



# KUNSILL NAZZJONALI TAL-ANZJANI

NATIONAL COUNCIL FOR THE ELDERLY

## STATUTE

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# NATIONAL COUNCIL FOR THE ELDERLY

## STATUTE

1. **NAME AND OBJECTIVES.**
- 1.1 The National Council for the Elderly is hereby founded to bring together those Associations / Organisations that give some form of service to the Elderly.
- 1.2 The Council brings together non Governmental Associations and/or Organisations that work amongst and/or on behalf of elderly persons on a voluntary basis in order to act as a forum between them and the Government; safeguards the interests of elderly persons who are not members of some Association/ Organisation. In this context, the words “elderly persons” mean persons who had attained sixty (60) years of age.
- 1.2.1 The terms “Associations / Organisations” and/or “Association / Organisation” mean those entities registered with the Council as per para 3.16 of this statute
- 1.3 The Council is a non-Government Organisation and is completely autonomous from the Government as well as from any other institution whether of a political, religious, commercial or of any other character.
- 1.4 The objectives of the Council are:
  - 1.4.1 To promote the rights of the Elderly;
  - 1.4.2 to assist in the formulation of national policies, plans and programmes that concern the full integration and active participation of the elderly in Society;
  - 1.4.3 to strive to continue improving the quality of life of the Elderly;
  - 1.4.4 to study and analyse the needs and aspirations of the Elderly and make every effort to satisfy these needs as far as possible;
  - 1.4.5 to bring about as much awareness as possible about the problems of the Elderly and to create a public conscience about their rights and needs;

- 1.4.6 to organise and/or cooperate in the organisation of educational programmes, talent promotion, leisure and/or other activities in the interests of the Elderly;
- 1.4.7 to monitor and evaluate activities connected with the Third Age;
- 1.4.8 to serve as a bridge between the Elderly, whether organised or not, and the Government as well as other National and International Organisations, without infringing on their rights to have independent bilateral agreements with Government.

## **2 FUNCTIONS.**

- 2.1 The Council has a consultative function with the Minister or Parliamentary Secretary responsible for the Elderly in all matters relating to the full integration and active participation of the Elderly in Society.
- 2.2 It is its function to advise or express opinions whenever it seems fit. It also has the duty to do so whenever requested by the Government.
- 2.3 The Council has the duty to organise meetings at National and International levels and prepare campaigns to ensure that the Elderly are not segregated in the community.
- 2.4 The Council will be given by Government all the necessary facilities which are to include accommodation and funds as will be agreed from year to year between the Council and the Government to enable it to fulfil its objects and activities.
- 2.5 The Council is a non-profit organisation. The Council may ask for financial contributions from different sources both locally as well as foreign. It could also organize fund-raising activities.

## **3 COMPOSITION AND PROCEDURES.**

- 3.1 The Council will consist of thirteen (13) Members chosen as follows:
  - 3.1.1 Two (2) Members who work in different sectors connected with the Elderly or chosen for their personal qualities and specialisation and have experience regarding issues of the Elderly shall be appointed by Government.

3.1.2 **(a)** four (4) Members elected from candidates nominated by non Government Associations/ Organisations affiliated with the Council but not from those associations mentioned in paras. (d to f) below. Each Association/Organisation can nominate only one member.

**(b)** for the purpose of election, every Organisation /Association shall nominate three (3) delegates. Their names should be sent to the Council by not later than a fortnight (15 days) before the date of the meeting of the Annual General Assembly.

**(c)** the election of these Members shall take place during a meeting of the delegates mentioned in Article 3.1.2 on a date to be decided by the Council but not less than a week before the scheduled meeting of the Annual General Assembly;

**(d)** two (2) Members shall be nominated by Political Organisations represented in Parliament;

**(e)** two (2) Members shall be nominated from religious or church Associations /Organisations

**(f)** one (1) Member nominated from Associations/Organisations in Gozo

3.1.3 Two (2) other members shall be elected by the Members present at the Annual General Assembly from amongst persons nominated by the same Assembly.

3.1.4 No Member of Parliament or of a Local Council may be a Member of the Council.

3.1.5 Members mentioned in Articles 3.1.1. are appointed by the Minister or Parliamentary Secretary responsible for the Elderly by not later than a week before the date of the meeting of the Assembly.

3.1.6 If no members or only one member is nominated in sub article 3.1.3, the vacancy shall be filled by the runner ups in the election held as per para. 3.1.2 (a).

3.2 Each member of the Council is appointed or elected for a period of two (2) years with the exception of the filling of vacancies as provided in Article 3.5. The appointments shall not be made later

than the third week of December prior to the 1<sup>st</sup>. of January of that year from which the relevant term of office of (2) years starts to run.

- 3.3 No Member may be removed or asked to resign before completion of his/her term of office except in cases of misbehaviour or incapacity of carrying out his/her duties. No Member may be removed or asked to resign without the approval of two thirds of the Members of the Council.
- 3.4 A Council Member may resign by a letter to the President of the Council.
- 3.5 Every vacancy on the Council should be filled within a period of two (2) months. Vacancies shall be filled as follows:
  - 3.5.1 If the vacancy is created by a Member mentioned in para 3.1.1 it shall be filled by an appointee of the Minister or Parliamentary Secretary with responsibility for the Elderly.
  - 3.5.2 If the vacancy is created by a member elected as per para 3.1.2 (a) it shall be filled by those contesting the same election according to number of votes obtained.
  - 3.5.3 If the vacancy is created by a Member mentioned in para. 3.1.2 (d to f) it shall be filled by a direct nomination by the relevant Association / Organization which had originally nominated the Member who vacated the post.
  - 3.5.4 If the vacancy is created by a Member elected as per para. 3.1.3 it shall be filled by those who contested the same election according to the number of votes obtained. If this is impossible then the vacancy shall be filled by those contesting the election as per para 3.1.2 (a) according to the number of votes obtained. If even this is impossible then an Extraordinary General Assembly shall be convened to elect a member to fill the vacancy.
  - 3.5.5 The term of office of a person who fills a vacancy will be equal to that remaining from the original two year period.
- 3.6 Persons still qualified are eligible for re-appointment or re-election at the end of their term, but no person can serve in the

same capacity as an official of the Council for more than two (2) consecutive terms.

- 3.7 The Council shall meet whenever necessary, but not less than once a month with the exception of the month of August. The meetings shall be called by the President either on his own initiative or as a result of a request made by four of the other Council Members.
- 3.8 The first Council meeting after an election shall be held by not later than the first Monday of the month after the date of the election.
- 3.9 At the first meeting, the Council Members shall elect from among themselves these officers:- President, Vice-President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, International Secretary and Public Relations Officer.
- 3.10 The Council may function only when there is a quorum of not less than seven (7) Members. If the Council fails to meet on three (3) consecutive occasions because of lack of quorum, the President is to inform the Minister or Parliamentary Secretary responsible for the Elderly and call an extraordinary meeting of the Annual General Assembly.
- 3.10.1 If any Council Member fails to attend for three (3) consecutive meetings without giving a valid reason verbally or in writing, he/she is no longer considered as Council Member. In which case, the vacancy is filled according to the procedures set out in paras. 3.5.1 to 3.5.2
- 3.11 The meetings shall be chaired by the President or, in his absence, by the Vice-President. In case both are absent for a particular meeting, the Council shall nominate a Member from those present to chair the meeting.
- 3.12 Unless it is otherwise provided decisions by the Council are taken by a simple majority of members present and in the event of a tie the President, or in his absence the Vice-President, or in the absence of both, the person chairing the meeting has the right to vote a second time.

- 3.13 The Council may set up sub-committees or appoint persons to study or carry out research on matters related to the Elderly.
- 3.14 In October of alternate years the Council shall convene a conference of not more than three (3) members from each affiliated organisation to prepare an activities plan for the next two (2) years, starting from the following February/March.

Each organisation shall have only one vote.

- 3.15 The Council shall prepare a report about its activities for every 12 month period ending on the 31<sup>st</sup>. December of each year. This report will be presented to the General Assembly for approval and a draft shall be sent to the affiliated organisations with the notice of the General Assembly
- 3.15 The Council shall keep an up-to-date register of all Organizations / Associations which provide some form of service to the Elderly with details of the structure and activities of each Organization / Association. To qualify for registration an Organization / Association must have been constituted and operating for not less than one (1) year.

#### **4 ANNUAL GENERAL ASSEMBLY.**

- 4.1 The Annual General Assembly is the highest organ in the Country regarding the Elderly as set out in the aims and objectives of the National Council of the Elderly.

#### **4.2 Composition.**

- 4.2.1 The Annual General Assembly may be an Annual or an Extraordinary one. The Annual one will convene in February or March of each year. The Extraordinary one will be convened as laid down in Section 4.4.4.
- 4.2.2 The Annual General Assembly consists of Council Members and Elderly Members of Associations/Organisations registered with the Council and Elderly Persons residents in Malta. Elections will be held every alternate year, and amendments will be considered in the other year.

### 4.3 **Functions.**

The Annual General Assembly has the power to:

- 4.3.1 review the work and approve the annual or special reports of the Council;
- 4.3.2 make recommendations for Action Programmes of the Council;
- 4.3.3 approve amendments to the Statute as per Article 4.5.1;
- 4.3.4 approve the appointment of auditors recommended by the Council;
- 4.3.5 approve the Financial Report as certified by the Auditors.

### 4.4 **Meetings.**

- 4.4.1 Every meeting of the Annual General Assembly shall be notified at least five (5) weeks before the date when it is to be held.
- 4.4.2 The quorum shall be not less than fifty (50) elderly according to Sub-Rule 4.2.2.
- 4.4.3 If, after the lapse of fifteen (15) minutes from the notified time, a quorum is not reached, the meeting shall be held with the number of persons present.
- 4.4.4 The Extraordinary General Assembly may be convened by a Council decision approved by a majority of all its members or on the request of not less than four (4) Association/ Organisations registered with the Council. A request for an Extraordinary General Assembly should specify the exact reasons for the meeting and should be signed by a proposer in his capacity as representative of an Association/Organisation and seconded by a person representing a different Association/Organisation. The Extraordinary General Assembly is to be convened within the shortest possible time following the Council's decision or the receipt, by the Council, of such a request and definitely not later than six (6) weeks thereof.
- 4.4.5 If no quorum is present within fifteen (15) minutes of the time prescribed for the Extraordinary General Assembly, the meeting will be held if attended by, at least, thirty (30) elderly persons.



#### 4.5 **Amendments to the Statute.**

4.5.1 This Statute may be amended from time to time; each amendment must be submitted for the approval of the Annual General Assembly. The amendment is only approved and put into effect if not less than two thirds of the Elderly Persons attending the General Assembly vote in its favour.

4.5.2 Any amendment put before the General Assembly must be proposed:

**a)** by the Council itself approved by an absolute majority of all its members; or

**b)** by an Organisation / Association and seconded by another Organisation / Association both registered with the Council; the proposed amendment is to be in writing and signed by the President and / or Secretary of both Organisations / Associations or;

**c)** in writing and signed by twenty (20) Elderly Persons.

**d)** Every proposed amendment except that submitted by the Council must reach the Council not later than three (3) weeks before the meeting of the Annual General Assembly.

4.5.3 Proposed amendments to the Statute must be circulated to the registered Organisations / Associations not later than one (1) week before the meeting of the General Assembly.

4.5.4 Each Organisation / Association registered with the Council must send its representative to the General Assembly. An Organisation / Association which does not send a representative to the General Assembly for two (2) consecutive times, without a valid reason, is to be struck off the register and must re-apply to be re-affiliated.

#### 5 **FINANCES AND ACCOUNTS.**

5.1 The income and property of the Council shall be administered solely to fulfil the objectives of the Council as set out in this Statute.

- 5.2 The financial year of the Council shall be from the 1<sup>st</sup> January to 31<sup>st</sup> December.
- 5.3 The financial documents of the Council, including cheques, money orders and other documents which impose financial obligations on the Council, shall be signed by two (2) persons from among the President, the Secretary, and the Treasurer.
- 5.4 Accounts should be verified by external auditors and may also be examined by the Auditor General.

## 6 **THE OFFICERS OF THE COUNCIL.**

As indicated in Article 3.9, the Officers of the Council are : President, Vice President, Secretary, Assistant Secretary, Treasurer, Assistant Treasurer, International Secretary and Public Relations Officer.

### 6.1 **The President**

is the highest official of the Council, directly responsible for the general policy and action of the Council, has the duty to develop the Council's activities according to the objectives of the Statute.

- 6.1.2 represents the Council whenever necessary,
- 6.1.3 chairs the meetings of the Council and the Annual General Assembly.
- 6.1.4 is to ensure that the Statute is followed.
- 6.1.5 the President, together with the Secretary, form the legal representation of the Council.

### 6.2 **Vice President**

- 6.2.1 assists the President and replaces him in his absence and /or, if the post is vacant, acts as president until the appointment of a new President.

### 6.3 **Secretary**

- 6.3.1 assists the President in planning the general policy of the Council, closely follows the implementation of the plan of action of the Council, and is responsible for carrying out policies decided upon at the Council meetings;
- 6.3.2 is responsible for the general organization of the Council's Office, for the minutes of the meetings, for documents and correspondence;
- 6.3.3 whilst carrying out his duties, the Secretary may have clerical and / or administrative assistance.
- 6.3.4 Together with the President, he is responsible for the legal representation of the Council.
- 6.3.5 Refers every relevant information the Council so decides to the Associations / Organizations and individuals registered with the Council.

### 6.4 **Assistant Secretary**

- 6.4.1 Assists the Secretary and substitutes him during his absence or, if the post is vacant, until it is filled by a new Secretary.

### 6.5 **Treasurer**

- 6.5.1 is responsible for the income and expenditure of the Council
- 6.5.2 Administers the annual grant from the Government.
- 6.5.3 Keeps up-to-date records and submits periodical financial reports to Council.

### 6.6 **Assistant Treasurer**

- 6.6.1 assists the Treasurer and replaces him during his absence or, when the post is vacant, until a new Treasurer is appointed.

### 6.7 **International Secretary**

- 6.7.1 Carries out the Council's Policies in the international field by setting up and developing relationships with other foreign

Organizations and Councils. He represents the Council at the International level,

6.7.2 keeps himself up-to-date with current situations about the Elderly at the International level and be the Council's focal point in this sphere;

6.7.3 helps develop International contacts.

## 6.8 **Public Relations Officer**

6.8.1 is responsible for the Council's Public Relations, it is his duty to release Press Statements and Notices as decided by the Council.

6.8.2 It is his duty to take the initiative to ensure that the Council is a source of information for Maltese Elderly Persons.

6.8.3 takes the initiative to ensure that the Council involves itself in the broadcasting media so as to come closer to Elderly persons in Malta.

6.9 While the Council remains the highest authority when it comes to decision making in the case of an emergency the Council's Executive, composed of the President, the Secretary and the Treasurer, or their Vices/Assistants, may take decisions as required. In this eventuality the Executive shall present its decision/s and the reasons for these decisions at the first Council meeting. To be considered as an emergency the situation must be such that a decision has to be taken in such a short period that there is not enough time, or the possibility, to convene a Council meeting.

## 7 **STATUTE.**

7.1 Amendments to the Statute can only be made in accordance with Sub-Rules 4.5 (1&2).

7.2 In the case of interpretation, the Maltese Version of the Statute shall be authoritative and shall prevail.