

Agenda 7: Proposed Amendments to the Party Constitution

RESOLVED that the Constitution of the Democratic Action Party (hereinafter referred to as “the DAP Constitution”) be amended as follows: -

CLAUSE V SUBSCRIPTION

1. That Clause V sub-clause 2 of the DAP Constitution be deleted and substituted with the following:

“2. The annual subscription for members shall be RM10.00 and the life-subscription for members shall be RM200.00, or such other sum as the Central Executive Committee may from time to time prescribe.”

CLAUSE VII DISCIPLINE

2. That Clause VII sub-clause 1 of the DAP Constitution be deleted and substitute with the following:

“1(a) The Central Executive Committee shall set up a Disciplinary Committee (“DC”) to deal with disciplinary matters in the Party.

(b) The Disciplinary Committee shall consist of the following: -

- (i) a Disciplinary Committee Chairman (“DC Chairman”); and
- (ii) not less than 10 members (subject to a maximum of 20)

(c) The members of the DC shall be appointed by the Central Executive Committee (“CEC”).

(d) Where the DC Chairman of the DC is not a member of the CEC he shall be an ex-officio member of the Central Executive Committee with no voting rights.

(e) Subject as hereinafter provided, every proceeding in the DC shall be heard and disposed of by three members or such greater uneven number of members as the DC Chairman may in any particular case determine and empanel from the list of appointees under sub-rule 1(b).

(f) The DC Chairman or the member designated by him to preside the proceedings of that panel (hereinafter referred to as “the Presiding Member”) shall chair the proceedings.

(g) The DC shall sit on such date and in such place as the DC Chairman or the Presiding Member may from time to time appoint.

(h) The DC Chairman or in his absence the Presiding Member may cancel or postpone any sitting of the DC which has been appointed under subsection (1)(e).

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- (i) Proceedings shall be decided in accordance with the opinion of the majority of the members of the panel having the conduct of the disciplinary matter.
- (j) In the event that any member of the appointed panel is unable to sit by reason of illness or death or any other valid cause the DC Chairman shall be empowered to appoint a replacement to the panel.”

CLAUSE VIII PARTY CONGRESS

3.1 That Clause VIII Sub-Clause 1 of the DAP Constitution be deleted and substituted with the following: -

- “1(a) The work of the Party shall be under the direction and control of the Party Congress and the Party Conference.
- (b) The Party Congress shall meet once in three years (36 months) and shall be called Party National Congress or at such times as it may be convened by:
 - (i) the Central Executive Committee; or
 - (ii) at the request of at least sixty percent of the Branches entitled to send Delegates to the Party Congress; or
 - (iii) at the request of at least sixty percent of the Congress Delegates.
- (c) Notwithstanding any other provisions contained in this Constitution, the Central Executive Committee shall have the powers to postpone the Party Congress, the Party Conference, the State Ordinary Convention and the State Annual Conference respectively should their convening fall on a date within twenty four (24) months of the date Parliament shall in accordance with Article 55(3) of the Federal Constitution stand dissolved PROVIDED THAT in such an event the postponed Party Congress, the Party Conference, the State Ordinary Convention and the State Annual Conference (as may be the case) shall be held within six (6) months from the Polling Date of the ensuing General Elections held.”

3.2 That Sub-clause 3(a) of Clause VIII of the DAP Constitution be deleted and substituted with the following:

- “3(a) All Branches of the Party which are entitled to send Delegates to the Party Congress shall be entitled to the following representation at any Party Congress:
 - 25-50 paid up members – 2 Delegates
 - 51-100 paid up members – 1 additional Delegate
 - Above 100 paid up members – 1 additional delegate for every 100 members thereafter.”

3.3 That Sub-clause 3(c) of Clause VIII of the DAP Constitution be deleted.

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- 3.4 That Clause VIII of the DAP Constitution be amended by adding a new sub-clause 16 which reads:
- “16. The Party Congress shall reserve a quota of thirty per cent (30%) in the Central Executive Committee for the election of female members thereto to encourage women in politics.”
- 3.5 That the word “twenty” in Clause VIII sub clause 5(d) be deleted and substituted with the words “thirty”.
- 3.6 That the word “twenty” in Clause VIII sub clause 13 be deleted and substituted with the words “thirty”.
- 3.7 That the word “twenty” in Clause VIII sub clause 14 be deleted and substituted with the words “thirty”.

CLAUSE X MANAGEMENT OF THE PARTY

- 4.1 That Clause X Sub-Clause 1 of the DAP Constitution be deleted and substituted with the following: -
- “1(a) The Party National Congress shall elect a Central Executive Committee consisting of thirty members. The members of the Central Executive Committee shall from amongst their number elect:
- A National Chairman,
 - A National Deputy Chairman
 - National Vice-Chairmen (subject to a maximum of 5),
 - A Secretary-General,
 - Three Deputy Secretaries-General,
 - A National Treasurer,
 - An Assistant National Treasurer,
 - A National Organising Secretary,
 - Assistant National Organising Secretaries (subject to a maximum of 2),
 - A National Publicity Secretary,
 - Assistant National Publicity Secretaries (subject to a maximum of 2),
 - An International Secretary,
 - An Assistant International Secretary,
 - A National Director of Political Education, and
 - An Assistant National Director of Political Education.
- (b) The Central Executive Committee shall have power to co-opt a maximum of ten additional members to the Central Executive Committee.
- (c) Any State Chairman or National Wanita Chief or National DAPSY Chief or DC Chairman who is not elected or co-opted as a member of the Central Executive Committee shall be an ex-officio member thereof without voting rights.
- (d) A co-opted member or ex-officio member shall with the rest of the Central Executive Committee hold office until the next Party National Congress.

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- (e) The Central Executive Committee may also appoint from amongst its members any person to serve in any capacity in the various bureaus and sub-committees of the Party, as and when the Central Executive Committee deems fit.
 - (f) All office-bearers of the Central Executive Committee shall be eligible for re-election PROVIDED THAT any re-election to the post of Secretary General shall be subject to Clause X 2(b).
 - (g) More than fifty per cent of the Central Executive Committee members at a properly convened meeting shall form the quorum. For the avoidance of any doubt it is hereby declared that ex-officio members without voting rights shall not be taken into consideration for the purpose of determining the quorum.”
- 4.2 That Clause X Sub-Clause 2 of the DAP Constitution be amended by reformatting the said provision to read as follows: -
- “2(a) The executive powers shall be vested in the Secretary General.
 - (b) The Secretary General shall not hold office for a total period exceeding three terms whether consecutive or otherwise, provided that the three terms of office shall not include any period where the Secretary General has been elected to fill any casual vacancy in the said office of his predecessor, irrespective of of whatever is the cause for such casual vacancy.”

CLAUSE XIV STATE COMMITTEES

- 5.1 That Sub-clause 1(a) of Clause XIV of the DAP constitution be amended by deleting the words “provided there are at least three-Party Branches in the State concerned” and substituting in place thereof “as and when it sees fit”.
- 5.2 That a new Sub-clause 1(b)(v) be added into Clause XIV of the DAP constitution which reads:
- “(v) The State Wanita Chief and State DAPSY Chief shall be regarded as ex-officio members of all State Committees without voting rights.”
- 5.3 That Sub-clause 1(e) of Clause XIV of the DAP constitution be amended by deleting the words “two years” and substituting in place thereof “three years”
- 5.4 That sub-clause 1 of Clause XIV of the DAP Constitution be amended by inserting a new provision (f) which reads:
- “(f) The State Chairman shall hold office for a total period not exceeding three terms of office whether consecutive or otherwise in a particular State”.

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**CLAUSE XVII ESTABLISHMENT AND DISSOLUTION OF PARLIAMENTARY
LIAISON COMMITTEE**

6. That Clause XVII sub-clause 1 of the DAP Constitution be deleted and substituted with the following: -

“1. The Central Executive Committee may upon the recommendation of the State Committee establish a PARLIAMENTARY LIASON COMMITTEE (hereinafter referred to as “PLC”) in the State in such recommended parliamentary constituency that consists of at least five branches.”

**CLAUSE XVIII PARLIAMENTARY LIAISON COMMITTEE ORDINARY
MEETING**

7. That Clause XVIII of the DAP Constitution be deleted and in place thereof substitute with the following: -

“PARLIAMENTARY LIAISON COMMITTEE ORDINARY GENERAL MEETING

1. The Parliamentary Liaison Committee Ordinary General Meeting (hereinafter referred to as “the PLC OGM”) shall be held once every TWO years. The date of the PLC OGM shall be fixed by the Central Executive Committee.
2.
 - (a) Every Branch in the parliamentary constituency which is eligible to send Delegates to the PLC OGM shall be represented by its Chairman (or an alternate delegate appointed by that Local Branch if its Chairman declines to be a delegate to the PLC OGM).
 - (b) The Party's Members of Parliament and State Assemblymen and the Chiefs of Youth and Wanita divisions in the parliamentary constituency shall be entitled to attend the PLC OGM as additional Delegates.
3. The business of the PLC OGM shall be in the following order:
 - (a) To elect office bearers of the Parliamentary Liaison Committee
 - (b) To pass minutes of the previous PLC OGM;
 - (c) consider and adopt from the Parliamentary Liaison Committee a duly audited Financial Statement of Accounts covering the preceding financial year;
 - (d) To consider and adopt a Report covering work and progress of the Parliamentary Liaison Committee;
 - (e) To consider and adopt any resolutions/declarations that may be put before it;
 - (f) To appoint two Branch members in the parliamentary constituency to be the internal auditors until the next PLC OGM.

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4. At least 7 days before the date fixed for the PLC OGM, the Co-Ordinator shall send notice of the time, date and place as well as agenda of the meeting to all the Delegates to the PLC OGM.
5. The quorum of the PLC OGM shall be at least 50% of the total number of Delegates entitled to attend the PLC OGM.
6. In the event of the required quorum is not present the PLC OGM shall be adjourned for thirty minutes. On the meeting being reconvened after the adjournment, if the required quorum is still not present, the Speaker shall adjourn the meeting to a date to be fixed by the State Committee. The quorum of the subsequent meeting shall be the number of delegate present which shall not be less than 25% of the total number of delegates.”

CLAUSE XVIII-A PARLIAMENTARY LIAISON COMMITTEE ANNUAL GENERAL MEETING

8. That Clause XVIII-A of the DAP Constitution be and is hereby repealed.

CLAUSE XIX PARLIAMENTARY LIAISON COMMITTEE

- 9.1 That Sub-clauses 1, 2, 3, & 4 of Clause XIX of the DAP Constitution be deleted and substituted with the following: -

- “1. The composition of the PLC shall be as follows: -
 - (a) the Party’s Member of Parliament in the Parliamentary Constituency;
 - (b) the State Assemblymen in the Parliamentary Constituency;
 - (c) the Chief of Youth Division in the Parliamentary Constituency;
 - (d) the Chief of Wanita Division in the Parliamentary Constituency; and
 - (e) the Chairman of the eligible Branches.
2. The PLC shall elect from among its members in Sub-clause 1 the following office bearers: -
 - a PLC Co-Ordinator (who shall be the Party’s Member of Parliament in the Parliamentary Constituency);
 - a PLC Secretary;
 - a PLC Treasurer;
 - a PLC Organising Secretary;
 - a PLC Publicity Secretary;
3. The State Committee shall have the power to appoint a suitable person from amongst the PLC to be the PLC Co-Ordinator in any of the following:

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- (a) where the Party's Member of Parliament or State Assemblymen declines to be the PLC Co-Ordinator
 - (b) where there is no Member of Parliament or State Assemblyman from the Party in the Constituency
 - (c) where there is more than one State Assemblymen but no Member of Parliament from the Party in the Constituency
4. The PLC shall have the power to appoint from among the Branch members in the parliamentary constituency any member to fill any vacancy in the PLC until the next PLC AGM as and when it arises."
- 9.2 That Sub-clause 6 of Clause XIX of the DAP Constitution be deleted and substituted with the following: -
- "6. Duties of the Liaison Committee Office Bearers:
- (a) PLC Co-Ordinator shall preside at all meetings of the Liaison Committee. He shall have the right to call meetings of the Liaison Committee.
 - (b) The PLC Secretary shall be responsible for the conducting of correspondence and he shall send the Minutes of all Committee Meetings to the Secretary-General within seven days of the date of the meeting.
 - (c) The PLC Treasurer shall be responsible for the finances of the Liaison Committee. He shall keep accounts of all its transactions.
 - (d) The PLC Organising Secretary shall ensure the proper functioning and organisation of the PLC. He shall also carry out all organisational duties as may be entrusted to him from time to time by the PLC Secretary
 - (e) The PLC Publicity Secretary shall propagate the objective of the Party."

9.3 That Sub-clause 10 of Clause XIX of the DAP Constitution be deleted and substituted with the following: -

"10. All cheques from the Parliamentary Liaison Committee shall be signed by any two of the following: - The PLC Co-Ordinator, the PLC Secretary and the PLC Treasurer."

CLAUSE XXI BRANCH ANNUAL GENERAL MEETING

10. That Clause XXI sub-clause 3 of the DAP Constitution be amended by:
- (i) adding at the opening sentence before the words "The business", the phrase "subject to sub-clause 3A"
 - (ii) inserting before sub-clause 4, the following 2 new sub-clauses which read:

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- “3A Notwithstanding sub-clause 3 of this clause the business under (a) thereof shall be conducted biennially
- 3B Subject to sub-clause 8 of Clause XXX the Branch Committee shall not hold office for more than two years”.