

**CONSTITUTION OF
ASIA PACIFIC INSTITUTE OF EXPERTS**

As amended

NAME

- 1.1 This Society shall be known as the “Asia Pacific Institute of Experts”, hereinafter referred to as the “Society”.

PLACE OF BUSINESS

- 2.1 Its place of business shall be at “12 Eu Tong Sen Street, #8-169 The Central, Singapore 059819” or such other address as may subsequently be decided upon by the Committee and approved by the Registrar of Societies. The Society shall carry out its activities only in places and premises which have the prior written approval from the relevant authorities, where necessary.

OBJECTS

- 3.1 Its objects are:
- a) To provide support to and an organisation for experts, appearing in Courts and Tribunals in Asia Pacific, of all professional disciplines and other occupations requiring skills and judgement.
 - b) To provide training for experts, who provide reports for Courts and Tribunals in Asia Pacific, whether by way of courses, seminars, conferences or otherwise to maintain and enhance high professional standards in expert witnesses and their status.
 - c) To act as a voice for expert witnesses, which may include communicating to the media factual information concerning its work or court cases its members are involved in.
 - d) To encourage lawyers to make use of experts wherever specialised knowledge is required.
 - e) To work actively with other Professional Bodies and Associations to ensure that any of their members who wishes to be an expert witness has the necessary education, training, support and ability.

- f) To carry on any trade or business which can, in the opinion of the Committee, be advantageously carried on by the Society, and to do all such other things as are incidental to, or which the Society may think conducive to the achievement of the objects of the Society.
- 3.2 In furtherance of the above objects, the Society may:
- a) Promote, support, organise or participate in conferences, seminars, exhibitions, scholarships, courses, lectures and similar projects;
 - b) Conduct or commission research, studies or working groups, obtaining information on all aspects of expert witnesses, and publishing and the useful results thereof;
 - c) Publish or communicate by any desirable and effective means information relating to expert witnesses and all matters relating thereto;
 - d) Establish relationships, association and liaison with other persons and other bodies in Singapore and overseas with similar or related objects, and exchanging information and studies and results concerning all matters relating thereto;
 - e) Employ agents or servants (not being Committee members) as may be necessary to further the objects of the Society;
 - f) Subject to such consents as may be required by law, purchase, sell, mortgage, charge or lease any property which may be required for the purposes of the Society;
 - g) Collect membership fees, subscriptions, donations and grants;
 - h) Provide, equip, furnish, fit out with all necessary plant, furniture and equipment and maintaining buildings and properties;
 - i) Being registered as a Charity if so directed by Committee;
 - j) Encourage professionals and other persons from all related disciplines to join the Society.
- 3.3 The Society and its members will not engage in any activities that may directly or indirectly undermine Singapore's national interest, public security, public order or public confidence and trust in public institutions.
- 3.4 The Society and its members shall act responsibly and its activities shall conform to Singapore's law.

MEMBERSHIP QUALIFICATION AND RIGHTS

- 4.1 Membership is open to anyone but the category of membership is dependent on the qualifications of the applicant.
- 4.2 The membership of the Society shall consist of Associate Members, Provisional Members, Individual Members, Fellows and Honorary Fellows. Associate Members are either lawyers or professionals who deal with and engage experts. Provisional Members are qualified professionals from any discipline who are new to the profession of Expert Witness but would like to join the Society. Individual Members are practising Experts who have the relevant qualifications and who can provide references by lawyers and courts that they have given evidence as experts. Provisional members who have subsequently gained experience as actual experts will be able to apply to become Individual Members. Fellows are Individual Members who have 10 years of experience as Experts. Honorary Fellows must be persons of distinction who by reason of their eminence and experience relating to dispute resolution or technical expertise in relation to dispute resolution, or who appear to the Committee to be able to help in the promotion of the objects of the Society. Proposal for election of Honorary Fellow shall be made by the Committee on its own initiative, and the Committee must give a statement of the grounds on which he is recommended, provided always that the Committee Members present and voting at the meeting at which the nomination is considered must be unanimous in favour of the nomination to secure its approval.
- 4.3 Only members who are above 21 years of age shall have the right to vote and to hold office in the Society.

APPLICATION FOR MEMBERSHIP

- 5.1 A person wishing to join the Society should submit his particulars to the Society on a prescribed form.
- 5.2 The Committee will decide on the application for membership.
- 5.3 A copy of the Constitution shall be furnished to every approved member upon payment of the entrance fee.

ENTRANCE FEES, SUBSCRIPTIONS AND OTHER DUES

- 6.1 The entrance fees and subscriptions shall be determined by the Committee from time to time.
- 6.2 Annual subscriptions are payable in advance within the first month of the financial year. If a member falls into arrears with his subscription or other dues, he shall be informed immediately by the Treasurer. If he fails to settle his arrears within eight (8) weeks of their becoming due, the President may order that his name be posted on the Society's notice board and that he be denied the privileges of membership until he settles his account. If he fails to settle his arrears for more than three (3) months, he will automatically cease to be a member and the Committee may take legal action against him provided that they are satisfied that he has received due notice of his debts.
- 6.3 Any additional fund required for special purposes may only be raised from members with the consent of the general meeting of the members.
- 6.4 The income and property of the Society whensoever derived shall be applied towards the promotion of the objects of the Society as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend or bonus or otherwise howsoever by way of profit to the persons who at any time are or have been members of the Society or to any of them or to any person claiming through any of them.

SUPREME AUTHORITY AND GENERAL MEETINGS

- 7.1 The supreme authority of the Society is vested in a General Meeting of the members.
- 7.2 An Annual General Meeting shall be held within 3 months from the close of its financial year.
- 7.3 At other times, an Extraordinary General Meeting must be called by the President on the request in writing of not less than 25% of the total voting membership or thirty (30) voting members, whichever is the lesser, and may be called at any time by order of the Committee. The notice in writing shall be given to the Secretary setting forth the business that is to be transacted. The Extraordinary General Meeting shall be convened within two (2) months from receiving this request to convene the Extraordinary General Meeting.

- 7.4 If the Committee does not within two (2) months after the date of the receipt of the written request proceed to convene an Extraordinary General Meeting, the members who requested for the Extraordinary General Meeting shall convene the Extraordinary General Meeting by giving ten (10) days' notice to voting members setting forth the business to be transacted and simultaneously posting the agenda on the Society's notice board.
- 7.5 At least one (1) month's notice shall be given of an Annual General Meeting and at least ten (10) days' notice of an Extraordinary General Meeting. Notice of meeting stating the date, time and place of meeting shall be sent by the Secretary to all voting members. The particulars of the agenda shall be posted on the Society's notice board or website four (4) days in advance of the meeting.
- 7.6 Unless otherwise stated in this Constitution, voting by proxy shall be allowed at all General Meetings.
- 7.7 The following points will be considered at the Annual General Meeting:
- a) The previous financial year's accounts and annual report of the Committee.
 - b) Where applicable, the election of office-bearers and Honorary Auditors for the following term.
- Any member who wishes to place an item on the agenda of a General Meeting may do so provided he gives notice to the Secretary one (1) week before the meeting is due to be held.
- 7.8 At least 25% of the total voting membership or thirty (30) voting members, whichever is the lesser, present at a General Meeting shall form a quorum. Proxies shall not be constituted as part of the quorum.
- 7.9 In the event of there being no quorum at the commencement of a General Meeting, the meeting shall be adjourned for half an hour and should the number then present be insufficient to form a quorum, those present shall be considered a quorum, but they shall have no power to amend any part of the existing Constitution.

MANAGEMENT AND COMMITTEE

- 8.1 The administration of the Society shall be entrusted to a Committee consisting of the following to be elected at every alternate Annual General Meeting:

- A President
- A Vice-President
- A Secretary
- A Treasurer
- 6 Ordinary Committee Members

Unless with the prior approval in writing of the Registrar or an Assistant Registrar of Societies, majority of the Committee Members shall be Singapore Citizens. In addition, the President, Secretary, Treasurer and their deputies shall be Singapore Citizens or Singapore Permanent Residents. Foreign Diplomats shall not serve as Committee Members.

- 8.2 Notwithstanding clause 8.1, in the event of any resignations/withdrawals from the Committee, the Committee shall have power to co-opt up to two (2) members as successors to serve on the Committee for the remaining term of such Committee. The co-opted member shall have the same powers, obligations and responsibilities as an elected member of the Committee. Any changes in the Committee shall be notified to the Registrar of Societies within two (2) weeks of the change.
- 8.3 All office-bearers, except the Treasurer may be re-elected to the same or related post for a consecutive term of office. The term of office of the Committee is two years.
- 8.4 The Secretary shall, no later than twenty-one (21) days before the day appointed for the Annual General Meeting, invite members in writing, to nominate candidates for the posts of office-bearers and members of the Committee, and make available a nomination form, for such purposes. The nomination form shall be as agreed by the Committee and posted on the Society's website.
- 8.5 Nominations shall be made on the nomination form referred to in Clause 8.3. Each nomination form shall be delivered to the Secretary by email or hard copy, no later than seven (7) days before the day appointed for the Annual General Meeting.

- 8.6 Each nomination shall be signed by two (2) voting members who shall propose and second, and the nomination form shall bear the written consent of the member so nominated.
- 8.7 Nominations made from the floor at the Annual General Meeting shall not be accepted unless they are nominated for a post for which no valid nomination has been received in accordance with the provisions herein.
- 8.8 Every nominated candidate and his respective proposer and seconder, and each of them shall not be in arrears of his or their respective subscriptions as at the date of nomination.
- 8.9 Any nomination that is not made in accordance with the provisions herein shall be invalid.
- 8.10 The Secretary, after verifying the eligibility of each nominee to be a candidate for election, shall cause to be posted on the Society's website, not later than four (4) days before the date appointed for the Annual General Meeting, the list of candidates validly nominated for election for the posts of office-bearers and members of the Committee, listed in alphabetical order.
- 8.11 For the purposes of these sub-clauses relating to office-bearers and members of the Committee, electronic mail to members will constitute notification in writing.
- 8.12 Election at the Annual General Meeting will be either by show of hands or, subject to the agreement of the majority of the voting members present, by a secret ballot. In the event of a tie, the Chairman of the meeting shall have a casting vote.
- 8.13 Notice of Committee meetings shall be given by the Secretary or by his direction through the Society's secretariat. A Committee Meeting shall be held at least once every three (3) months after giving seven (7) days' notice to Committee Members. The Chairman may call a Committee Meeting at any time by giving five (5) days' notice. At least ½ of the Committee Members must be present for its proceedings to be valid.

- 8.14 Any member of the Committee absenting himself from three (3) meetings consecutively without satisfactory explanations, or who is deceased, mentally incapacitated, an undischarged bankrupt or is convicted of an offence involving fraud or dishonesty or the conviction for which involved a finding that he had acted fraudulently or dishonestly and punishable with imprisonment for a term of 3 months or more shall be deemed to have withdrawn from the Committee and a successor may be co-opted by the Committee to serve until the next Annual General Meeting.
- 8.15 The duty of the Committee is to organise and supervise the daily activities of the Society. The Committee may not act contrary to the expressed wishes of the General Meeting without prior reference to it and shall always remain subordinate to the General Meetings.
- 8.16 The Committee has power to authorise the expenditure of a sum not exceeding \$10,000/- per month from the Society's funds for the Society's purposes.
- 8.17 The Committee members may participate in a meeting by means of a conference, telephone or a video conference telephone or similar communications equipment by which all persons participating in the meeting are able to hear and be heard by all other members without the need for a member to be in the physical presence of another member(s) and participation in the meeting in this manner shall be deemed to constitute presence in person at such meeting. The Committee members participating in any such meeting shall be counted in the quorum for such meeting and subject to there being a requisite quorum under this Constitution, all resolutions agreed by the Committee members in such meeting shall be deemed to be as effective as a resolution passed at a meeting in person of the Committee members duly convened and held.

DUTIES OF OFFICE-BEARERS

- 9.1 The President shall chair all General and Committee meetings. He shall also represent the Society in its dealings with outside persons.
- 9.2 The Vice-President shall assist the President and deputise for him in his absence.

- 9.3 The Secretary shall keep all records, except financial, of the Society and shall be responsible for their correctness. He will keep minutes of all General and Committee meetings. He shall maintain an up-to-date Register of Members at all times.
- 9.4 The Treasurer shall keep all funds and collect and disburse all moneys on behalf of the Society and shall keep an account of all monetary transactions and shall be responsible for their correctness. Cheques, etc. for withdrawals from the bank will be signed by the Treasurer and either the President or the Vice-President or the Secretary.
- 9.5 Ordinary Committee Members shall assist in the general administration of the Society and perform duties assigned by the Committee from time to time.

AUDIT AND FINANCIAL YEAR

- 10.1 Two (2) voting members, not being members of the Committee, shall be elected as Honorary Auditors at each Annual General Meeting and will hold office for a term of one year only and shall not be re-elected for a consecutive term. The accounts of the Society shall be audited by a firm of Public Accountants and Chartered Accountants if the gross income or expenditure of the Society exceeds \$500,000 in that financial year, in accordance with Section 4 of the Societies Regulations.
- 10.2 They:
- a) Will be required to audit each year's accounts and present a report upon them to the Annual General Meeting.
 - b) May be required by the President to audit the Society's accounts for any period within their tenure of office at any date and make a report to the Committee.
- 10.3 The financial year shall be from 1st November to 31st October.

TRUSTEES

- 11.1 If the Society at any time acquires any immovable property, such property shall be vested in trustees subject to a declaration of trust.
- 11.2 The trustees of the Society shall:
- a) Not be more than four (4) and not less than two (2) in number.
 - b) Be elected by a General Meeting of members.

- c) Not effect any sale or mortgage of property without the prior approval of the General Meeting of members.
- 11.3 The office of the trustee shall be vacated:
 - a) If the trustee dies or becomes a lunatic or of unsound mind.
 - b) If he is absent from the Republic of Singapore for a period of more than one (1) year.
 - c) If he is guilty of misconduct of such a kind as to render it undesirable that he continues as a trustee.
 - d) If he submits notice of resignation from his trusteeship.
- 11.4 Notice of any proposal to remove a trustee from his trusteeship or to appoint a new trustee to fill a vacancy must be given by posting it on the notice board in the Society's premises at least two (2) weeks before the General Meeting at which the proposal is to be discussed. The result of such General Meeting shall then be notified to the Registrar of Societies.
- 11.5 The address of each immovable property, name of each trustee and any subsequent change must be notified to the Registrar of Societies.

VISITORS AND GUESTS

- 12.1 Visitors and guests may be admitted into the premises of the Society but they shall not be admitted into the privileges of the Society. All visitors and guests shall abide by the Society's rules and regulations.

PROHIBITIONS

- 13.1 Gambling of any kind, excluding the promotion or conduct of a private lottery which has been permitted under the Private Lotteries Act Cap 250, is forbidden on the Society's premises. The introduction of materials for gambling or drug taking and of bad characters into the premises is prohibited.
- 13.2 The funds of the Society shall not be used to pay the fines of members who have been convicted in court of law.
- 13.3 The Society shall not engage in any trade union activity as defined in any written law relating to trade unions for the time being in force in Singapore.
- 13.4 The Society shall not indulge in any political activity or allow its funds and/or premises to be used for political purposes.

- 13.5 The Society shall not hold any lottery, whether confined to its members or not, in the name of the Society or its office-bearers, Committee or members unless with the prior approval of the relevant authorities.
- 13.6 The Society shall not raise funds from the public for whatever purposes without the prior approval in writing of the Assistant Director Operations, Licensing Division, Singapore Police Force and other relevant authorities, where necessary.

AMENDMENTS TO CONSTITUTION

- 14.1 The Society shall not amend its Constitution without the prior approval in writing of the Registrar of Societies. No alteration or addition/deletion to this Constitution shall be passed except at a general meeting and with the consent of two-thirds (2/3) of the voting members present at the General Meeting.

INTERPRETATION

- 15.1 In the event of any question or matter pertaining to day-to-day administration which is not expressly provided for in this Constitution, the Committee shall have power to use their own discretion. The decision of the Committee shall be final unless it is reversed at a General Meeting of members.

DISPUTES

- 16.1 In the event of any dispute arising amongst members, they shall attempt to resolve the matter at an Extraordinary General Meeting in accordance with this Constitution. Should the members fail to resolve the matter, they may bring the matter to a court of law for settlement.

DISSOLUTION

- 17.1 The Society shall not be dissolved, except with the consent of not less than three-fifths ($\frac{3}{5}$) of the total voting membership of the Society for the time being resident in Singapore expressed, either in person or by proxy, at a General Meeting convened for the purpose.

- 17.2 In the event of the Society being dissolved as provided above, all debts and liabilities legally incurred on behalf of the Society shall be fully discharged, and the remaining funds will be disposed of in such manner as the General Meeting of members may determine or donated to an approved charity or charities in Singapore.
- 17.3 A Certificate of Dissolution shall be given within seven (7) days of the dissolution to the Registrar of Societies.

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