such default shall be sent to him by registered mail and if all arrears be not paid within four weeks after forwarding of such notice, he shall cease to be a member of the Institute and his name shall be removed from the register of members by resolution of the Council.
- (b) The Council shall have the power to reinstate the defaulter to his former position as a Member upon the defaulter giving an explanation of the non-payment to the satisfaction of the Council, and in such case to require the defaulter to pay all subscriptions or any part thereof as may be determined by Council in its absolute



discretion, which would have been due had he continued as a paying member up to the date of such reinstatement together with any other dues that may be prescribed in the Bye-laws and any other costs to which the Institute may have been put in consequence of such default.

- (c) Notwithstanding anything herein contained and the reinstatement of any defaulter, that defaulter shall not be entitled to any rights and privileges in respect of the period between the date of suspension and the date of reinstatement.

#### 6.4 Exemption of Payment of Fees

Honorary Members shall be exempted from the payment of entrance fees and subscriptions.

#### 6.5 Certificate of Membership

Subject to such Bye-Laws as the Council may from time to time prescribe, the Council shall issue to each Member a Certificate showing the class of membership to which he belongs. Every such Certificate shall remain the property of, and shall on demand be returned to the Institute. Such Certificates shall be signed by the President or Vice President and two members of the Council for the time being and countersigned by the Honorary Secretary of the Institute.

#### 6.6 Register of Members

- (a) A Register of Members shall be kept and the name, postal address and/or e-mail address and mobile telephone no. of every Member shall be entered into such Register together with a record showing whether or not his subscription for each current year has been paid.
- (b) A roll of Honorary members shall be kept by the Honorary Secretary.

### CLAUSE 7 **GENERAL MEETING**

#### 7.0 GENERAL MEETINGS

##### 7.1 Description of General Meetings

The General Meetings of the Institute shall be as follows:

- (a) Ordinary General Meetings
- (b) Annual General Meeting
- (c) Extraordinary General Meeting

Attendance by members at the General Meetings shall be in person at the primary and secondary place, if any, and virtually using a virtual meeting platform.

Virtual participations for General Meetings shall follow procedures and guidelines as set out in the Bye-laws.

## 7.2 Ordinary General Meeting

The ordinary Meetings of the Institute shall be held and conducted as prescribed by the Council from time to time. Ordinary meetings shall be defined as where there are no resolutions or taking of votes at such meetings.

## 7.3 Annual General Meeting

7.3.1 The Annual General Meeting shall be held in the month of April each year.

7.3.2 The ordinary business of the Annual General Meeting shall be as follows:

- (a) to receive the Annual Report of the Council;
- (b) to receive, approve and adopt the Accounts for the preceding year ending on 31<sup>st</sup> December;
- (c) to announce the election results for a President;
- (d) to announce the election results for a Deputy President;
- (e) to announce the election results for a Vice President;
- (f) to announce the election results for a Honorary Secretary;
- (g) to announce the election results for a Honorary Treasurer;
- (h) to announce the election results for not more than thirteen Ordinary Members of the Council.
- (i) to elect an Auditor.
- (j) to transact any other business for which due notice in accordance with Clause 7.6 shall have been first given.

## 7.4 Extraordinary General Meeting

- (a) Any Extraordinary General Meeting may be called at any time by the Council whenever they deem it expedient and they shall also do so upon receipt of a written requisition signed in by not less than fifty Corporate Members of the Institute stating the reason for convening such meeting.
- (b) If within twenty one days of receipt of such requisition the Council do not proceed to cause a meeting to be held, the requisitionists may themselves convene the meeting.
- (c) The Extraordinary General Meeting is called for the amending of the Constitution or such other business (not being the business of an Annual General Meeting under Clause 7.3.2 (a) to (i) or other business under Clause 7.3.2 (j) for which due notice has been given) as is required by the Constitution.

The passing of any resolution of amending the Constitution shall require two third majority of the Corporate Members registered as being present at the General Meeting. Other than the above, all other resolutions tabled at the EGM shall require a simple majority of the Corporate Members registered as being present.

## 7.5 Lectures etc

The Council may at their discretion arrange for other meetings to be held for the delivery of lectures and the reading and discussion of papers, and the Council shall determine the conditions of admission to such meetings and their conduct.

## 7.6 Notice of General Meeting

Not less than fourteen days' notice of a General Meeting shall be given to all Members of the Institute.

The notice shall specify the following details:

- i) The primary place where the meeting is held,
- ii) The secondary place(s) of the meeting, if any,
- iii) The method by which Members may connect to allow them to attend the meeting virtually,
- iv) Date and time of the meeting, and
- v) In the case of special business, the general nature of such business.

Participation at any secondary place and virtual participation of any General Meeting shall be subject to the availability of the appropriate infrastructure and the discretion of Council.

The accidental omission to give notice of a meeting to or the non-receipt of such notice by any Member shall not invalidate any resolution passed, or the proceedings held, at any meeting.

## 7.7 Quorum

No business shall be transacted at any General Meeting unless a Quorum is present when the meeting proceeds to business.

For all purposes, the quorum at a General Meeting shall be twice the total number of members selected and appointed to the Council. (If the Council consists of twenty members, then the quorum shall be forty Corporate Members).

The quorum shall include all Corporate Member attendees present at the primary place as well as at the secondary place(s) and those participating virtually before the meeting proceeds to business.

## 7.8 Adjournment of Dissolution

If within half an hour from the time appointed for the holding of a General Meeting a quorum is not present, the meeting if convened on the requisition of Members shall be dissolved.

In any other case it shall stand adjourned for the same place(s), time and day of the week following, or at such other place(s) as the Chairman shall appoint, and, if at such

adjourned meeting a quorum is not present within half an hour of the time appointed for holding the meeting the members present shall constitute a quorum notwithstanding

Clause 7.9.

#### 7.9 Notice of Adjournment

The Chairman may, with the consent of any meeting at which a quorum is present, adjourn a meeting from time to time, and from place(s) to place(s), as the meeting shall determine.

Whenever a meeting is adjourned for ten days or more, notice of the adjournment shall be given in the same manner as notice of an original meeting.

Save as aforesaid, the Members shall not be entitled to any notice of an adjournment. No business shall be transacted at an adjourned meeting other than the business which might have been transacted at the meeting from which the adjournment took place.

#### 7.10 Chairman

The President of the Institute shall preside at every General Meeting. If at any time he shall not be present within fifteen minutes after the time appointed for holding of the Meeting the Deputy President or in his absence a member of the Council chosen by the Members present shall preside. If no member of the Council be present or if all the members of the Council decline to take the Chair, the Members present shall choose one of their members to be Chairman.

#### 7.11 Mode of Deciding Resolution

At all General Meetings, a resolution put to the vote by those who are registered for the meeting, present in the meeting and entitled to vote shall, except as herein otherwise provided be by a show of hands unless a secret ballot be demanded by the Chairman or by at least five members present in person and entitled to vote.

Any call for a vote for any resolution shall not proceed if the number of Corporate Members present in the General Meeting at the time to call for voting is less than the total number of Council Members currently in office.

A declaration by the Chairman of the meeting that a resolution has been carried by a particular majority, or lost, or not carried by a particular majority, shall be conclusive, and an entry to that effect in the Minutes Book of the Institute shall be conclusive evidence thereof, without proof of the number of proportion or the votes recorded in favour of, or against, such resolution.

All abstentions shall be disregarded in the tallying of votes and determination of a majority either for or against the resolution.

#### 7.12 Mode of Voting by Secret Ballot

If a secret ballot be demanded according to Clause 7.11, it shall be taken at the Meeting and in such manner as the Chairman of meeting shall direct, and the result of the secret ballot shall be deemed to be the resolution of the meeting at which the secret ballot was cast.

The Chairman may direct the Secret Ballot to be conducted using electronic devices on

a secure online platform that is accessible to those who are registered and present at the meeting.

#### 7.13 Rights to Vote

At General Meeting members of every class shall be entitled to be present and to take part in the discussions on any subject brought before the Meetings but only Corporate Members shall be entitled to vote at such Meetings provided always no Corporate Member whose annual subscription remains unpaid for a period of three months shall be entitled to vote.

#### 7.14 Equality of Votes

In the case of an equality of votes, either on a show of hands or by secret ballot, the resolution shall be deemed as not having been carried.

#### 7.15 Failure at a Secondary Location or other places

Failure by members to participate in any General Meeting at any of the secondary locations (if any) or by virtual participation for whatever reason including (but not restricted to) technical malfunctions or orders or restrictions placed by Appropriate Authorities, shall have no effect on the General Meeting as held at the primary place.

### **CLAUSE 8 THE COUNCIL**

#### 8.0 THE COUNCIL

##### 8.1 Council

The Council members shall consist of President, Immediate Past President, Deputy President, Vice President, Honorary Secretary, Honorary Treasurer and not more than thirteen ordinary members of Council and one representative from each Chapter as per Bye-Law; and may include not more than four Past Presidents who, other than the Immediate Past President, may be nominated by the newly elected Council. All members of the Council and every officer performing executive function in the Institute shall be Malaysian citizens. Non-citizen may hold office with the prior approval of the Registrar of Societies.

##### 8.2 Office Bearers

The office bearers of the Institute shall be the President, Deputy President, Vice President, Honorary Secretary and Honorary Treasurer.

##### 8.3 President

The President shall be elected at the Annual General Meeting of the Institute; provided that no person shall be elected to such office until he has been a Corporate member of 5 years and shall have served 4 full terms as a member of Council; and provided further that he shall not hold office for more than two years in succession at a time. The

President shall during the term of office preside at all meetings of the Council and shall be responsible for the proper conduct of all such meetings. He shall have a casting vote and shall sign the minutes of each meeting at the time they are approved. He shall, in conjunction with the Deputy President or Honorary Treasurer, sign all cheques on behalf of the Institute.

#### 8.4 Immediate Past President

The Immediate Past President shall not hold office for more than two years in succession at a time. As a member of Council, he shall provide continuity to Council.

#### 8.5 Deputy President and Vice President

The Deputy President and the Vice President shall be elected at the Annual General Meeting of the Institute provided that no person shall be elected to such office until he has been a Corporate member of 4 years and shall have served 3 full terms as a member of Council and provided further that he shall not hold office for more than 4 years in succession at a time. The deputy President shall deputise for the President during the latter's absence. The Vice President shall deputise for the President during the absence of both the President and Deputy President.

#### 8.6 Honorary Secretary

The Honorary Secretary shall be elected at the Annual General Meeting of the Institute provided that no person shall be elected to such office until he has been a Corporate member of 3 years and shall have served 2 full terms as a member of Council and provided further that he shall not hold office for more than 4 years in succession at a time. The Honorary Secretary shall conduct the business of the Institute in accordance with this Constitution and Bye-Laws and shall carry out the instruction of the Council. He shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records.

#### 8.7 Honorary Treasurer

The Honorary Treasurer shall be elected at the Annual General Meeting of the Institute provided that no person shall be elected to such office until he has been a Corporate member of 3 years and shall have served 2 full terms as a member of Council and provided further that he shall not hold office for more than 4 years in successions at a time. The Honorary Treasurer shall be responsible for the finance of the Institute. He shall keep accounts of all its financial transactions of the Institute and shall be responsible for their correctness.

#### 8.8 Ordinary Member of Council

Ordinary members of Council which shall be not more than thirteen in number and shall be elected at the Annual General Meeting of the Institute provided that the members to be elected must be a Corporate member and shall have served two full terms on one or more committees of the Institute or chapters of the Institute as a Corporate or Graduate Member.

#### 8.8A Graduate Representative on Council

a) One (1) representative shall be elected to Council from amongst the Graduate

members.

- b) The candidates for Graduate representative on Council shall have served one full term as an active member on one or more committees of the Institute or chapters of the Institute.
- c) The Graduate Representative on Council shall have voting rights in Council.

## 8.9 Chapter Representatives

Chapter representatives shall be nominated and voted in accordance with the By-Laws.

## 8.10 Nominated Members of Council

8.10.1 Not more than four past presidents, other than the Immediate Past President, may be nominated to the Council by the newly elected Council for the year.

8.10.2 Not more than two (2) PAM Non-Corporate Members from any of the following classes (and not more than one from each class);

- i) Academic,
- ii) Associate Graduate, or
- iii) Student,

may be nominated to the Council by the newly elected Council subject to the following :

- a) The nominated Non-Corporate Member on Council shall not have any voting rights in Council;
- b) The candidates for Non-Corporate Members on Council must have been a PAM member for at least one year and a member of any committee established under Clause 8.22 for a minimum of one year.

## 8.11 Vacancies

### 8.11.1 President

Should the President die, in office or if his office is vacated by reason of Clause 8.20, the Deputy President shall act as President, the term of office of any person succeeding or being appointed to the office hereof shall terminate at the date of which the term of office of the President will have terminated. A person succeeding or being appointed to office shall notwithstanding anything herein contained be eligible for immediate election to the same office.

### 8.11.2 Deputy President

Should the Deputy President die in office or succeed the President pursuant to Clause 8.11.1 or if his office is vacated by reason of Clause 8.20 the Vice President shall succeed as the Deputy President, the term of office of any person succeeding or being appointed to the office hereof shall terminate at the date on

which the term of office of the Deputy President will have terminated. A person succeeding or being appointed to office shall notwithstanding anything herein contained be eligible for immediate election to the same office.

#### 8.11.3 Vice President

Should the Vice President die in office or succeed the Deputy President pursuant to Clause 8.11.2 or if his office is vacated by reason of Clause 8.20 the Council shall fill the vacancy by appointing a member who had obtained the next highest number of votes from the last election list for that office which has become vacant, failing this the Council shall make its own nomination from among the members of the Council.

#### 8.11.4 Honorary Treasurer and Ordinary Members of Council

Should the Honorary Secretary or the Honorary Treasurer or any ordinary member of Council die in office or if his office is vacated by reason of Clause 8.20 the Council shall fill the vacancy by appointing a member who has obtained the next highest number of votes from the last election list for that office which has become vacant, failing this the Council shall make its own nomination.

#### 8.12 Term of Office

The Council shall remain in office until the conclusion of the Annual General Meeting after which the incoming Council shall take office.

#### 8.13 Meetings and Quorum

The Council is expected to meet at least every quarter of each year, but it shall be in their power to vary the frequency of meetings. Subject to Clause 8.1 the quorum at Council meeting shall be not less than half of the total number of members in the Council.

#### 8.14 Notice of Meetings

Council meetings shall at any time be called by the Honorary Secretary at the request of the President or at the request of five members of the Council by giving at least fourteen days clear notice to all the members of the Council.

#### 8.15 Votes

Questions arising at any meeting of the Council shall be decided by a majority of votes except as otherwise provided for in this Constitution. In case of an equality of votes the Chairman shall have further or casting vote.

#### 8.16 Chairman of Council

The President, or in his absence the Deputy President or Vice President or Honorary Secretary or Honorary Treasurer or Immediate Past President shall preside at all



meetings of the Council. If at any meeting the President, the Deputy Presidents the Vice President, Honorary Secretary, Honorary Treasurer or Immediate Past President be not present within half an hour after the time appointed for the meeting, the meeting shall be postponed.

#### 8.17 Minutes of Proceedings

The Council shall cause proper Minutes to be made of resolutions and proceedings of all meetings of the Institute and of the Council and of Committees of the Council and all business transacted at such meetings, and any such Minutes of any meeting, if purporting to be signed by the Chairman of the next succeeding meeting, shall be conclusive evidence without any further proof of the facts therein stated.

#### 8.18 Powers of Council

A meeting of members of the Council at which a quorum is present shall exercise all the authorities, powers and discretions by or under the Constitution of the Institute for the time being vested to the Council. All expenditure incurred shall have the approval of the Council.

#### 8.19 Bye-Laws

- (a) The Council may from time to time make such Bye-Laws as they may judge necessary for the carrying on the business of the Institute, and may at any time in like manner, approve, annul or vary any Bye-Laws.
- (b) All Bye-Laws for the time being in force, shall be binding on the members of the Institute and shall have full effect accordingly; provided that notice of such Bye-Laws or recession or alterations thereto shall be notified to all members in writing thirty days before becoming effective, during which time any fifty Corporate Members may by notice in writing to the Honorary Secretary, require an Extraordinary General Meeting to be convened for the purpose of considering, confirming or revoking the same.
- (c) If no such notice is received by the Honorary Secretary, the Bye-Laws shall become binding on all members at the expiry of the above mentioned thirty days subject to the prior approval of the Registrar of Societies.

#### 8.20 Vacation of Office by Office Bearers or Ordinary Member of Council

Subject to the Societies Act 1966 the Office of an office bearer or Ordinary member of Council is vacated forthwith if:

- (a) he ceases to be member of the Institute.
- (b) he be absent from more than three consecutive meetings of the Council without prior leave of absence.
- (c) he resigns his office by notice in writing delivered to the Council.
- (d) his membership has been terminated under Clause 5.1 of the Constitution.
- (e) he has been convicted of any offence against the Societies Act 1966.

- (f) he has been convicted of any offence under any other law and sentenced to a fine of not less than two thousand ringgit or to imprisonment for a term of not less than one year.
- (g) if there is in force against him any order of detention, restriction, supervision, restricted residence, banishment or deportation under any law relating to the security of, or public order in Malaysia or any part thereof, or to prevention of crime, preventive detention, restricted residence, banishment or immigrations.

## 8.21 Chapters

- (a) The Council may at their discretion, and upon receipt of a request from a minimum number of Corporate Members to be determined by the Council in relation to prevailing circumstances, resident in any state or regional area of Malaysia, and upon a majority resolution being passed at the Annual General Meeting or Extraordinary General Meeting, create a local Chapter of the Institute subject to the prior approval of the Registrar of Societies.
- (b) The Chapter may be dissolved by a majority resolution passed at the Annual General Meeting or Extraordinary General Meeting of the Institute.
- (c) Each Chapter shall be constituted and its affairs conducted in accordance with the Constitution and such Bye-Laws as the Council shall make from time to time.

## 8.22 Boards, Committees and Panels

- 8.22.1 The Council shall have the power to appoint Boards, Committees and Panels and their Chairmen and Co-Chairmen for the purpose of dealing with special subjects connected with objects of the Institute. Minutes of meetings or reports of these Boards or Committees or Panels shall be submitted to the Council for consideration and information. A Board or Committee or Panel may co-opt any person, with the approval of the Council, to serve on the Board or Committee or Panel, if necessary.
- 8.22.2 The Boards, Committees and Panels may conduct their own correspondence and business respectively, but save as hereinafter provided they shall not take any public action nor any pecuniary responsibility unless previously authorised by the Council. In any case of emergency they may take such public action as shall have been sanctioned by the President or in his absence by the Deputy President or Vice President, acting on his behalf.
- 8.22.3 At the end of each year of office the Boards, Committees and Panels shall each forward to the Council a report of their proceedings during the preceding year of office, which report or a summary thereof, shall be incorporated in the President's report to the Annual General Meeting.
- 8.22.4 Prior to the commencement of the financial year on 1st January, every Board or Committee shall prepare a budget of their proposed income and expenditure for the coming year for the approval of Council.

## 8.23 Deleted.

## 8.24 Investment of Moneys

The Council shall, unless otherwise directed by any deed or trust, have power to invest

any fees, surplus income, funds, donations or endowment in any of the following investments:

- (a) Loans or securities of the government.
- (b) Mortgages and other securities.
- (c) Bonds, debentures, debenture stock or mortgages or the fully paid guaranteed or preference or ordinary stock or shares of ordinary preferred or deferred or other stock or shares of any company.
- (d) Purchase of immovable property situated within Malaysia. Such investments shall be managed by Trustees appointed by the Councils per by-laws. The Council may from time to time direct the Trustees to alter or vary such investment for others of a nature hereby authorised. The trustees shall hold such investment upon trust to be dealt with and disposed off as the Council shall from time to time direct.
- (e)
  - (i) Set up a wholly-owned subsidiary company or companies registered under the Companies Act to undertake activities of the Institute as may be directed by the Council. Such company/companies shall be managed by Directors appointed by the Council.
  - (ii) All moneys and profits accruing to the Institute from participation in any business shall be applied solely towards the furtherance, promotion and execution of the objects of the Institute and no portion thereof shall be paid by way of dividend, bonus or profits to any member of the Institute, provided that nothing herein expressed or contained shall prevent the payment in good faith of remuneration or expenses or both to any officer or servant of the Institute, or other person or persons for services actually rendered by him or them to the Institute.

#### 8.25 Common Seal

The Institute shall have a Common Seal which shall be in the custody of the Honorary Secretary. The Common Seal shall not be affixed to any certificate, deed or writing except on the prior authority of the Council and such authority shall be recorded in the Minutes of the Council Meeting. Such certificate, deed or writing shall, after the Common Seal has been affixed be signed by three Office Bearers for the time being of the Institute.

#### 8.26 Publications

The Council may arrange for the publication in any manner which they may deem advisable of such statistics papers, documents and publications as may be considered by the Council to be likely to promote knowledge of the work, theory, law and practice relating to the building industry and professions allied to. The Council may file or claim copyright of its publication materials, and shall take appropriate action to protect its copyright.

#### 8.27 Alliance with other bodies

The Council may, upon receipt of a request to the effect from anybody with similar objects to those of the Institute arrange for the union, alliance or incorporation of such body with the Institute and may also, if they think fit, remit or reduce the entrance fees

of the members of such body at the time of union or incorporation; provided that such union, alliance or incorporation shall be sanctioned by a Resolution at the Extraordinary General Meeting.

#### 8.28 Prizes and Awards

The Council shall have power to hold competitions, to award prizes, and scholarships and to award for recognition.

#### 8.29 Competitions

The Council shall have power to regulate the promotion and conduct of architectural competitions as provided in Constitution and Bye-Laws and may prohibit any member or members from competing in any competition which does not comply with the conditions laid down by the Institute.

#### 8.30 Indemnity

- (a) The members of Council and other officers for the time being of the Institute including those in the Chapters and the Trustees for the Institute (if any) shall be indemnified out of the funds of the Institute against all costs, charges, losses, damages and expenses which they incur or held accountable due to any act, deed, matter or thing which shall be executed, done or permitted by them respectively in or about the bona fide execution of their respective offices.
- (b) The members of Council and other officers for the time being of the Institute including those in the Chapters and the Trustees for the Institute (if any) shall be reimbursed by the Institute of all reasonable expenses incurred by them in or about any legal proceedings or arbitration on account of the Institute or otherwise in the execution or performance of their respective offices except such costs, losses and expenses happens or occurs through their respective neglect, default or willful act.
- (c) No member of the Council or other Officers or Trustees shall be chargeable for any money which he shall not receive or be answerable.
  - i. No member of the Council or other Officers or Trustees shall be chargeable for any money which he shall not receive or be answerable for the act, receipt, neglect or default of any other member of the Council or office or trustee or of any banker, broker, collector, agent or other person appointed by the Council or such trustees (as the case may be) with whom or into whose hands any property or moneys of the Institute may be deposited or for the insufficiency of any security or investment in or upon which any of the moneys of the Institute shall be invested by order of the Council.
  - ii. No member of the Council or other Officers or Trustees shall be chargeable for any money which he shall not receive or be answerable for the act, receipt, neglect or default of any other member of the Council or office or trustee or of any banker, broker, collector, agent or other person appointed by the Council or such trustees (as the case may be) for any losses or damage which may happen in the execution of his office unless the same shall happen through his own neglect, default or willful act.

## 8.31 Disciplinary Powers of the Council

- 8.31.1 The Council shall make regulations or Bye-laws concerning the procedure by which any question of discipline is to be brought before the Council. The hearing and determination by the Council of any such question, the publication of any determination and any other matter with regard to disciplinary procedure for which the Council considers necessary or desirable to make provision which regulations and such Bye-laws shall provide for the rule against bias and that a member against whom a question of discipline has been raised shall have a right of hearing either in person or by counsel and shall be entitled to call witness on his own behalf and to examine and cross-examine any witness called before the Council or any Committee to which the Council may delegate its disciplinary powers.
- 8.31.2 Without prejudice to the generality of the Council's powers under this subparagraph, Bye-laws and the regulations may provide:
- (a) For the reference of any question of investigation and report to a Committee appointed by the Council;
  - (b) That the power of the Council to decide and determine any question for investigation may be delegated to a Committee appointed by the Council;
  - (c) That account may be taken of any report from other disciplinary Committee and that any finding or fact which is shown to have been made by this Committee shall be evidence of the fact found;
  - (d) For the appointment and payment of legal counsel to act as assessor to the Council or any Committee to which the Council may delegate its disciplinary powers.
- 8.31.3 Any decision of the Council to reprimand, suspend or expel a member shall be sent by the Honorary Secretary by registered post to the member concerned, and the decision shall take effect upon the day on which it is made.
- 8.31.4 During the period of suspension, a member shall not be entitled to exercise or enjoy any right or privileges which is exercisable or enjoyable by a member.
- 8.31.5 A decision of any disciplinary action should have the approval of the Council by a majority decision of four fifth of the Council members present and voting or not less than half of the total number of members of the Council whichever is the higher. In the event of an appeal by the member against whom disciplinary action has been approved, the Council shall appoint a Board of Appeal consisting of not less than three persons none of whom shall be a current member of Council, and the decision of this Board of Appeal shall be final.

## CLAUSE 9 DUTIES OF OFFICE - BEARERS

### DUTIES OF OFFICERS

#### 9.0 Office Bearers

The office bearers of the Institute shall be the President, Deputy President, Vice President, Honorary Secretary and Honorary Treasurer.

#### 9.1 President

The President shall during the term of office preside at all meetings of the Council and shall be responsible for the proper conduct of all such meetings. He shall have a casting vote and shall sign the minutes of each meeting at the time they are approved. He shall, in conjunction with the Deputy President or Honorary Treasurer, sign all cheques on behalf of the Institute.

#### 9.2 Immediate Past President

The Immediate Past President shall not hold office for more than two years in succession at a time. As a member of Council, he shall provide continuity to Council.

#### 9.3 Deputy President and Vice President

The deputy President shall deputise for the President during the latter's absence. The Vice President shall deputise for the President during the absence of both the President and Deputy President.

#### 9.4 Honorary Secretary

The Honorary Secretary shall conduct the business of the Institute in accordance with this Constitution and Bye-Laws and shall carry out the instruction of the Council. He shall be responsible for conducting all correspondence and keeping all books, documents and papers except the accounts and financial records.

#### 9.5 Honorary Treasurer

The Honorary Treasurer shall be responsible for the finance of the Institute. He shall keep accounts of all its financial transactions of the Institute and shall be responsible for their correctness. He shall in conjunction with the President or the Deputy President sign all cheques on behalf of the Institute.

#### 9.6 Management of the Institute

The day to day management of the Institute shall be carried out by the five designated office bearers on behalf of the Council. They may exercise all such powers of the Institute, and do on behalf of the Institute all such acts as may be exercised and done by the Institute, and as are not by the Constitution required to be exercised or done by

the Institute in General Meeting, subject nevertheless to the Constitution as may be amended by the Institute in General Meeting from time to time, but no amendment made by the Institute in General Meeting shall invalidate any prior act of the Council which would have been valid if such Constitution had not been made. Any expenditure of less than RM10,000.00 for administrative purpose of the Institute may be approved by the President. Expenditure of more than the said sum shall not be incurred without the approval of the Council.

## CLAUSE 10 FINANCIAL PROVISIONS

### 10.0 FINANCES

- (a) Subject to the provisions of this Constitution, all moneys belonging to the Institute are to be utilized for the well-being of the Institute, including amongst others, administrative expenses, payment of allowances and expenses of officials and salaried staff and wages.
- (b) Any expenditure of less than Ringgit Malaysia Ten Thousand (RM10,000.00) only for the purpose of administrative expenses of the Institute shall be approved by the President. Any expenditure above the said sum shall be approved in writing of the Council.
- (c) All subsidiaries of PAM are exempted from the above conditions.

### 10.1 Investment of Moneys

#### 10.1.1 Investment of Moneys not exceeding RM500,000.00

The Council shall, unless otherwise directed by any deed or trust, have power to invest any fees, surplus income, funds, donations or endowment in any of the following investments:

- (a) Loans or securities of the government.
- (b) Mortgages and other securities.
- (c) Bonds, debentures, debenture stock or mortgages or the fully paid guaranteed or preference or ordinary stock or shares of ordinary preferred or deferred or other stock or shares of any company.
- (d) Purchase of immovable property situated within Malaysia. Such investments shall be managed by Trustees appointed by the Councils per by-laws. The Council may from time to time direct the Trustees to alter or vary such investment for others of a nature hereby authorised. The trustees shall hold such investment upon trust to be dealt with and disposed off as the Council shall from time to time direct.
- (e) (i) Set up a wholly-owned subsidiary company or companies registered under the Companies Act to undertake activities of the Institute as may be directed by the Council. Such company/companies shall be managed by Directors appointed by the Council.

- (ii) All moneys and profits accruing to the Institute from participation in any business shall be applied solely towards the furtherance, promotion and execution of the objects of the Institute and no portion thereof shall be paid by way of dividend, bonus or profits to any member of the Institute, provided that nothing herein expressed or contained shall prevent the payment in good faith of remuneration or expenses or both to any officer or servant of the Institute, or other person or persons for services actually rendered by him or them to the Institute.

#### 10.1.2 Investment of Moneys exceeding RM500,000.00

Any investment by the Institute above RM500,000.00 shall be approved at the AGM or EGM.

### 10.2 Bank Account

All money belonging to the Institute and not invested in accordance with clause 10.1, shall be deposited by the Council on account of and for the use of the Institute with licensed banks or financial institutions as the Council shall from time to time determine.

Cheques on the Institute's banks, until otherwise from time to time resolved by the Council, shall be signed by any two of the three following Office Bearers ~ President, Deputy President and the Honorary Treasurer for the time being.

Online transactions involving the Institute's accounts, until otherwise from time to time resolved by the Council, shall be authorised by any two of the three following Office Bearers ~ President, Deputy President and the Honorary Treasurer for the time being.

### 10.3 Annual Reports and Accounts

The Council shall present a report on the state of the property and affairs of the Institute to the Annual General Meeting, which report shall give an abstract of the proceedings during the preceding year ended 31st December, an account of the funds (including Receipts and Payments account and Balance Sheet for the past year properly audited). A copy of the report shall be issued to every Member at least fourteen days before the Annual General Meeting.

### 10.4 Accounts

The Council shall be responsible for the preparation of budget and statement of receipts of payments of the Institute. The Council shall cause proper and sufficient accounts to be kept of the sums of money received and expended by the Institute and the matter in respect of which such receipts and payments take place and of the property, credits and liabilities of the Institute and subject to any reasonable restrictions as to the time and manner of inspecting the same that may be imposed in accordance with the regulation then in force of the Institute shall be opened to the inspection of the members and once at least in every year the accounts of the Institute shall be examined and the corrections of the balance sheet ascertained by one or more qualified Auditor. The financial year of the Institute shall end on the 31st December of each year.



## 10.5 Donations

The Council shall be authorised to accept donations and subscriptions either in aid of Funds established by the Institute or to defray expenses which may be incurred in carrying out special undertakings connected with the Institute work.

## CLAUSE 11 **AUDIT**

### 11.0 AUDITOR

- 11.1 An Auditor shall be elected at the Annual General Meeting as per Clause 7.3.2(i). The Auditor shall hold office for one (1) year and may be reappointed.
- 11.2 The Auditor is required to audit the financial statements and balance sheets of the Institute for the financial year of the Institute ending on the 31st December of each year.
- 11.3 The Auditor may be required by the Office Bearers to audit the financial statement and balance sheet at any time during their service.

## CLAUSE 12 **PROPERTY ADMINISTRATORS / TRUSTEES**

### 12.0 INVESTMENT OF MONEYS

The Council shall, unless otherwise directed by any deed or trust, have power to invest any fees, surplus income, funds, donations or endowment in any of specified investments.

Investment in the purchase of immovable property situated within Malaysia shall be managed by Trustees appointed by the Councils per by-laws. The Council may from time to time direct the Trustees to alter or vary such investment for others of a nature hereby authorised. The trustees shall hold such investment upon trust to be dealt with and disposed off as the Council shall from time to time direct.

## CLAUSE 13 **DISSOLUTION**

### 13.0 DISSOLUTION

Upon any dissolution of the Institute, whether voluntary or by operation of any law, if there shall remain, after the satisfaction of all its legal debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the Members of the Institute or any of them, but shall be given to some other institution or association having objects as nearly similar as possible to those of the Institute and in default of there being any such other institution or association then to the Board of Architects Malaysia to be held by the said Board for the objects appearing in the Architects Act 1967 or any statutory modification or re-enactment thereof.

## **CLAUSE 14 ESTABLISHMENT AND DISSOLUTION OF BRANCHES**

### **14.0 CHAPTERS**

- (a) The Council may at their discretion, and upon receipt of a request from a minimum number of Corporate Members to be determined by the Council in relation to prevailing circumstances, resident in any state or regional area of Malaysia, and upon a majority resolution being passed at the Annual General Meeting or Extraordinary General Meeting, create a local Chapter of the Institute subject to the prior approval of the Registrar of Societies.
- (b) The Chapter may be dissolved by a majority resolution passed at the Annual General Meeting or Extraordinary General Meeting of the Institute.
- (c) Each Chapter shall be constituted and its affairs conducted in accordance with the Constitution and such Bye-Laws as the Council shall make from time to time.

## **CLAUSE 15 GENERAL MEETING OF CHAPTERS**

### **15.0 GENERAL MEETING OF CHAPTERS**

#### **15.1 Chapters' Meetings**

The Chapter Committee shall hold meetings whenever deemed necessary by giving at least 7 days' notice. The quorum for a meeting of the Chapter Committee shall be at least one-half of its members.

The rules and procedures governing meetings, elections and voting at the Chapter shall follow that for the Institute as laid down in the Constitution or any other method approved by the Chapters.

The quorum for a General Meeting of a Chapter shall be twice the number of the Chapter Committee. The Chapter Chairman shall preside at all Chapter General Meetings and Chapter Committee meetings. He shall have a casting vote and shall sign the Minutes of each meeting at the time they are approved.

The other members of the Chapter Committee shall be elected at the General Meeting of the Chapter and shall hold office until the next General Meeting.

## **CLAUSE 16 COMMITTEE OF CHAPTERS**

### **16.0 CHAPTERS' COMMITTEE**

- 16.1 Each constituted Chapter of the Institute shall have a Chapter Committee consisting of a Chairman, Deputy Chairman, Vice Chairman, Honorary Secretary, Honorary Treasurer, Immediate Past Chairman and not more than 9 (nine) other Committee members and may include not more than 4 (four) Past Chairmen who, other than the Immediate Past Chairman, may be nominated by the newly elected Chapters' Committees and not more than 9 (nine) other Committee members. Only Corporate Members of the Institute practicing or working in the area of the constituted Chapter shall be eligible to be members of the above said Chapter. A Chapter Committee shall have the sole management of the affairs, business, income and expenditure of the Chapter subject always to the general control of the Council of the Institute. The Council shall define the area of each Chapter when it is being constituted. The establishment of Chapters shall be consented by a simple majority decision at the meeting of the Council

upon a resolution to that effect and subject to the approval of the Registrar of Societies.

The Chapter Chairman shall preside at all Chapter general meetings and Chapter Committee meetings. He shall have a casting vote and shall sign the Minutes of each meeting at the time they are approved.

The Chapter Deputy Chairman shall deputise for the Chapter Chairman during the latter's absence. The Chapter Vice Chairman shall deputise for the Chapter Chairman and the Deputy Chairman during the absence of both.

The Chapter Honorary Secretary shall keep all the records and papers of the Chapter which shall be made available on demand to the Council of the Institute. He shall take down and circulate Minutes of all meetings of the Chapter and the Chapter Committee and shall remit a copy of the Minutes of such meeting to the Hon Secretary of the Institute not later than seven days after each meeting. In consultation with the other Chapter Committee members he shall prepare the Chapter Annual Report which shall be circulated to all Chapter members and shall remit two copies to the Hon Secretary of the Institute who shall present them at the next meeting of the Council of the Institute. He shall maintain a register of names, postal addresses and/or e-mail addresses and mobile telephone numbers of Chapter members and shall inform the Hon Secretary of the Institute of all changes therein.

The Chapter Honorary Treasurer shall deal with the financial affairs of the Chapter and shall keep proper-financial records. He shall prepare the Annual Accounts which after audit shall be circulated to all Chapter members together with the Chapter Annual Report and shall remit two copies of the Audited Annual Accounts to the Hon Secretary of the Institute. In conjunction with the Chairman of the Chapter he shall operate the bank accounts, if any, of the Chapter, and shall be personally responsible for all monies and other property of the Institute which pass through his hands.

## 16.2 Nominated Members of Chapters

Not more than two Non-Corporate Members from any of the following categories

- i. Academic
- ii. Graduate,
- iii. Associate Graduate, or
- iv. Student,

may be nominated to the Committee by the newly elected Chapter Committee.

- a) The Non-Corporate Members shall not have voting right;
- b) The candidates for Non-Corporate Member on Chapter Committee must have been a PAM Member for at least one year.

## **CLAUSE 17 DUTIES OF BRANCH OFFICE**

### **17.0 RESPONSIBILITY OF CHAPTERS COMMITTEE**

17.1 Each constituted Chapter of the Institute shall have a Chapter Committee consisting of a Chairman, Deputy Chairman, Vice Chairman, Honorary Secretary, Honorary Treasurer and 6 other Committee members. Only Corporate Members of the Institute practicing or working in the area of the constituted Chapter shall be eligible to be members of the above said Chapter. A Chapter Committee shall have the sole management of the affairs, business, income and expenditure of the Chapter subject always to the general control of the Council of the Institute. The Council shall define the area of each Chapter when it is being constituted. The establishment of Chapters shall be consented by a simple majority decision at the meeting of the Council upon a resolution to that effect and subject to the approval of the Registrar of Societies.

The Chapter Chairman shall preside at all Chapter general meetings and Chapter Committee meetings. He shall have a casting vote and shall sign the Minutes of each meeting at the time they are approved.

The Chapter Deputy Chairman shall deputise for the Chapter Chairman during the latter's absence. The Chapter Vice Chairman shall deputise for the Chapter Chairman and the Deputy Chairman during the absence of both.

The Chapter Honorary Secretary shall keep all the records and papers of the Chapter which shall be made available on demand to the Council of the Institute. He shall take down and circulate Minutes of all meetings of the Chapter and the Chapter Committee and shall remit a copy of the Minutes of such meeting to the Honorary Secretary of the Institute not later than seven days after each meeting. In consultation with the other Chapter Committee members he shall prepare the Chapter Annual Report which shall be circulated to all Chapter members and shall remit two copies to the Hon Secretary of the Institute who shall present them at the next meeting of the Council of the Institute. He shall maintain a register of names, postal addresses and/or e-mail addresses and mobile telephone numbers of Chapter members and shall inform the Hon Secretary of the Institute of all changes therein.

The Chapter Honorary Treasurer shall deal with the financial affairs of the Chapter and shall keep proper-financial records. He shall prepare the Annual Accounts which after audit shall be circulated to all Chapter members together with the Chapter Annual Report and shall remit two copies of the Audited Annual Accounts to the Hon Secretary of the Institute. In conjunction with the Chairman of the Chapter he shall operate the bank accounts, if any, of the Chapter, and shall be personally responsible for all monies and other property of the Institute which pass through his hands.

## **CLAUSE 18 FINANCE OF BRANCHES**

### **18.0 CHAPTER FINANCES**

18.1 The Council of the Institute may make grants to a local Chapter for a certain specific project or undertaking sponsored by the Chapter.

18.2 The Council of the Institute shall then appoint persons or trustees to handle the properties as stipulated in Clause 8.24 (d) of the Constitution.

## **CLAUSE 19 GENERAL PROVISIONS REGARDING BRANCHES**

### **19.0 CHAPTER GENERAL PROVISIONS**

- 19.1 (a) The Council may at their discretion, and upon receipt of a request from a minimum number of Corporate Members to be determined by the Council in relation to prevailing circumstances, resident in any state or regional area of Malaysia, and upon a majority resolution being passed at the Annual General Meeting or Extraordinary General Meeting, create a local Chapter of the Institute subject to the prior approval of the Registrar of Societies.
- (b) The Chapter may be dissolved by a majority resolution passed at the Annual General Meeting or Extraordinary General Meeting of the Institute.
- (c) Each Chapter shall be constituted and its affairs conducted in accordance with the Constitution and such Bye-Laws as the Council shall make from time to time.

## **CLAUSE 20 AMENDMENTS OF RULES**

### **20.0 AMENDMENT TO THE CONSTITUTION**

#### **20.1 Amendment to the Constitution**

- 20.1.1 This Constitution may not be amended or altered except by the concurring vote of not less than two-thirds of the total membership of the Corporate Members registered as being present at the Extraordinary General Meeting as held in accordance with Clause 7.4(c).
- 20.1.2 No proposal to amend or alter the Constitution shall be considered unless it has been submitted in writing to the Council at least four weeks before the day of the meeting.
- 20.1.3 Such alterations or amendments shall be submitted to the Registrar of Societies within 60 days of being passed by the general meeting and shall take effect from the date of their approval by the Registrar of Societies.

#### **20.2 Bye-Laws**

- (a) The Council may from time to time make such Bye-Laws as they may judge necessary for the carrying on the business of the Institute, and may at any time in like manner, approve, annul or vary any Bye-Laws.
- (b) All Bye-Laws for the time being in force, shall be binding on the members of the Institute and shall have full effect accordingly; provided that notice of such Bye-Laws or recession or alterations thereto shall be notified to all members in writing thirty days before becoming effective, during which time any fifty Corporate Members may by notice in writing to the Honorary Secretary, require an Extraordinary General Meeting to be convened for the purpose of considering, confirming or revoking the same.

- (c) If no such notice is received by the Honorary Secretary, the Bye-Laws shall become binding on all members at the expiry of the above mentioned thirty (30) days.

## **CLAUSE 21 INTERPRETATION**

### **21.0 INTERPRETATION**

- 21.1 In this Constitution unless there be something in the subject, or context inconsistent therewith:

“The Institute” shall mean the Pertubuhan Akitek Malaysia (Malaysian Institute of Architects) (PAM)

“The Constitution” shall mean the Constitution of the Institute.

“The Clause” shall mean the Clause under the Constitution of the Institute for the time being in force.

“The Bye-Laws” shall mean the Bye-Laws of the Institute for the time being in force.  
“The Council” shall mean the Council of the Institute.

“P A M” shall mean Pertubuhan Akitek Malaysia.

“E-voting” shall mean the system of electronic voting under Clause 24.0.

“Malaysia” shall mean the territory covered under the Malaysian Constitution.

“Members” (with capital M) shall mean Corporate and Non Corporate members under Clause 4.1.

“Poll” shall mean the taking and counting of votes.

“Board of Architects” shall mean the Board of Architects Malaysia under the Architects Act 1967 (Revise 1973) or any statutory modifications or reenactment thereof.

## **CLAUSE 22 PROHIBITIONS**

Not applicable.

## **CLAUSE 23 FLAG, SYMBOL AND BADGE**

### **23.0 FLAG, SYMBOL AND BADGE**

- 23.1 Bendera  
-  
Keterangan  
-

23.2 Lambang



Keterangan Logo

-

23.3 Lencana

-

Keterangan

-

## CLAUSE 24 **METHOD OF ELECTION OF COUNCIL**

### 24.0 METHOD OF ELECTION OF COUNCIL

The method of election shall be Electronic Voting. For no other reason, except that accepted by Council in the event that Electronic Voting is not possible throughout, the method of election can be carried out by Postal Voting. The option for postal voting must be executed uniformly and not on a personal basis. If postal voting is chosen as the method of election it shall refer to the previous rules and regulations as stipulated by the constitution.

### 24.1 Election Officer and Deputy Election Officer

Not less than thirty-five days before the day appointed for Annual General Meeting, the Council shall appoint a member as an Election Officer and another member as Deputy Election Officer who will not be standing for any office or proposing or seconding a candidate for election. The Election Officer shall be responsible for the conduct of the election of Council in accordance with the Constitution and Byelaws. The Deputy Election Officer's role is as a stand-in support person to assist the Election Officer and only takes over any of the role of the Election Officer in the event where the Election Officer is unable to carry out his duties.

24.2 Not less than thirty-five days before the day appointed for the Annual General Meeting, the Honorary Secretary on the direction of the Election Officer shall cause to be delivered to all Corporate Members, notification to nominate a President, Deputy President, Vice President, Honorary Secretary, Honorary Treasurer and not more than thirteen ordinary members of Council. For the avoidance of doubt, electronic transmission of such notification, ie; by email or the short messaging service (SMS) shall be deemed to constitute delivery to all Corporate Members.

24.3 Nominations shall only be valid if made by two Corporate members (as Proposer and Secunder) through the electronic voting platform. Such nominations must be made and accepted through the electronic voting platform by the appointed close of Nominations.

24.4 The Election Officer shall prepare a list of nominated (members) candidates together with the Council's nomination list, if any, for President, Deputy President, Vice

President, Honorary Secretary, Honorary Treasurer, and such list shall be sent to all Corporate members in accordance with the Bye-laws. For the avoidance of doubt, uploading of the list of candidates onto the electronic voting platform and electronic notification of the opening of voting shall be deemed to constitute delivery of such a list to all Corporate members. The names of all candidates for election shall be printed in the same type and in alphabetical order. Nomination from the floor will not be accepted at the Annual General Meeting.

24.5 Voting for election shall be by Electronic Voting. The notice to invite Corporate Members to cast their Electronic Votes shall be sent out prior to the opening of the e- voting platform for voting. Electronic voting shall be by secret secured ballot. Transaction Authorisation Code (TAC) for either nomination or voting, shall be issued by PAM. Electronic votes are to be received by the system and be verified by the Election Officer before the commencement of the Annual General Meeting.

24.6 Scrutineers

No less than three scrutineers, who must be Corporate Members, shall be selected amongst the Corporate Members present at the Annual General Meeting by the Election Officer. The scrutineers at the direction of the Election Officer shall be responsible for verifying the report on the votes. Their decision of the election, and on any matter relating thereto shall be final. No member of Council or candidate for election as such shall be eligible for selection as a Scrutineer.

24.7 In the event of an equality of votes for any vacancy, selection of the winning candidate shall be by a secret ballot taken from all Corporate Members present at the Annual General Meeting.

24.8 The members of Council so elected together with the immediate Past President shall form the Council which shall remain in office until the next Annual General Meeting.

24.9 Election of Graduate Representative on Council

The candidates for Graduate Representative on Council shall be elected through an Electronic Voting process accepted by Council and as described in the Bye-Laws.

## **CLAUSE 25 REFERENDUM BY MEANS OF POSTAL VOTE ON IMPORTANT QUESTIONS**

25.0 REFERENDUM BY MEANS OF POSTAL VOTE ON IMPORTANT QUESTIONS

25.1 Upon a resolution of the Council of which due notice has been given to every member of the Council and which has been carried by fourfifths majority of those present and voting at a Meeting of the Council it shall be competent for the Council to refer any question as to which the Council are of the opinion that the matter is of sufficient importance to take a poll of Corporate Members and thereupon a postal vote on the matters in question, shall be taken by sending a copy of the proposed Resolution a Voting Paper by post to each Corporate Member resident in Malaysia, and the same shall be returnable to the Honorary Secretary not later than fourteen days after it has been posted. Scrutineers appointed by Council, as per Bye-laws, shall count the votes and their decision on any matter relating thereto shall be final, and if the Resolution so submitted to a general poll be supported by a simple majority of the votes polled it shall be declared carried and shall be the Resolution of the Institute and it shall not be competent to rescind or vary such Resolution for a period of two years thereafter except by another Resolution submitted by the Council to a like general poll and carried by a two-thirds majority on taking of such poll. The Council shall be bound to take a poll under



the provisions of this Constitution at any time on receipt of a written requisition signed by not less than fifty Corporate Members, and such poll shall be taken not less than six weeks after the delivery of such requisition to the Honorary Secretary.

\*\*\*\*\* END OF PAM CONSTITUTION \*\*\*\*\*

# **PAM BYE-LAWS**

## **PAM BYE-LAWS**

### **PREAMBLE**

1.0 Bye-laws are made under Clause 20.0 of the Constitution of the Pertubuhan Akitek Malaysia (Malaysian Institute of Architects) (PAM).

### **HEADQUARTERS**

2.0 The headquarters of the PAM shall be situated in the capital of Malaysia or any other location considered suitable by the Council.

### **QUALIFICATIONS AND APPLICATION FOR MEMBERSHIP**

3.0 The qualifications for Corporate and Non-Corporate membership shall be as stipulated in Clause 4.0 of the Constitution.

3.1 The Council may prescribe a list of architectural qualifications which shall be deemed to be acceptable for membership of the Institute. The Council shall be empowered to make changes to the list of recognised schools from time to time.

3.2 All applications for membership, except for Honorary Members, shall be made in the prescribed form together with all fees payable and in accordance with Clause 4.6.1 of the Constitution.

Where a Graduate Member applies to be a Corporate Member, a processing fee shall be levied in addition to the subscription fee and the entrance fee is waived.

### **EXAMINATION**

4.0 As provided in Clause 3.12 of the Constitution, the Council is empowered to appoint Examination Panels to administer and conduct on behalf of the Institute such examinations as deemed necessary.

### **CERTIFICATE OF MEMBERSHIP**

5.0 Certificate of membership in the form approved by the Council shall be issued to Corporate Members of the Institute. Such certificate shall bear the Seal of the Institute which shall be affixed as provided for in Clause 8.25 of the Constitution.

### **THE COUNCIL**

6.0 Members of the Council shall include one representative from each Chapter:

- (a) Northern Chapter comprising the States of Perlis, Kedah, and Pulau Pinang.
- (b) Southern Chapter comprising the States of Malacca and Johore.
- (c) Sabah Chapter comprising the State of Sabah.
- (d) Sarawak Chapter comprising the State of Sarawak.

- (e) East Coast Chapter comprising the States of Kelantan, Terengganu and Pahang.

Chapter representatives to the Main Council shall be nominated and elected by the respective Chapter Committees.

## CHAPTERS

7.0 Each constituted Chapter of the Institute shall have a Chapter Committee consisting of a Chairman, Deputy Chairman, Vice Chairman, Honorary Secretary, Honorary Treasurer and 6 other Committee members. Only Corporate Members of the Institute practicing or working in the area of the constituted Chapter shall be eligible to be members of the above said Chapter. A Chapter Committee shall have the sole management of the affairs, business, income and expenditure of the Chapter subject always to the general control of the Council of the Institute. The Council shall define the area of each Chapter when it is being constituted. The establishment of Chapters shall be consented by a simple majority decision at the meeting of the Council upon a resolution to that effect and subject to the approval of the Registrar of Societies.

The Chapter Committee shall hold meetings whenever deemed necessary by giving at least 7 days' notice. At least one-half of its members present shall constitute a quorum.

The rules and procedures governing meetings, elections and voting at the Chapter shall follow that for the Institute as laid down in the Constitution.

The quorum for a general meeting of a Chapter shall be twice the number of the Chapter Committee. The quorum for a meeting of the Chapter Committee shall be four. The Chapter Chairman shall preside at all Chapter general meetings and Chapter Committee meetings. He shall have a casting vote and shall sign the Minutes of each meeting at the time they are approved.

The Chapter Deputy Chairman shall deputise for the Chapter Chairman during the latter's absence. The Chapter Vice Chairman shall deputise for the Chapter Chairman and the Deputy Chairman during the absence of both.

The Chapter Honorary Secretary shall keep all the records and papers of the Chapter which shall be made available on demand to the Council of the Institute. He shall take down and circulate Minutes of all meetings of the Chapter and the Chapter Committee and shall remit a copy of the Minutes of such meeting to the Honorary Secretary of the Institute not later than seven days after each meeting. In consultation with the other Chapter Committee members he shall prepare the Chapter Annual Report which shall be circulated to all Chapter members and shall remit two copies to the Hon Secretary of the Institute who shall present them at the next meeting of the Council of the Institute.

The Chapter Honorary Treasurer shall deal with the financial affairs of the Chapter and shall keep proper financial records. He shall prepare the Annual Accounts which after audit shall be circulated to all Chapter members together with the Chapter Annual Report and shall remit two copies to the Hon Secretary of the Institute. In conjunction with the Chairman of the Chapter he shall operate the bank account, if any, of the Chapter, and shall be personally responsible for all monies and other property of the Institute which pass through his hands. He shall maintain a register of names and addresses of Chapter members and shall inform the Hon Secretary of the Institute of all changes therein.

The other members of the Chapter committee shall be elected at the general meeting of the Chapter and shall hold office until the next general meeting.

## FINANCE

8.0 The Council may make grants to a local Chapter for a certain specific project or undertaking sponsored by the Chapter.

## PROPERTIES

9.0 The Council of the Institute shall then appoint persons or trustees to handle the properties as stipulated in Clause 8.24 (d) of the Constitution.

## ENTRANCE FEES AND SUBSCRIPTIONS

10.0 The Entrance Fees and Subscription shall be as follows:

### 10.1 Ordinary

- (i) Any Ordinary Member or Fellow Member who has attained the age of 65 years, and who has been an Ordinary Member for 25 years shall be automatically eligible for reduced subscription rates.
- (ii) Any Ordinary Member or Fellow Member who has attained the age of 80 years shall automatically enjoy a full waiver to their subscription fees.

### 10.2 Retired

- (i) Any Ordinary Member or Fellow Member who has attained the age of 60 years, and wishes to apply for reduced subscription rates as a Retired member may do so using the prescribed form as per Bye-laws and subject to the approval of Council.
- (ii) Any Retired Member or Fellow Member who has attained the age of 80 years shall automatically enjoy a full waiver to their subscription fees.

	Entrance Fees (including Singapore)	Subscription Resident	Subscription Non-Resident	Entrance Fees	Subscription Resident	Subscription Non-Resident
<b><u>Corporate</u></b>						
Ordinary	750/-**	500/-	250/-	375/-	250/-	125/-
	-	300/-	250/-	-	150/-	125/-
Retired	-	250/-	250/-	-	125/-	125/-

Overseas	750/-	-	250/-	375/-	-	125/-
Fellow	-	500/-	250/-	-	250/-	125/-
<u>Non-Corporate</u>						
Honorary	-	-	-	-	-	-
Graduate	250/-	190/-	125/-	125/-	95/-	62.50
Associate Graduate	250/-*	190/-	125/-	125/-	95/-	62.50
Student	-	-	-	-	-	-
Academic	375/-	250/-	190/-	187.50	125/-	95/-
International	750/-	-	500/-	375/-	-	250/-

\* For the qualified and valid Associate Graduate upgrading to the Graduate category, the Entrance Fee shall be waived.

\*\* For the qualified and valid Graduate upgrading to the Corporate category, the Entrance Fee shall be waived.

## **DISCIPLINARY COMMITTEE AND INQUIRY**

### **11.1 INTERPRETATION**

In these Bye-laws, unless the context otherwise requires -

- (a) "Chairman means the Chairman of the Disciplinary Committee;
- (b) "Committee of Inquiry" means a committee appointed by the Disciplinary Committee to inquire into any allegation against a Member of PAM comprising of three (3) Corporate Members of good standing, with adequate practical experience and qualifications;
- (c) "Complaint means a complaint of alleged infringement of any provision of the PAM Constitution, the Bye-laws made thereunder, or Code of Conduct by any Member;
- (d) "Complaint Form" means the form, prescribed by the Disciplinary Committee that the Complainant shall complete and submit to file a Complaint;
- (e) "Complainant" means the person or persons who made a Complaint;
- (f) "Disciplinary Committee" means a committee appointed by the Council to deal with matters pertaining to the conduct of Members which may lead to disciplinary action by the Council;
- (g) "Hearing" means the virtual or physical hearing conducted where the Complainant and Respondent is allowed to present their evidence and call their witnesses;
- (h) "Inquiry" means an inquiry by the Committee of Inquiry;

- (i) “Members” means all persons under the various classes of membership of PAM;
- (j) “President” means the President of PAM; and
- (k) “Respondent” means the person or persons who is the subject of a Complaint.

Whenever the context so requires, the use of words herein in the singular shall be construed to include the plural, and words in the plural, the singular, and words whether in masculine, feminine or neuter gender shall be construed to include all said genders.

## 11.2 DISCIPLINARY COMMITTEE

The Disciplinary Committee appointed by the Council shall:

- (a) be a Corporate Member of good standing of not less than seven (7) years;
- (b) consist of not less than three (3) committee members (including the Chairman); and

always have an odd number of members.

## 11.3 DISCIPLINARY PROCESS

The Disciplinary Process of PAM shall be a 3-tiered process as stated below.

## 11.4 TIER 1 – PRELIMINARY INQUIRY BY THE DISCIPLINARY COMMITTEE

- 11.4.1 Any individual who intends to file a Complaint shall submit a completed Complaint Form to the Chairman, together with the supporting documents specified in the Complaint Form.
- 11.4.2 In the event the Complaint Form and/or the supporting documents are incomplete, the Chairman shall notify the Complainant, in writing, rectify the non-compliance within fourteen (14) days. Failure to rectify the non-compliance shall result in automatic rejection of the Complaint Form.
- 11.4.3 Upon receiving the duly completed Complaint Form, the Chairman may:
  - (a) request further details, information, or evidence from the Complainant pertaining to the Complaint which upon submission of the same shall form part of the Complaint; and/or
  - (b) notify the Respondent, in writing, of the Complaint lodged against him and request for an explanation from the Respondent.
- 11.4.4 Within fourteen (14) days from the date of receipt of the Chairman’s notification (or such longer period as may be agreed in writing by the Chairman) (**“Prescribed Period”**), the Respondent shall submit his written explanation to the Complaint to the Chairman.
- 11.4.5 Upon the expiry of the Prescribed Period, the Disciplinary Committee shall, based on the documents before them, decide if the Complaint warrants an Inquiry to be conducted. For avoidance of doubt, the Disciplinary Committee shall proceed with their decision, by way of simple majority, even if the Respondent failed to submit his written explanation.



- 11.4.6 The Disciplinary Committee shall dismiss the Complaint unless:
- (a) the Complaint Form is duly completed, and the Complainant had strictly complied with the requirements specified in the Complaint Form;
  - (b) the subject matter of the Complaint is relevant to the provision(s) of the PAM Constitution, the Bye-laws made thereunder, or Code of Conduct;
  - (c) the subject matter of the Complaint has not been concurrently lodged with Lembaga Arkitek Malaysia;
  - (d) the Complaint is not frivolous, vexatious, and/or made in bad faith; and
  - (e) there is prima facie ground that warrants an Inquiry to be conducted.
- 11.4.7 In the event the Disciplinary Committee decides to dismiss the Complaint, the Chairman shall notify the Complainant and the Respondent, in writing, together with the grounds of dismissal.
- 11.4.8 In the event the Disciplinary Committee decides that the Complaint warrants an Inquiry, the Chairman shall convene a Committee of Inquiry to conduct the Inquiry.

## 11.5 TIER 2 – INQUIRY BY THE COMMITTEE OF INQUIRY

### 11.5.1 Appointment of the Committee of Inquiry

- (a) The Chairman shall appoint three (3) Corporate Members (**“Appointee”**) of good standing with adequate practical experience and qualifications to form the Committee of Inquiry.
- (b) The appointment shall be on an ad-hoc basis and the Committee of Inquiry shall be dissolved after the Disciplinary Committee accepted its findings and recommendations.
- (c) All members of the Committee of Inquiry shall be served with a letter of appointment signed by the Chairman, together with the Terms of Reference for the Inquiry.
- (d) The Appointee shall accept its appointment unless:
  - i. the Appointee has any relationship with the Complainant or the Respondent or with any project being the subject matter of the Complaint (collectively referred to as **“Relationship”**);
  - ii. the Appointee had served on the Committee of Inquiry for three (3) or more times within the same calendar year as the new Inquiry; or
  - iii. there are any other reasons which may be accepted by the Chairman. Subject to the above, the Appointee shall notify the Chairman in writing of his acceptance or rejection (together with the reasons) of the appointment within fourteen (14) days from the date of receipt of the letter of appointment.
- (e) If an Appointee rejects its appointment without any valid reasons, he shall be deemed to have infringed the bye-law herein.

- (f) The Chairman may appoint a secretary to assist the Committee of Inquiry in the administration and recording the minutes of the Inquiry.
- (g) Any member of the Committee of Inquiry shall disclose any Relationship to the Chairman as soon as he realizes or discovers the same during the term of his appointment. Upon such disclosure, the Chairman shall decide whether the member can proceed with the Inquiry or be replaced by another person.

#### 11.5.2 Notification of Hearing

- (a) The Committee of Inquiry shall meet within one (1) month of its appointment and determine its own schedule ("**Schedule**") provided it follows the rules as may be prescribed under Bye-laws 11.6.5 hereunder. The Schedule shall be submitted to the Chairman.
- (b) Upon receiving the Schedule, the Chairman shall cause notices in writing ("**Hearing Notice**") to be sent to both the Respondent and Complainant informing them:
  - i. time and place of the Hearing;
  - ii. that their appearances at the Hearing is required; and
  - iii. that they have the right to be heard personally or represented by a counsel.
- (c) The Hearing Notice shall be sent by registered post to the Respondent and the Complainant at least twenty-one (21) clear days before the date of Hearing.
- (d) If the Complainant and/or the Respondent is absent at the Hearing and did not appoint a counsel to represent them, the Committee of Inquiry may, at its absolute discretion, proceed with the Hearing or reschedule the date of Hearing.
- (e) If the Hearing is rescheduled, the Hearing Notice shall be sent by registered post to the Respondent and the Complainant at least fourteen (14) clear days before the rescheduled date of Hearing.

#### 11.5.3 Completion of Inquiry

- (a) The Committee of Inquiry shall complete the Inquiry within six (6) months from the date of its appointment, or such longer period as allowed by the Chairman in writing.
- (b) The Committee of Inquiry, on completion of the Inquiry, shall:
  - i. Submit its findings, signed by all three (3) members, to the Chairman giving the rationale for its conclusion together with its recommendations on the appropriate disciplinary action to be taken.
  - ii. If a unanimous decision cannot be reached by the Committee of Inquiry at the conclusion of the Inquiry, the dissenting view shall be incorporated in the report and submitted to the Chairman.
- (c) If the Chairman considers that the report and recommendations are not

clear in any aspect and that further Inquiry is desirable, the Chairman may refer the matter back to the Committee of Inquiry for further Inquiry and report.

- (d) Upon being satisfied of the completeness of the report and recommendations, the Chairman shall submit the report and the recommendations to the Council for the Council's decision, and thereafter the Chairman shall dissolve the Committee of Inquiry.

## 11.6 TIER 3 – COUNCIL TO DECIDE

The Council shall then deliberate on the report and recommendations of the Committee of Inquiry and make a decision pursuant to Clause 8.31 of the PAM Constitution.

## 11.7 MISCELLANEOUS

11.7.1 **Jurisdiction.** The Council shall have full disciplinary jurisdiction over all Members.

11.7.2 **Own Motion.** Nothing provided in these Bye-laws shall preclude the Disciplinary Committee of its own motion from making its own complaint either arising from its own discovery of an alleged violation of any provision of the Constitution or the Code of Conduct, if the Complaint lodged by Complainant was subsequently withdrawn before the conclusion of the Inquiry into such complaint. In such event, an ex-officio member of the PAM shall be delegated the responsibility of serving as the Complainant.

11.7.3 **Powers of Committee of Inquiry.** The Committee of Inquiry shall have the powers to call for and examine witnesses and for compelling the Respondent to produce documents considered by the Committee of Inquiry to be relevant.

11.7.4 **Quorum.** The quorum for all hearings of the Committee of Inquiry and of the Disciplinary Committee shall be the full membership of the Committees.

11.7.5 **Rules.** Subject as hereinbefore provided, the Disciplinary Committee may from time to time make rules to regulate the procedure of the Committee of Inquiry. The rules and subsequent amendments shall be subjected to a simple majority approval of the members of the Disciplinary Committee.

11.7.6 **Withdrawal.** The Complainant, may at any time, withdraw the Complaint by letter to the Chairman. Upon receipt of a letter of withdrawal, the Chairman shall inform the Council in writing, enclosing a copy of the withdrawal. The Council may, subject to Bye-law 11.6.2, dismiss the Complaint.

11.7.7 **Confidentiality.** The Claimant and Respondent shall maintain the confidentiality of the oral and written information exchanged between the parties in connection with the Inquiry and shall not disclose any information relating to the Inquiry to third parties until the conclusion of the Inquiry unless such disclosure is required by law.

11.7.8 The Chairman, Disciplinary Committee, and Committee of Inquiry shall always act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal form.

- (a) The Council and/or the Disciplinary Committee may seek advice on legal issues arising from any stage of the Disciplinary Process. For avoidance

of doubt, the Disciplinary Committee may seek legal advice without prior approval from the Council.

- (b) No Chairman, members of the Disciplinary Committee, members of the Committee of Inquiry, and Council Members shall be liable for any Complaint for any act done or ordered to be done by him in the discharge of his duty in this Disciplinary Process provided that he at the time was discharging his duty in good faith and was under the believe that he has jurisdiction to order do the act complained of.
- (c) No proceedings under these rules and related guidelines shall be invalidated by any formal defect or any irregularity, unless the Chairman is of the opinion that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied.

## ELECTION RULES AND PROCEDURES

12.0 The Election Rules and Procedures shall be as follows:

12.1 The method of election shall be by Electronic Voting. For no other reason, except that accepted by Council in the event that Electronic Voting is not possible throughout, the method of election can be carried out by Postal Voting. The option for postal voting must be executed uniformly for all posts and not on a personal basis. If postal voting is chosen as the method of election it shall refer to the previous rules and regulations as stipulated by the constitution.

### 12.2 ELECTRONIC VOTING

- (a) All nominations shall be submitted electronically using the prescribed Electronic Nomination Procedure and Channels.

In the event of any circumstances that prevent the Electronic Votes to be counted, Council has the discretion to take the appropriate action.

Every nomination for any post shall be accompanied by a statement of not more than 150 words on why he or she presents himself for election. Failing to comply with any of these stipulations shall render the nomination null and void.

- (b) Any qualified member shall not be nominated to more than one Office Bearers' post (namely President, Deputy President, Vice President, Honorary Secretary and Honorary Treasurer) and to not more than one ordinary member post of Council. In the event a candidate is returned unopposed as an Office Bearer, his or her nomination for ordinary Member of Council shall be automatically withdrawn. In the event a candidate is elected as an Office Bearer as well as an ordinary Member of Council, it shall be deemed that the candidate shall relinquish his post as an ordinary Member of Council in favour of the next available candidate (based on the number of votes received).

A member will not be allowed to nominate or second more than one candidate for the same Office Bearer's post.

- (c) The Electronic Nomination Report shall be accessed after the time of closing of nominations by the Election Officer or in his absence, by the Deputy Election Officer and accompanied by at least two witnesses who are not involved in the Election. Any PAM member shall be entitled to be present at the opening of the nominations.

- (d) The Election Officer shall prepare a list of all the nominated candidates immediately after the opening of the nominations. Any nominated candidate wishing to withdraw his or her candidacy for election shall do so through the provisions of the e-voting platform, within 5 days from the closing of nominations. No withdrawals shall be permitted after the said 5-day period.
- (e) Only if there are no nominations for the Office Bearers' posts, council nominations shall be made to fill the vacant post. Council nomination, if any, has to be decided at a Council Meeting by a simple majority of those present and to be minuted. Council nominations have to be made on a prescribed form which is different from the Electronic Nomination Form, duly signed by the President or Honorary Secretary and any other Council Member present at the Council meeting.
- (f) The Election Officer shall prepare a list of all the nominated candidates together with Council's nominations, if any, together with those nominated candidates who have withdrawn their nominations.
- (g) Such list, incorporated in the Electronic Ballot Notification together with the compilation of Prescribed Candidate information and Statement Form of nominated candidates, and guidelines for the casting of the Electronic Votes, shall be sent to all eligible Corporate Members. The list shall contain all the nominated members offered for election, the Council's nomination for the Office Bearers' post, if any, and those nominated candidates who have withdrawn their nominations. Uploading of the above information to the E-Voting website shall, for the purposes of this Bye-law be deemed to constitute delivery to all eligible Corporate Members. Each eligible voting member shall be provided with a Transaction Authorisation Code (TAC).
- (h) Each Corporate Member shall indicate on their Electronic Ballot his choice of candidate and complete the voting process to the Electronic Voting System.

The Election Officer shall be authorised to access the Electronic Ballot to verify the operation of the system at any time before the commencement of the Annual General Meeting.

Upon the closing of voting, the Election Officer shall proceed to open the Electronic Ballot and retrieve the Election Results which shall be handed to the Scrutineers for verification at the Annual General Meeting.

- (i) The Electronic Voting Report after examination by the Election Officer and after the verification of the number of votes by the Election Officer and Scrutineers, shall be announced at the Annual General Meeting. The digital Election Record shall be kept by the Institute for a minimum of 6 (six) years. The Election Record must ensure that the votes remain anonymous.
- (j) All procedural and operational guidelines on the Election Process shall be approved by Council.
- (k) The decisions of the Election Officer shall be final.
- (l) Description of Election Officer

The Election Officer shall be appointed by the Council, not less than thirty-five days before the day appointed for Annual General Meeting (AGM). The Election Officer must be a member who will not be standing for any office or proposing or seconding a candidate for election. The Election Officer shall be responsible for the conduct of the election of Council in accordance with the Constitution and Bye-Laws.

### 12.3 POSTAL VOTING

In the event that an Electronic Voting is not available, the election may be carried out by Postal Voting subject to the approval by Council. Notice for Postal Voting must be received by Council not less than 60 days before the commencement of the Annual General Meeting.

- (a) All nominations shall be submitted in the prescribed form with original signature duly signed (in ink not pencil) and sealed in the envelope provided by PAM. Fax and photocopy submissions are not acceptable.

They shall be deposited into a sealed box in the PAM Secretariat, details of which shall be stated in the nomination form.

Every nomination for any post shall be accompanied by a printed or written statement of not more than 150 words on why he or she presents himself or herself for election. Failing to comply with any of these stipulations shall render the nomination null and void.

- (b) Any qualified member shall not be nominated to more than one Office Bearers' post (namely President, Deputy President, Vice President, Hon Secretary and Hon Treasurer) and to not more than one ordinary member post of Council. In the event a candidate is returned unopposed as an Office Bearer, his or her nomination for ordinary Member of Council shall be automatically withdrawn.

A member will not be allowed to nominate or second more than one candidate for the same Office Bearer's post. In the event that a member nominates or seconds more than one candidate for the same Office Bearer's post, the nomination shall be declared invalid.

- (c) The sealed box and nominations therein shall be opened after the time of closing of nominations by the Election Officer or in his absence, by the Deputy Election Officer and accompanied by at least two witnesses who are not involved in the Election. Any PAM member shall be entitled to be present at the opening of the nominations.
- (d) The Election Officer shall direct the Honorary Secretary to prepare a list of all the nominated candidates immediately after the opening of the nominations. Any nominated candidate wishing to withdraw his or her candidacy for election shall do so in writing to the Election Officer within 5 days from the closing of nominations. No withdrawals shall be permitted after the said 5-day period.
- (e) Only if there are no nominations for the Office Bearers' posts, council nominations shall be made to fill the vacant post. Council nomination, if any, has to be decided at a Council Meeting by a simple majority of those present and to be minuted. Council nominations have to be made on a prescribed form which is different from the normal standard nomination form, duly signed by the President or Honorary Secretary and any other Council Member present at the Council meeting.
- (f) The Election Officer shall direct the Honorary Secretary to prepare a list of all the nominated candidates together with Council's nominations, if any, together with those nominated candidates who have withdrawn their nominations.
- (g) Such list, incorporated in the Ballot Paper and a compilation of Prescribed Candidate information and Statement Form of nominated candidates, and guidelines for the casting of votes, shall be sent to all eligible Corporate Members together with a notice convening the Annual General Meeting. The list shall contain all the nominated members offered for election including the names of the Proposers

and Seconders, the Council's nomination for the Office Bearers' post, if any, and those nominated candidates who have withdrawn their nominations.

- (h) Each ballot paper will be printed with voting instruction. Ballot papers are to be authenticated with signatures of the Election Officer and stamped with an official PAM Stamp. A prescribed document on Candidates Information and Election Statement shall be prepared and circulated with the ballot papers.
- (i) A member after marking the ballot paper shall fold and place the marked ballot paper in the pre-addressed envelope to a dedicated PAM election GPO Box. The member shall then seal the preaddressed envelope and return to the Election Officer by hand or by post (postage to be paid by the voter) to reach him/her before the commencement of the Annual General meeting.

A dedicated GPO letterbox for "returning ballots only" shall be maintained by PAM. The Election Officer shall be authorized to open the dedicated GPO letterbox and collect the returned preaddressed envelopes with the sealed ballot papers and place them in a sealed ballot box in PAM at a place designated by the Election Officer.

At the commencement of the Annual General Meeting, the Election Officer will proceed to open the pre-addressed envelopes and which shall be handed to the appointed Scrutineers to be opened for vote counting.

Witnesses shall be allowed to view the opening of preaddressed envelopes collected by the Election Officer and should not impede in any way the Election Officer and Scrutineers in carrying out their duties.

- (j) The ballot papers after examination by the Election Officer and after the counting of votes by the Scrutineers, shall be placed in a packet which shall be sealed and delivered by the Election Officer to the Honorary Secretary, who shall retain the papers for at least 7 days after the Annual General Meeting and shall then cause them to be destroyed.
- (k) Procedural and operational guidelines on the Election Process shall be approved by Council and issued at the time of calling of nominations and also at the time of issuing of ballot papers.
- (l) The decisions of the Election Officer shall be final.

#### 12.4 ELECTION OFFICER'S DUTIES

- a) Election Officer, in no less than thirty-five days before AGM, shall cause to be delivered to all Corporate Members, a notification to nominate a President, Deputy President, Vice President, Honorary Secretary, Honorary Treasury and not more than thirteen (13) ordinary members of Council.
- b) In return, Election Officer shall receive nominations from Members. Such nominations shall only be valid if made by two corporate members who have received the agreements of the nominees.
- c) Election Officer shall prepare the list of nominations for the elections, not later than twenty-one days before the AGM.
- d) The Election Officer shall prepare a list of nominated Members together with the Council's nomination list if any for President, Deputy President, Vice President, Honorary Secretary and Honorary Treasury.

- e) A printed hard copy of the results of the Electronic Ballot is to be authenticated with the signature of the Election Officer and to be stamped with an official PAM Election Officer Stamp and filed for record and reference. If the Postal Voting is effected, ballot papers are to be authenticated with signatures of the Election Officer and to be stamped with an official PAM Stamp. Each ballot paper shall contain directions for its use by Corporate Members and any ballot papers which fail to comply with such directions shall be rejected by the Scrutineers and votes shall be lost. A prescribed document on Candidates Information and Election Statements shall also be prepared.
- f) The Election Officer shall cause to send to all Corporate Members the Electronic Ballot Notification together with a compilation of the Prescribed Candidate information, and guidelines for the casting of votes as in accordance with the By-laws. If the Postal Voting is effected, the Election Officer shall cause to send to all Members the nominations list incorporated in the ballot paper together with a compilation of Prescribed Candidate information, guidelines for the casting of votes and notice convening the AGM.
- g) The names of all candidates for election shall be printed in the same type and in alphabetical order. Nomination from the floor will not be accepted at the AGM.
- h) The Election Officer shall ensure that voting for election shall be made using only the Electronic Voting System within the prescribed duration of voting period unless otherwise instructed by Council. If Postal Voting is effected, the Election Officer shall ensure that voting for election shall be made using only ballot papers sealed in a pre-addressed envelope marked with "Ballot Paper" and which shall be returned to the Election Officer by hand or by post (to a dedicated PAM Election GPO letter box marked with "returning ballots only" and which shall be maintained by PAM). All envelopes shall be returned to the Election Officer so as to be received by him before the commencement of the AGM. The ballot paper shall be folded and enclosed in a sealed envelope and no other document shall be enclosed with the ballot paper. The ballot papers may be received from Corporate Members personally at the AGM. The Election Officer shall be authorized to open the dedicated GPO letter box and collect the returned sealed pre-addressed envelopes and place them in a sealed ballot box in PAM at a place designated by the Election Officer.
- i) The Election Officer shall be authorized to access the Electronic Ballot at any time before the commencement of the Annual General Meeting.
- j) During the AGM, the Election Officer will proceed to verify and announce the results of the Election as tabulated by the Electronic Voting System. If the Postal Voting System is effected, the Election Officer, at the commencement of the AGM, will proceed to open the pre-addressed envelopes and take out the ballot papers which shall be handed to the Scrutineers for vote counting. In the vote counting process, the Election Officer shall cause to direct Scrutineers, who are selected from the Corporate Members present at the AGM to be responsible for counting votes. Their decision of the election, and on any matter relating thereto shall be final.
- k) The decisions of the Election Officer shall be final.

## 13.0 APPLICATION OR RECOMMENDATION FOR FELLOW MEMBERSHIP

### 13.1 Any person who

- (a) has been a Corporate Member for not less than 20 years, and



(b) is a member of good standing and has notable contributions to the advancement of the profession of architecture in any of the following field: design, education, literature, public service, and exceptional service to PAM.

13.2 Every application or recommendation shall be submitted in the prescribed form provided by PAM. The application or nomination must be nominated by a PAM Fellow Member and seconded by a PAM Corporate Member.

Every application or recommendation shall be accompanied by submission of proper documents giving evidence of achievements, services, and contributions to the advancement of the profession for evaluation by a jury of three (3) PAM Fellow Members nominated by the Office Bearers.

13.3 Upon receiving the prescribed form duly completed, the application or nomination shall be assessed and thereafter be recommended by the Membership Committee to PAM Council for its approval.

13.4 A Fellow member of PAM shall have the right to append the abbreviation "FPAM" to his / her name.

#### 14.0 CIRCULAR RESOLUTION

14.1 Mode of Deciding Matters Via Circular Resolution Circulated Through Email

The Office Bearers may determine any matters arising at the meeting by conducting a circular resolution through circulation of email in such manner as agreed by the Council, and the results of such resolution shall be deemed valid as if the resolution has been carried by taking of votes at a Council Meeting specified in Clause 8.15. A declaration by the Office Bearers that a resolution has been carried by a majority of votes as described in Clause 8.15 and an entry to that effect in the Minutes Book of the Institute shall be conclusive evidence thereof.

14.2 Rights to Vote by Council Members Via Circular Resolution through Email

Council Members shall be entitled to participate in the discussions on any subject matter brought by a circular resolution which is circulated via email and they shall be entitled to vote at such circular resolution. The quorum resolution shall be carried if it receives  $\frac{3}{4}$  of the total number of Voting Members in the Council. In the case of an equality of votes, the President of the Institute shall have a further casting vote. Should the quorum is not met, the said circular resolution shall be tabled at the next meeting of the Council.

#### 15.0 PAM CODE OF CONDUCT

A member shall abide by the following principles:

15.1 PRINCIPLE No.1- FAITHFUL DISCHARGE OF RESPONSIBILITIES.

“A member shall, when practicing as an architect, faithfully discharge his duties and responsibilities to his Client and the public.”

15.2 PRINCIPLE No.2 - REMUNERATION.

“A member shall, when practicing as an architect, be remunerated solely by the professional fees payable by his Client or by the salary payable by his

Employer.”

#### 15.3 PRINCIPLE No.3 - ADVERTISING AND SOLICITING.

“A member when practicing as an architect, shall not advertise for nor solicit business for architectural services.”

#### 15.4 PRINCIPLE No.4 - INVOLVEMENT WITH OTHER TRADES.

“A member, when practicing as an architect, shall not engage in any trade or business which is inconsistent with the fitting and proper discharge of his professional duties.”

#### 15.5 PRINCIPLE No.5 - PARTNERSHIP WITH OTHER PERSONS.

“A member shall, when practicing as an architect, only enter into partnerships, commercial agreements or collaborations which are not inconsistent with these professional obligations.”

#### 15.6 PRINCIPLE No.6 - HONOUR AND INTEGRITY.

“At all times in his conduct as a Member of the Institute and when acting on behalf of the Institute, a Member shall not intimidate, victimise, harass, sexually harass anyone or conduct himself in any manner equivalent to such actions.”

#### 15.7 PRINCIPLE No.7 - PROFESSIONAL DEVELOPMENT & TRAINING.

“A member shall continuously seek to update, improve and share his knowledge and skill in the art, science and profession of architecture and other allied fields.”

#### 15.8 PRINCIPLE No.8 - THE COMMUNITY AND ENVIRONMENT.

“A member shall respect the community, its heritage and the environment in which he is practicing in.”

### **16.0 VIRTUAL PARTICIPATION AT A GENERAL MEETING**

- 16.1** a. Pursuant to clauses 7.3, 7.4, and 7.6 of the PAM Constitution, the Council shall decide within the appropriate due notice window whether to adopt one of the following General Meeting formats:
1. General Meeting held at a ‘primary place’
  2. General Meeting held at a ‘primary place’ with an interactive broadcast to ‘secondary place(s)’
  3. General Meeting at a ‘primary place’ with the method for members to attend virtually (i.e. there will not be a ‘secondary place(s)’).
- b. Specific to Annual General Meetings, Council shall decide on the meeting format thirty (30) days before the date of the Annual General Meeting.
- c. The ‘primary’ place of the General Meeting refers to where the General Meeting is presided by the Chairman.

- d. The 'secondary' place refers to where the General Meeting is held physically at a designated place other than the 'primary' place, where members view an interactive broadcasted proceeding from the 'primary' place. A member shall join the meeting physically at the secondary place (usually the Chapter office or a designated location decided by each Chapter).

## **16.2 Method of Registration for Virtual Participation at a General Meeting**

- a. The 'Meeting Registration' link will be sent using email to all members in the Notice of Meeting. Members will be given a link to the website to register for the meeting and enter the virtual meeting room on meeting day upon verification that the member has an active membership with subscriptions paid up to date.

Therefore, the process will be:

1. Log in to the relevant website.
  2. Register to attend the General Meeting.
  3. Receive the link to attend the General Meeting.
- b. If decided by Council to allow virtual participation at a General Meeting, the virtual participation shall use the online platform as decided by Council.
  - c. If a member does not register to attend, he/she shall not receive the link, and consequently will not receive the link to the voting portal; therefore, will not be able to vote.
  - d. The registration for attendance by virtual participation at a General Meeting shall be through the verified website where there is the complete list of all members (of all membership classes) with details of their subscription status. Only Corporate Members, with subscriptions paid up to date, shall be deemed to be active members who are eligible to vote.
  - e. The Chairman shall direct that resolutions during the meeting shall be decided by way of Secret Ballots conducted using electronic devices on a secure online platform that is accessible to those who are registered and present at the meeting.
  - f. Failure by members to participate or to vote virtually at any General Meeting for whatever reason including (but not restricted to) technical malfunctions or orders or restrictions placed by Appropriate Authorities, shall have no effect on the General Meeting.

## **16.3 Method of Deciding Resolutions at a Meeting Allowed for Virtual Participation**

- a. Unless otherwise notified, the mode of deciding on a resolution at all General Meetings are provided in the provisions in clauses 7.11 to 7.15 of the PAM Constitution.
- b. At General Meetings with virtual participation, the Chairman shall direct for all resolutions to be decided by Secret Ballot to be conducted using electronic devices on a secure online platform that is accessible to those who are registered and present at the meeting. If a member is attending

the meeting in person at the primary place, he/she must bring along his/her mobile device to participate in the secret balloting process.

- c. Once a resolution is duly presented at the General Meeting, the Chairman shall direct for the motion to be decided upon by members using the appointed electronic balloting system. A period for voting shall be determined by the Chairman.
- d. Failure by individual members to participate or to vote virtually within the period of voting for whatever reason including (but not restricted to) technical malfunctions or difficulties shall have no effect on the outcome of the General Meeting.
- e. If the electronic balloting system for the voting of resolutions during the General Meeting fails, or if there is a technical malfunction at the primary place, the Chairman of the meeting shall have the discretion to decide on an alternative method of voting or to adjourn the meeting to another date.
- f. If Council decides to conduct a General Meeting without virtual participation (i.e. Bye-law 16.1(a)(1) or 16.1 (a)(2)), the mode of deciding a resolution shall be carried out in accordance to clauses 7.11 to 7.15 of the PAM Constitution. In such a scenario, voting shall be carried out simultaneously at the Primary and Secondary venues with results from the Secondary Venue(s) conveyed to the Chairman for final tabulation. In this scenario, there shall be no option through electronic devices.

\*\*\*\*\* END OF PAM BYE-LAWS \*\*\*\*\*

# **GUIDE TO THE PAM CODE OF CONDUCT**

Prepared by the Constitution Review Committee 2020-2021

## GUIDE TO THE PAM CODE OF CONDUCT

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### Introduction

All members upon their admission into the *Pertubuhan Arkitek Malaysia* (PAM), are required to abide by the PAM Code of Conduct.

Codes of Conduct are standard hallmarks for all professionals and their primary function is to establish the minimum standards of acceptable conduct required from a professional. These minimum standards in turn, are to give comfort to a client and general public and allow for the establishment of the minimum level of trust required in an architect's relationship with these parties.

The delivery of services which are *below* the accepted standards will lead to the erosion of trust and jeopardize the profession as a whole. PAM, as a Professional Institute, takes any breaches of the Code of Conduct seriously and failure to abide by the Code as such, may result in disciplinary action being taken against a member.

The following Guide has been prepared to assist members in the understanding and application of the Code when practicing as a professional architect.

Where possible, this Guide seeks to be specific in describing acceptable conduct as well as providing examples but it has to be remembered that compliance with the Code is not restricted to just what is listed under this Guide and that members are also required to adhere to the *spirit* of the Code of Conduct as well as any statutory requirements of the profession.

The code contains the following eight underlying principles which all members are expected to follow.

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### PRINCIPLE No.1- FAITHFUL DISCHARGE OF RESPONSIBILITIES

*"A member shall, when practicing as an architect, faithfully discharge his duties and responsibilities to his Client and the public."*

- 1.01 A member shall, prior to the acceptance of his appointment, inform his client in writing of the conditions of his engagement, the scale of professional fees and charges which are to be applied. Aspart of his conditions of engagement, a member shall also inform his client of the responsibilities and scope of work of the respective parties.
- 1.02 Prior to his appointment, a member shall also ensure that he has the required skill and competence to carry out the required tasks. If so required, a member shall engage the services of other suitably qualified persons to work under his direction for the provision of the required level of service.

If a member is unable to provide the level of skill and service expected of him, he shall decline the appointment.

- 1.03 Upon his appointment, a member shall faithfully discharge his responsibilities to his client or employer as well as the public and shall exercise the reasonable standard of skill and diligence that is expected of and accepted by his profession. It shall be a member's responsibility to establish the expected standards of skill and diligence required of his profession.
- 1.04 A member, when faithfully discharging his responsibilities, shall do so in a timely manner.

- 1.05 Once appointed, a member shall not sub-contract or sub-commission out any part of his work or responsibilities without the prior agreement of his client.
- 1.06 A member shall inform the client in advance, of the obligations and rights of the client under any relevant legislation and the building contract.
- 1.07 A member shall exercise all reasonable care and diligence in complying with statutory requirements for any application for planning or building approval and when certifying for completion and compliance.
- 1.08 A member shall keep his client continually informed of the status of the project to which he has been appointed and issue any such plans or documents to which the client is entitled to at the appropriate point of time.
- 1.09 A member shall maintain a record of all documents which may be deemed necessary or important for a project.
- 1.10 A member shall not certify, affix or put his signature to drawings, plans or specifications which are not prepared by him or by members of his staff under his supervision for the purpose of either informing or obtaining approval from any statutory authority.
- 1.11 A member shall administer the building contract competently, fairly, responsibly and in a timely manner and shall be impartial in any dispute that may arise between the client and the building contractor.
- 1.12 A member shall not establish a branch office providing architectural services unless it is under the continuous control of a registered and competent Architect.
- 1.13 If a member is employed by any individual, firm or company including but not limited to a government or statutory body, he shall not enter into a contract of employment which contravenes the PAM Code of Conduct.
- 1.14 If a member is appointed as a member of a government or statutory body which has the power to approve development applications, he shall, if he has any financial or professional interest in such applications, declare his interest and not take part in the decision-making of any such development application.
- 1.15 If a member is an employee or a director of a body corporate practicing architecture, he shall, in carrying out the work and duties entrusted to him, owe the same duties and obligations to any client or employer employing the body corporate as he would owe if he had been directly employed by such client or employer notwithstanding that any fees payable in respect of services rendered by him, may be payable to the body corporate instead.
- 1.16 If a member is an employee of either an architectural practice or the Government, he may with the approval of his employer, carry out his own practice outside of normal working hours or participate in architectural competitions, provided that such activities do not conflict with his duties to his employer.

## **PRINCIPLE No.2 - REMUNERATION**

*“A member shall, when practicing as an architect, be remunerated solely by the professional fees payable by his Client or by the salary payable by his Employer.”*

- 2.01 If a member is in private practice on his own account, he shall be remunerated solely by the professional fees payable by his client.
- 2.02 If a member is employed by an individual architectural firm, architectural company including but not limited to any government department or statutory body, he may be paid a salary and given any other benefits by his employer but he shall not hold, assume or accept any position in which his own interests are in conflict with his professional duties.
- 2.03 A member shall not accept payment or any other consideration from any source other than from his client or employer, in connection with the works and duties entrusted by him and shall not permit any member of his staff to receive such payment or other consideration.
- 2.04 A member shall not accept any work which involves the giving to or receiving from him of discounts or commissions. A member shall not accept any discount, gift or commission from contractors or tradesmen, whether employed upon his works or not.
- 2.05 A member may accept remuneration additional to his professional fees from other sources permissible under the PAM Code of Conduct but shall inform his client or employer of such source.
- 2.06 A member shall not receive documentation costs from contractors who are submitting tenders called by him but may do so from any other source. When computing such documentation costs, a member shall ensure that such costs are reasonable and are based only on reimbursement of his expenses incurred or administration and lithography charges.
- 2.07 A member may be paid professional fees for consultancy services on the works of another Architect, provided that a client engages him for the purpose of rendering such services and he assumes responsibility for those services.
- 2.08 A member shall not receive any compensatory payment from contractors for delays in project implementation; any such payments shall only be paid, where required, by his client.

### **PRINCIPLE No.3 - ADVERTISING AND SOLICITING**

*“A member when practicing as an architect, shall not advertise for nor solicit business for his architectural services.”*

- 3.01 A member may publish, post online or consent to the publication or posting online of a series of illustrations, photographs or video recordings, whether in the form of a circular, article, diary, log, brochure or book, with or without factual information on any building or buildings for which he has been responsible for and containing the factual composition and personnel of his firm. However, he shall not distribute such publication or posting with an intention to solicit.
- 3.02 A member shall not advertise for nor solicit business by means of advertising in the press or trade directories, digital or social media or by circulars nor allow any of his staff to do so.
- 3.03 A member may advertise for invitation of tenders concerning a project and also



advertise for a professional appointment and staff and the change of practice particulars provided always that the advertisement so inserted by him or his agency shall comply with the following conditions :

- a) that the said advertisement is not an intentional attempt to bring the activities of the Architect or his firm to the notice of the public;
- b) that the said advertisement shall contain no illustrations or logos;
- c) that the said advertisement shall contain no comparative or superlative descriptions of his practice;
- d) that the advertiser makes no claim to be an expert in any specialized field;
- e) that the name of the advertiser is not displayed with undue prominence;
- f) that the published information must be factual.

03.04 A member may allow his works, views, ideas, illustrations, writings, descriptions or any matter of interest on architecture to be published or posted online in the press, trade journals, media, any website, social media or be presented in a forum, conference, seminar or other similar gatherings, with or without receipt of monetary consideration, provided that such published materials are of benefit to the profession.

03.05 A member may place a signboard in a building indicating that he or his firm is the architect or he may exhibit his name or the name of his firm outside his office or on a signboard or digital display in the course of construction, alteration or extensions provided that the letterings and logos are as follows :

- a) Sign or digital display on completed buildings.  
Letterings not exceeding 50 mm high and logo design not exceeding 100 mm square;
- b) Signboard on worksite.  
Letterings not exceeding 150 mm high and logo design not exceeding 600 mm square;
- c) Business plate of firm.  
Letterings not exceeding 100 mm high and logo design not exceeding 300 mm square.

3.06 A member is permitted to insert any announcement or felicitations in the local press provided that his profession or professional activity is not disclosed.

3.07 A member shall not attempt to supplant another Architect who has already been engaged by a client nor must he compete with another Architect to secure work by a reduction of fees in any manner or under any guise considered to be unethical by the Institute.

3.08 A member on being approached or instructed to proceed with professional work for which he knows or can ascertain by making reasonable enquiries that another Architect has been engaged shall, before proceeding with such work, communicate in writing with that Architect and obtain a letter of release from him or obtain such letter through his prospective client.

- 3.09 A member commencing practice as a firm or company shall obtain the approval of the Board of Architects Malaysia (hereinafter referred to as the Board) and shall submit his firm's or company's name to the Board for approval.
- 3.10 All letterheads must list the names of the directors or partners with their respective qualification and status. The names of Architects who are not partners or directors in the firms may be listed with their respective designations and qualifications.
- 3.11 A member is allowed to use his calling card provided his qualifications and status are authentically shown.
- 3.12 A member shall only participate in architectural competitions approved by the Institute or the Board of Architects Malaysia.
- 3.13 a) A member selectively invited by their prospective client to render professional services may do so provided that such terms of invitation as laid down by the prospective client are approved by the Board.  
 b) A member responding to such invitation shall be paid for his services in accordance with the appropriate scale of professional fees and charges as prescribed by the Board and for the time being in force.

#### **PRINCIPLE No.4 - INVOLVEMENT WITH OTHER TRADES**

*“A member, when practicing as an architect, shall not engage in any trade or business which is inconsistent with the fitting and proper discharge of his professional duties.”*

- 4.01 A member shall not, while practicing his profession, carry on or engage in any trade of business which is inconsistent with the fitting and proper discharge of his professional duties. He must not hold, assume or accept a position in such trade or business in which his interest is in conflict with his professional duty. A member while practicing his profession may also be, for example, a property Developer or a director or shareholder of a property development company, a building contractor or a director or shareholder of a building construction company, a director or a shareholder of a manufacturing company, an agent for any building materials, components or system, a director or a shareholder of a financial institution or a manager, director or shareholder of a property management company etc. provided that
  - a) he declares his interest to his client and potential clients in writing at the time of his appointment as an Architect;
  - b) he avoids being in a position of conflict in discharging his professional duties;
  - c) he complies with the Code whilst serving as an Architect and
  - d) he uses his name in the letterheads, sales brochures, catalogues, websites and similar documents of his firm or company used in connection with his professional services.
- 4.02 A member cannot act as an arbitrator, adjudicator, mediator or expert in a dispute if he is also a party to the contract as the developer and/or builder.
- 4.03 A member is permitted to be a turnkey operator or any package deal operator provided that in carrying out such activities, he must not contravene this Code.

- 4.04 A member shall not be involved in the promotion of any services or products, where such promotion would be inconsistent with his professional obligations under the Code of Conduct.

## **PRINCIPLE No.5 - PARTNERSHIP WITH OTHER PERSONS**

*“A member shall, when practicing as an architect, only enter into partnerships, commercial agreements or collaborations which are not inconsistent with his professional obligations.”*

- 5.01 A member may enter into a partnership for private practice with another registered architect, a registered Professional Engineer, or a registered Surveyor, Partnership with any other allied professionals is also permissible but only with the prior approval of the Board.
- 5.02 A member may enter into a partnership with foreign architects or consultants if such a partnership has the approval of the Board. He can employ foreign architects to assist him in his works, provided that he remains statutorily responsible for such works and provided that such employment does not contravene the provisions of any law.
- 5.03 A member either on his own or in a joint-venture with a foreign architect working overseas, shall abide by the Code of Conduct of the Professional Institute of the country in which he is practicing.
- 5.04 A member shall not enter in partnership or establish a body corporate in the practice of architecture, with another Architect whose name has been removed from the register of architects by the Board.
- 5.05 A member is not permitted to enter into partnership with other registered professionals, local or foreign, unless he and his professional partners undertake to abide by this Code and breach of this Code by any member of the partnership shall be deemed a breach by the said Architect.

## **PRINCIPLE No.6 - HONOUR AND INTEGRITY**

*“At all times in his conduct as a Member of the Institute and when acting on behalf of the Institute, a Member shall not intimidate, victimise, harass, sexually harass anyone or conduct himself in any manner equivalent to such actions.”*

- 6.01 A member shall at all times, act honourably and respectfully towards his fellow members and the Institute.
- 6.02 When acting on behalf of the Institute, a member is to act with decorum and respect towards other parties.
- 6.03 When acting on behalf of the Institute, a member shall not abuse his position or put himself into a position of conflict against the Institute and its members.
- 6.04 A member shall at all times be truthful in his dealings with fellow members, the Institute and the public.
- 6.05 A member shall neither cast unsubstantiated aspersions nor defame a fellow member or the Institute.

## **PRINCIPLE No.7 - PROFESSIONAL DEVELOPMENT & TRAINING**

*“A member shall continuously seek to update, improve and share his knowledge and skill in the art, science and profession of architecture and other allied fields.”*

- 7.01 A member shall continuously update and improve his knowledge and skill in the art, science and profession of architecture and other allied fields.
- 7.02 A member shall share his knowledge with his fellow members, peers and any party with an interest in such knowledge.
- 7.03 A member shall provide to the Graduate Architects under their employment, all the necessary assistance, opportunities, training and experience required for professional practice and any qualifying examinations.

## **PRINCIPLE No.8 - THE COMMUNITY AND ENVIRONMENT.**

*“A member shall respect the community, its heritage and the environment in which he is practicing in.”*

*\*\*\* End of Guide to PAM Code of Conduct \*\*\**