



**JABATAN PENDAFTARAN PERTUBUHAN MALAYSIA
NEGERI SELANGOR
KEMENTERIAN DALAM NEGERI**
Tingkat 16, Wisma MBSA
Persiaran Perbandaran
40675 SHAH ALAM
SELANGOR

Tel : 03-55106427 / 03-55106479
Faks : 03-55109281
Laman Web : <http://www.ros.gov.my>
<http://www.eroses.gov.my>

Rujukan Kami: PPM-002-10-11031980

Tarikh: 27 Januari 2021

Setiausaha,
PERSATUAN INDUSTRI KESELAMATAN MALAYSIA
NO. 715 & 716, BLOCK A, 7TH FLOOR, KELANA BUSINESS CENTRE, JALAN SS 7/2,
KELANA JAYA, 47301 PETALING JAYA, SELANGOR
47301 PETALING JAYA
SELANGOR

Tuan/Puan,

PERMOHONAN PINDAAN PERLEMBAGAAN

Dengan hormatnya perkara di atas dirujuk.

2. Sukacita dimaklumkan bahawa permohonan pindaan perlembagaan pertubuhan tuan telah **DILULUSKAN** dan pertubuhan tuan hendaklah menggunakan perlembagaan **terkini** dalam mentadbir pertubuhan tuan mulai 27 Januari 2021 .
3. Adalah disahkan bahawa dengan kelulusan ini, nama pertubuhan dipinda daripada "PERSATUAN PERKHIDMATAN KAWALAN KESELAMATAN MALAYSIA" kepada "PERSATUAN INDUSTRI KESELAMATAN MALAYSIA".

Sekian, terima kasih.

'BERKHIDMAT UNTUK NEGARA'

Saya yang menjalankan amanah,

(**NURUL AZHAR BIN HUSIN**)

b.p. PENDAFTAR PERTUBUHAN MALAYSIA

Catatan: surat ini adalah janaan komputer, tandatangan tidak diperlukan

**CONSTITUTION OF
PERSATUAN INDUSTRI KESELAMATAN MALAYSIA (PIKM)
(MALAYSIA SECURITY INDUSTRY ASSOCIATION)**

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ARTICLE 1

NAME OF ASSOCIATION AND DEFINITIONS

1.1 NAME OF ASSOCIATION

The Association shall be known as “**PERSATUAN INDUSTRI KESELAMATAN MALAYSIA**” (No. ROS: PPM-002-10-11031980) (hereinafter referred to as “the Association”) and the abbreviation **PIKM** refers to the Association.

1.2 DEFINITIONS

In this Constitution, unless the context otherwise requires, the following words and expressions shall have the meanings assigned to them when used herein:-

(a) “Business of private agency”

as defined in Section 2 of the Private Agencies Act 1971, Act 27 (“the Act”) means the business or activities which are carried on by a person or body (whether incorporated or unincorporated) for the purpose of:

- (i) “Providing security personnel and protection for the personal safety or security of another person or for the safety or security of the property, premises or business of such other person with the exception of in-house private security agencies; or
- (ii) Obtaining and furnishing information as to the conduct, activities or affairs of another person.

(b) “In-house Private Security”

means agencies which provide private security agencies services only to bodies (whether incorporated or unincorporated) forming part of the agency’s company or group of companies.

(c) “Commercial status”

where the provision of services is offered in exchange for hire, remuneration or reward.

(d) “Elected Committee”

means the Elected Committee referred to in Article 11.

(e) “Committee”

generally refers to the Appointed Committee, State Committee and Sub Committee collectively or individually unless expressly indicated otherwise;

(f) “Industry”

means the private agency business industry in Malaysia.

- (g) “Investigator” means any qualified person or body (whether incorporated or unincorporated) experienced in the field of enquiry, investigation and the gathering of information.
- (h) “Licensed Private Agency” as defined in Section 2 of the Act means a private agency in respect of whose business a license has been issued under Section 3 of the Act.
- (i) “Minister” as defined in Section 2 of the Act means the Minister charged with the responsibility for internal security and where by virtue of Section 17 of the Act the Minister has delegated any or all of his powers and duties to the extent of such delegation, the expression “Minister” shall include any person to whom so much of that power or duty has been so delegated.
- (j) “Private Agency” as defined in Section 2 of the Act means a person or body (whether incorporated or unincorporated) who carries on a business of private agency as hereinbefore defined with the exception of in-house private security agencies.
- (k) “Code of Ethics” means the Code of Ethics and Professional Practice guidelines for Security Companies and its Employees which has been prepared and approved by the Association and duly adopted by the Members in an Annual General Meeting.
- (l) “Member” means a licensed private agency under the Act duly registered as a Member of Persatuan Industri Keselamatan Malaysia but membership of a Member whose license has expired or not renewed shall for the duration of such expiry or renewal be deemed to be suspended and shall not be entitled to any of the privileges of Membership provided herein.
- (m) “Term” the word Term wherever used herein shall be construed to mean a continuous period of two (2) years.

ARTICLE 2

PLACE OF BUSINESS / ADDRESS

Registered address

The registered place of business shall be No 715 & 716, A Block 7th Floor, Kelana Business Centre, Jalan SS 7/2, Kelana Jaya, 47301 Petaling Jaya,

Selangor Darul Ehsan or such other place or places as may from time to time be decided on by the Association.

The registered place of business shall not be changed without the prior approval of the Registrar of Societies.

ARTICLE 3

AIMS AND OBJECTS OF ASSOCIATION

- 3.1 To unite and consolidate under one body all licensed private agencies established and licensed under the Act with the exception of in-house private security agencies.
- 3.2 To foster close understanding goodwill and cooperation between the Members and to provide an avenue for Members to exchange ideas, knowledge, information and experience in all matters of common interest and mutual concern.
- 3.3 To educate, train and inform Members on the methodologies, developments and progress on all aspects of the private agencies business and pursuant thereto the Association shall conduct surveys and studies, hold conferences seminars training programs and classes for Members of the Association.
- 3.4 To render, advice guidance and assistance to Members in the setting-up, running and operation of their private agencies business and in this respect the Association shall assist Members to place orders for and/or to purchase equipment and other paraphernalia connected with the business of private agencies and to negotiate for and to purchase at Members' request individual and/or group insurance covers and policies.
- 3.5 To safeguard, promote and advance the rights and interests of the Association its Members and of the Industry and pursuant thereto the Association:
- (a) shall act, represent and channel views of Members and lobby for support from the public and the government;

- (b) shall monitor the compliance and the observance of the Act including rules and regulations made hereunder this Constitution and Code of Ethics, enquire into, investigate and take all actions permitted under the laws including remedies under civil proceedings; and
- (c) shall be authorized to enter into a non-disclosure agreement with any Investigator which may be appointed by the Disciplinary Board of the Association to conduct any investigations and/or enquiries.

3.6

To set up a body to monitor and enforce:

- (a) The adherence to the Code of Ethics and Professional Practice for Security Companies and its Employees including such amendments as may be made from time to time, by the Association.
- (b) With the exception of contracts entered into with the state or federal governments, the usage of the standard form agreement recommended by the Association for all Armed and Static Guards, Cash-in-Transit, Cash Management, Automatic Teller Machine Replenishment contracts and all other miscellaneous contracts for which the Association has formulated a standard form Agreement entered into between Members and their Customers.
- (c) The compliance by Members to the recommended rates by the Association (as revised from time to time) when soliciting for contracts with existing or new customers.

3.7

To print, disseminate, broadcast, publish, distribute and circulate papers, articles, pamphlets, periodicals, books, information or data in all types of media to Members or to the public in furtherance of the activities and purposes of the Association having obtained the prior approval of the relevant authorities.

3.8 Activities

To organise activities, functions and gatherings (whether social or otherwise) and to secure for the benefit and enjoyment of the Members, their staff

and families recreational and other facilities permitted under the laws.

3.9 Acquire Land

To purchase or otherwise acquire and to hold land, building, grant easement or other interest in any immovable property in the name of the Association, Provided Always all such instruments for perfecting the aforementioned dealings shall be affected by the Association's Common Seal executed by the President and countersigned by Deputy President and Honorary Secretary.

3.10 Deal with Land

To apply for, accept and receive, surrender or renounce any title to land, grants for land, certificates, leases, licenses, mukim extracts and such other instruments, rights, privileges, or permission and such renewals as may seem expedient.

3.11 Lease

To lease, sublease or sublet, rent out any of the property of the Association, both real and personal movable and immovable, to cancel or accept surrender any leases subleases tenancies and other rights or privileges and generally to deal in any property of the Association as may seem expedient.

3.12 Disposal of Land

To sell, convey, assign, mortgage, charge, exchange, grant, easements and other rights of and over or otherwise dispose of, all properties, real or otherwise, movable and immovable of the Association upon such terms and conditions as the Elected Committee deemed expedient, Provided Always all instruments for perfecting the aforementioned dealings shall be effected by the Association's Common Seal executed by the President and countersigned by Deputy President and Honorary Secretary.

3.13 Invest

To invest the moneys of the Association not immediately required in such manner as may from time to time be determined.

3.14 Borrow

To borrow or raise money or secure the repayment of any sum of money for the purpose of the Association from such persons, financial institutions, and government authorities and on such terms and conditions as may seem expedient.

3.15 Intellectual Property To apply for or acquire any patent or patent rights copyrights, trademarks, licenses, concession and the like, conferring any exclusive, non-exclusive or limited rights to use the Association's intellectual property including to charge royalties which may directly or indirectly benefit the Association.

3.16 Miscellaneous To do all such other things as are incidental or conducive to the attainment of the objectives of the Association in the exercise of the powers conferred herein.

ARTICLE 4

MEMBERSHIP

4.1

MEMBERS

4.1.1 Eligibility

All companies, partnership firms and sole proprietor which have a place of business in Malaysia which are actively involved in the business of providing private security services and duly licensed under the Act, with the exception of companies providing in-house security services, may be eligible for Membership.

4.1.2 Application

Any company, partnership firm and sole proprietor who wishes to become a Member of the Association shall submit an application in writing in the prescribed form signed by the authorised signatory of the company, business, or firm, to the Honorary Secretary who shall refer the application for approval by the majority of the Elected Committee.

4.1.3 Terms

Membership to the Association means:

- (a) The acceptance and compliance to the Constitution of the Association and rules made thereunder, the Code of Ethics, the Association's Standard Form Contracts (where applicable) and the recommended industry rates as determined from time to time by the Association;
- (b) The submission to the enforcement of Code of Ethics and any amendments as may be made from time to time;
- (c) The submission to enquiries and investigations carried out by the Investigator and consenting

to an audit of the Member's files, records, invoices, accounts and all other documentation deemed relevant by the Investigator to the matter being investigated.

4.1.4 Exemption

Notwithstanding Article 4.1.3 (a) above, any Member may, where the circumstances warrant it, submit a written application to the Association for an exemption; on a case-by-case basis, from using the standard form Association Contracts.

4.2

RESIGNATION OF MEMBERS

4.2.1

A Member may resign from the Association by giving a notice in writing signed by an authorised person to the Honorary Secretary giving at least fourteen (14) days notice from the date of receipt by the Secretariat of the said notice, which may be delivered by courier service, registered post or personally to the Secretariat.

4.2.2

A Member may only resign upon settlement of all subscriptions and other dues (if any) to the Association and on grounds deemed acceptable to the Committee. Upon acceptance of the Member's resignation, the Minister will be duly notified of the said resignation.

4.2.3

Any Member who has resigned may be re-admitted to the Association in the manner prescribed in Article 4.1.2 and subject always to any other preconditions, which may be imposed by the Elected Committee at their sole and absolute discretion deemed fair and reasonable.

4.3

HONORARY MEMBERS

4.3.1

Honorary Members shall be individuals who have demonstrated exemplary service to enhance the profession in the security industry to be Honorary Members of the Association. Any Member may submit nominations of suitable candidates to the Honorary Secretary for approval by the Elected Committee. Honorary Members shall be entitled to attend Association meetings and shall be exempted

from paying Entrance Fees including Annual Subscription

4.3.2 Honorary Members shall have no voting rights and the tenure of their Membership shall be for one (1) Term only.

4.4 PATRON AND ADVISORS

4.4.1 The Elected Committee may elect any reputable person or persons of good social standing as Patron to the Association for such period as they deemed fit and proper.

4.4.2 The Elected Committee may elect amongst any past President of the Association as Advisor to the Association for such duration as they deemed fit and proper.

4.4.3 The said Patron or Advisor as the case may be, shall be entitled to enjoy all the privileges of Membership save and except the right to vote nor shall they be required to pay any subscription fees to the Association.

ARTICLE 5

FEES, SUBSCRIPTION AND OTHER DUES

5.1 Entrance fees

The entrance fees to the Association shall be:

(a) RM100.00 for the founding Members of the Association;

(b) RM1,000.00 for any other Member

5.2 Annual subscription

The annual subscription for Members shall be RM1,200.00 payable on or before the 31st day of March every year.

5.3 Notice

If any Member shall default in paying the annual subscription including all other payments referred to in Article 5.5, the Honorary Secretary shall cause a notice (“the Notice”) to be sent to the defaulting Member requiring payment of the annual subscription to be made within Twenty-One (21) days from the date of the said Notice.

5.4 Increments

No increase may be made in the amount of annual subscriptions and other dues payable to the Association without the approval of the Members in an Annual General Meeting or in an Extraordinary General Meeting.

5.5 Defaults of Payment

Any Member who fails or defaults in payment of the annual subscription, training fees and all other payments of whatsoever nature due and payable to the Association shall be disqualified from all Membership privileges as a Member of the Association until all such outstanding amounts are paid to the Association.

ARTICLE 6

SUSPENSION OF MEMBERSHIP

6.1

Failure by any defaulting Member to comply with the Notice issued under Article 5.3 will result in a Notice of Suspension being issued by the Honorary Secretary and the Minister duly informed. The suspension will take effect automatically after a lapse of 21 days from the date of Notice under Article 5.3 above.

6.2

A Member suspended under Article 6.1 shall be barred from all privileges and rights of Membership but shall continue to be liable for the subscription fees and other dues and they shall be permitted to resume the enjoyment of all the privileges and rights of a Member upon the settlement of all sums due and owing to the Association together with a fine of RM1,000.00 as penalty and without any right to claim for losses or compensation whatsoever during the period of suspension.

6.2.1 Waiver

Notwithstanding Article 6.2 above the Elected Committee has the absolute discretion to waive the unpaid subscription or the penalty imposed on the suspended Member.

6.3 Reinstatement

Upon the expiry of the suspension period, the Member in question shall immediately be entitled to enjoy their Membership privileges provided they have paid all dues/fines payable (if any) to the Association.

6.4 Suspension of license

Any Member whose license to operate is suspended by the Ministry of Home Affairs (Kementerian Dalam Negeri) shall be disqualified of Membership privileges unless and until the suspension has been lifted/reversed or reinstated by the said Ministry.

ARTICLE 7

TERMINATION OF MEMBERSHIP

7.1 Failure to pay

Failure by any suspended Member to pay the subscription by 30th June of any year will result in expiration of the Membership and a notice will be sent to the Minister informing them of such expiration.

7.2 Re-admission

Any Member whose Membership has been terminated for non-payment of dues may re-join the Association as a new Member as prescribed under Article 4.1.2.

7.3 Expulsion/Suspension

Any Member may be expelled/suspended or fined by a two-thirds majority vote of the Elected Committee for conduct that detracts from the dignity of or impairs the good name of the Association or the Security Industry or is likely to endanger the welfare, interest or character of the Association. The Disciplinary Board prior to the expulsion of a Member shall hold a hearing to determine whether the misconduct charges are justifiable.

7.4

Any Member who fails or did not obtain approval from Ministry of Home Affairs to renew their license shall automatically be terminated as a Member of the Association.

ARTICLE 8

ANNUAL GENERAL MEETING (AGM)

8.1

The AGM of the Association shall be held as soon as practicable after the close of each financial year but no later than 30th June to transact the following business:

- (a) To receive the Elected Committee report of the activities of the Association during the previous year;

- (b) To receive and consider the audited accounts for the previous year and the Treasurer's reports as to the financial position of the Association;
- (c) To elect a new Elected Committee every two (2) years;
- (d) To appoint auditors;
- (e) To decide on any resolution which may be duly submitted in accordance with Article 9.2;
- (f) To appoint a qualified legal advisor;
- (g) To deal with such other matters as may be required or put before it.

ARTICLE 9

PROCEDURE OF AGM

9.1 NOTICE OF AGM

- (a) Notice of AGM shall specify the date, the time and the nature of the meeting to be transacted thereat. Such notice shall be given to the Members thirty (30) days in advance before the date of the meeting.
- (b) The accidental omission to give Notice of Meeting to some Members or non receipt of Notice of Meeting by any Member entitled to receive notice shall not invalidate the proceedings at the AGM and any resolutions passed or motions adopted shall be deemed validly passed

9.2 NOTICE OF BUSINESS

Notice of any resolution or motion from Members proposed to be moved at the AGM shall be given in writing to Honorary Secretary not later than twenty-one (21) days before the date of the AGM.

9.3 NOMINATIONS

Nominations for the election of Members' representatives as office bearers and to the Elected Committee shall be made in writing by an active Member proposer and seconded by another active Member and sent to the

Honorary Secretary not later than twenty-one (21) clear days before the date of the AGM.

9.4 AGM AGENDA

The Honorary Secretary shall forward to all Members the Agenda for the AGM, Annual Report, Audited Accounts including motions referred to in Article 9.2 above (and nominations where applicable) at least seven (7) days before the date of the AGM.

9.5 MEMBER REPRESENTATIVE

Each Member shall be entitled to appoint not more than two (2) representatives to represent them at any AGM or Extraordinary General Meeting (EGM). These representatives must either be:

- (a) the Executive Chairman, Managing Director or Executive Director in the case of companies registered under the Companies Act, 2016; or
- (b) the Sole Proprietor (in the case of a business registered under the Registrar of Business) or a Partner in the case of partnership firm
- (c) provided that no proxies shall be allowed to attend the meeting and vote.

9.6 QUORUM FOR AGM

The supreme authority of the Association is vested in a General Meeting of the Members. The quorum at all AGM shall be at least one-half of the total voting Membership of the Association or the voting Member's representative present represent twice the total number of Elected Committee Members whichever is the lesser must be present at a general meeting for its proceedings to be valid and to constitute a quorum and each Member's representative present shall be entitled to one vote with the President having a casting vote.

9.7 LACK OF QUORUM

If no quorum shall have been reached after thirty (30 minutes) has elapsed after the time appointed for the AGM, the said AGM shall be postponed by the President or the Deputy

President to a place time and date not exceeding fourteen (14) days thereafter.

9.8 ADJOURNED AGM

Notice of any postponed AGM shall be given to all Members at least seven (7) days prior to the new date fixed for the AGM.

If at the adjourned AGM, the quorum shall still not have been reached after the lapse of thirty (30) minutes after the appointed time, the Members present shall proceed with the business of the AGM and all decisions taken, resolutions and motions approved and passed therein shall be valid and legitimate and binding on all Members of the Association but it shall not have the power to alter rules of the Association or to make decisions effecting the Members.

ARTICLE 10

EXTRAORDINARY GENERAL MEETING (EGM)

10.1 EGM PROCEDURE

An EGM may be convened at any time either:

- (a) At the request of the Elected Committee; or
- (b) At the request; made in writing of not less than one fifth (1/5) of the Members, stating the objects and reasons for which the EGM is required.

An EGM shall be convened within thirty (30) days of receipt of such a request from the Members by the Secretariat.

10.2 NOTICE OF EGM

The notice for the EGM stating the date, time and place of the meeting and the business to be transacted shall be issued by the Honorary Secretary to all Members at least twenty-one (21) clear days before the date fixed for the meeting.

10.3 QUORUM

The rules regarding quorum and postponement shall be as described under Articles 9.6 and 9.7 but if at the adjourned EGM requisitioned by the Member no quorum shall have been achieved after thirty (30) minutes of the

appointed time, the EGM shall be cancelled forthwith. Any Member shall call no further EGM for the same purpose unless six (6) months shall have elapsed from the date of the cancelled EGM.

ARTICLE 11

THE ELECTED COMMITTEE

11.1 Authority

There shall be an Elected Committee who shall be responsible for the management of the Association and shall have the authority to act for and on behalf of the Association, as they deem fit and proper, for so long as it is not in conflict with this Constitution, relevant statutes, legislations, By-laws and Regulations currently in force.

11.2 Powers

The Elected Committee shall be authorised to:-

- (a) from time to time; to make amendments or additions to the Association's Code of Ethics, as they deem fit for the betterment of services to Members and/or the Security Industry as a whole;
- (b) from time to time fix, approve and/or impose the minimum recommended rates to be used by the Members when making quotations to potential customers;
- (c) based upon the findings of the Disciplinary Board, impose the sanctions set out in Article 13 of this Constitution;
- (d) impose compliance on the use of Association's Standard Conditions of Engagement by all Members.
- (e) make a decision on an application received from a Member under Article 4.1.4 for an exemption from using the standard form Association Contracts.

11.3 Composition

The Elected Committee shall comprise of the following elected at the Annual General Meeting:-

- (a) a President;
- (b) a Deputy President;
- (c) Three (3) Vice-Presidents;
- (d) Assistant Secretary;
- (e) Assistant Treasurer; and
- (f) Seven (7) Committee members.

11.3.1 Resignation

Any Elected Committee Member may at any time resign from his post by submitting a written notice to the Honorary Secretary, and the resignation shall take immediate effect after it has been endorsed by the Elected Committee. Thereafter, the Elected Committee whose resignation have been accepted shall within seven (7) days from the date of his resignation formally hand-over all his duties to an Elected Committee member appointed to take over his post and duties until his successor is elected by the Members at the following AGM or EGM as the case may be.

11.4 ELECTION

The persons described in Article 11.3 above shall be proposed, seconded and elected by a simple majority on a show of hands or by secret ballot at the Annual General Meeting. They shall hold office for One (1) Term and shall remain in office until their successors are elected at the Annual General Meeting.

11.4.1 President's Term

Notwithstanding the provision set out above, an elected President shall hold office for two (2) consecutive Terms only. Following a break of at least one (1) term, any previously elected President may then offer himself for re-election.

11.5

ELIGIBILITY

11.5.1 Elected Committee

To be eligible for election as an Elected Committee Member, a Member's representative shall be a Malaysian citizen and shall either be the Executive Chairman, Executive Director or Managing Director of a Member company AND must be a registered shareholder of a Member Company, holding a minimum of ten percent (10%) of the paid up share capital in the company in the case of a company registered under the Companies Act, 2016 (Act 777) or

the sole proprietor in the case of business registered with the Registrar of Business, or a partner in the case of business under the Partnership Act, 1961 (Act 135 (Revised 1974) or Limited Liability Partnership Act, 2010 (Act 743) and must be a Malaysian citizen and not disqualified by virtue of Article 11.6.

11.5.2 President

Notwithstanding Article 11.5.1, the candidacy for President shall be a current Shareholder of a security company or a Director of that company for at least 5 years and shall have served as Elected Committee for two (2) terms.

11.5.3 Deputy President

Notwithstanding article 11.5.1, the candidacy for Deputy President shall be a current Shareholder of a security company or a Director of that company for at least 5 years and served as a Elected Committee thereat for one (1) term.

11.5.4 Vice President

Notwithstanding article 11.5.1, the candidacy for Vice President shall be a current Shareholder of a security company or a Director of that company for at least 5 years.

11.6

DISQUALIFICATION

11.6.1

Subject to the provisions of this Article, a person is disqualified from being a Member of the Committee if:

- (a) He is and has been found or declared to be of unsound mind; or
- (b) He is an undischarged bankrupt; or
- (c) He has been convicted of an offence by a court of law and sentenced to imprisonment for a term of a least one year or to a fine of at least Ringgit Malaysia Two Thousand (RM 2,000.00) and has not received a free pardon; or
- (d) He has voluntarily acquired citizenship of, or exercised rights of citizenship in, any country outside Malaysia or has made a

declaration of allegiance to any country outside Malaysia.

11.6.2 The disqualification of a person under paragraph 11.6.1 (b) or (c) shall cease at the date on which the person adjudged bankrupt as mentioned in paragraph (b) was discharged by the Court or at the end of the period of five (5) years beginning with the date on which the person convicted as mentioned in paragraph (c) was released from custody or the date on which the fine mentioned in the said paragraph (c) was paid by such person.

11.6.3 Notwithstanding anything contained in this Article, where a Member of the Committee becomes disqualified from continuing to be a Member thereof pursuant to paragraph (c) of Article 11.6: -

- (a) The disqualification shall take effect upon the expiry of fourteen days from the date on which he was convicted and sentenced as specified in the aforesaid (c); or
- (b) If within the period of fourteen days specified in paragraph 11.6.3 (a) above an appeal or any other court proceeding is brought in respect of such conviction or sentence, or in respect of being so convicted or proven guilty, as the case may be, the disqualification shall take effect upon the expiry of fourteen days from the date on which such appeal or other court proceeding is disposed of by the court; or
- (c) If within the period specified in paragraph 11.6.3 (a) above or the period after the disposal of the appeal or other court proceeding specified in paragraph 11.6.3 (b) above there is filed a petition for a pardon such disqualification shall take effect immediately upon the petition being disposed of.

11.7

APPOINTED COMMITTEE

The President shall appoint the Honorary Secretary, Honorary Treasurer and two (2) Ordinary Committee Members at the first Elected Committee meeting and the appointees shall remain in office until the next Annual General Election. Appointed Committee Members are entitled to vote at meetings of the Committee.

11.8

STATE COMMITTEE

11.8.1

The Elected Committee and the Appointed Committee may then appoint up to another thirteen (13) Members, where possible one from each state in Malaysia and such appointment shall be for one (1) Term until the next Annual General Election.

11.8.2

To be eligible for selection as Appointed Committee and State Committee, a member's representative shall be a Malaysian citizen and shall be a shareholder and a Director of a Member company in the case of a company registered under the Companies Act, 2016 (Act 777) or the sole proprietor in the case of business registered with the Registrar of Business or a partner in the case of business under the Partnership Act, 1961 (Act 135) 135 (Revised 1974) or Limited Liability Partnership Act, 2010 (Act 743) and not disqualified by virtue of Article 11.6.

11.8.3

The State Committee Members are chosen by a simple majority with the President having a casting vote. State Committee Members are entitled to vote at meetings of the Elected Committee.

11.9

SUB-COMMITTEES

11.9.1

The Elected Committee may from time to time form any numbers of Sub-Committee as they may consider necessary and may delegate to the Sub-Committee such powers and duties as the Elected Committee deemed necessary to enable them to discharge their duties efficiently.

11.9.2 All Sub-Committees shall periodically report their proceedings to the Elected Committee and shall conduct their business in accordance with the directions of the Elected Committee.

11.10 REIMBURSEMENT

11.10.1 Members of the Elected Committee, Appointed Committee, State Committee and Sub Committee are entitled to be reimbursed out of the funds of the Association for all reasonable expenses and liabilities incurred by them in attending Committee meetings and in the management of the affairs of the Association.

11.10.2 All claims for reimbursement of expenses incurred by any Committees referred to in Article 11.10.1 shall be supported by receipts (where applicable) and shall be approved by the Elected Committee before claims are approved for payment.

11.11 RESIGNATION

Any Appointed Committee, State Committee or Sub Committee Members may at any time resign his post by submitting a written notice of intention to do so to the Honorary Secretary. The resignation shall take immediate effect upon approval by the Elected Committee. Thereafter, the Committee Member resigning shall within seven (7) days from the date of resignation is approved formally hand-over all his duties including all works in progress, reports and documents in his possession to the Honorary Secretary.

11.12 REMOVAL/ EXPULSION FROM COMMITTEE

11.12.1 Any Appointed Committee or State Committee or Sub Committee Member may be removed from office by a simple majority of the Elected Committee with the President having a casting vote in the following circumstances:-

- (a) If they are found to be ineligible to hold office under Article 11.8.2 or is disqualified under Article 11.6;
- (b) Pursuant to the circumstances prescribed in Article 7;
- (c) Where any member of the Committee who without due cause, fails to attend three (3) consecutive Committee Meetings;
- (d) If a member of the Committee is found to be consistently failing to carry out the duties entrusted to him or is seemingly uncommitted to the Committee.

11.12.2

Where a Member has had its Membership suspended or terminated, the said Member's representative in the Committee will automatically be suspended or terminated in line with the said suspension or termination.

11.13 ELECTED COMMITTEE MEETINGS

The Elected Committee shall meet at least once every three (3) months with at least seven (7) days prior notice in writing being given to the Elected Committee Members before each meeting. The President acting alone or five (5) Members of the Elected Committee acting together may call for a meeting and half (½) of the number of Elected Committee Members present shall form a quorum.

11.14 CIRCULAR LETTERS

Where the approval of the Elected Committee is required for the disposal of urgent matters but it is not possible or inexpedient to convene a meeting, the Honorary Secretary may nevertheless obtain such approval by a circular resolution. Such an approval obtained by simple majority shall be deemed proper and valid when:-

- (a) The issue or matter has been clearly set out in the circular and forwarded to all members of the Elected Committee;
- (b) A simple majority with the President having a casting vote have indicated their preference for or are against the issue/matter;

- (c) The decision so obtained is reported by the Honorary Secretary to the next Elected Committee meeting and recorded in the minutes thereof.

ARTICLE 12

DUTIES OF OFFICE BEARERS

12.1 President

The President shall during his term of office preside at all General Meetings, and all meetings of the Elected Committee and shall be responsible for the proper conduct of all such meetings. He shall have the casting vote and shall sign the minutes of each meeting at the time they are approved. He shall, in conjunction with the Honorary Secretary and Honorary Treasurer sign all cheques on behalf of the Association.

12.2 Deputy President

The Deputy President shall deputise for the President during the latter's absence.

12.3 Vice President

The Vice President shall in the absence of both the President and the deputy President deputise for them.

12.4 Honorary Secretary

The Honorary Secretary shall conduct the business of the Association in accordance with the rules, and shall carry out the instruction of the General Meeting and of the Elected Committee. He shall be responsible for conducting all correspondence and keeping all books, documents and papers, except the accounts and financial records. He shall whenever possible attend all meetings, and maintain the Register of the Members consisting of details such as name of the Member's Company, the Member company's registration number, registered address and list of panel directors or where the Member is a firm registered under the Registrar of Business, the name of proprietor or the partners, their identity card numbers and residential addresses, name of business and business address and the business registration number. He shall in conjunction with the President and Honorary Treasurer sign all cheques on behalf of the Association.

- 12.5 Assistant Secretary The Assistant Secretary shall assist the Honorary Secretary in carrying out his duties and shall act for him in his absence.
- 12.6 Honorary Treasurer The Honorary Treasurer shall be responsible for the Financial matters of the Association. He shall keep accounts of all its financial transactions and shall be responsible for their correctness. He shall, in conjunction with the President and the Honorary Secretary sign all cheques on behalf of the Association.
- 12.7 Assistant Treasurer The Assistant Treasurer shall assist the Honorary Treasurer in carrying out his duties and shall act for him in his absence.
- 12.8 Committee Members shall carry out such duties as directed by the President or the Elected Committee.

ARTICLE 13

THE DISCIPLINARY BOARD

- 13.1 Jurisdiction The Elected Committee shall appoint ten (10) Members to form a Disciplinary Board (“Disciplinary Board”) whose function and purpose shall be to conduct proper enquiries and investigation into complaints, allegations of misconduct involving illegal or immoral activities, breaches of the Constitution of the Association, breaches of the Code of Ethics, non-compliance of the recommended minimum rates set by the Association, failure to comply on the use of Association’s Standard Conditions of Engagement by all Members, and/or is involved in any activities whatsoever detrimental to the interest of the Association or the Security industry as a whole. The Disciplinary Board shall sit during their tenure of appointment or until dissolved by the Elected Committee.
- 13.2 Composition The Disciplinary Board shall consist the following:-
- (a) a Chairman;
 - (b) a Deputy Chairman;
 - (c) a Secretary; and

- (d) seven (7) other individuals who shall neither be Members of the Elected Committee and all other Committee.

13.3 Chairman

The Chairman of the Disciplinary Board and/or the Deputy Chairman shall preside at Disciplinary Board Enquiries and if the Chairman is disqualified pursuant to Paragraph 13.4 below, or if the Chairman is unable through illness or any other cause, to preside at the Disciplinary Enquiry, the Deputy Chairman or his representative shall preside.

13.4 Disqualification

Any Disciplinary Board member whose company or firm is the subject of any investigation shall automatically be disqualified from sitting on the Disciplinary Board and the Elected Committee shall appoint another Member as substitute.

13.5 Rules

The Disciplinary Board may make rules relating to its quorum and to regulate its procedures for Disciplinary Enquiries from time to time and make such amendments thereto as deemed fit and proper.

13.6

THE INVESTIGATOR

13.6.1

The Board may if it deems necessary, engage the services of a qualified independent individual or organization (“the Investigator”) to assist in such investigations and enquiries. The nature of the investigation shall include where necessary the inspection of the accounts, documents and record books of any Member which is relevant to the matter being investigated.

13.6.2

Prior to the commencement of any investigation, the duly appointed Investigator shall execute a binding and irrevocable non-disclosure agreement with the Association preventing him from disclosing to any third party any information received as a result of any investigation into the activities or records of any Member.

13.6.3

The Investigator shall upon completion of their enquiries and investigations furnish a written report to the Disciplinary Board, which will make a

report to the Elected Committee together with their recommendations.

ARTICLE 14

DISCIPLINARY ACTION

14.1 DEFAULTING MEMBER

14.1.1

A defaulting Member may be disciplined by the Disciplinary Board in any one of the following manner deemed fit: -

- (a) Issuance of a reprimand letter; and/or;
- (b) imposition of a fine of up to Ringgit Malaysia (RM100,000.00).
- (c) Suspension for any length of time; and/or
- (d) Expulsion from the Association; and/or
- (e) A recommendation to the relevant Minister for private agency license of the Member to be suspended or cancelled.

14.1.2

A defaulting Member who fails to pay the fine imposed under Article 14.1.1 (b) within the grace period granted will result in the Member being suspended or expelled from the Association.

14.1.3

Any decision or sanctions made by the Disciplinary Board against a defaulting Member under Article 14.1.1 shall be decided by a simple majority of the Disciplinary Board present at the Enquiry.

14.2

NOTICE BEFORE EXPULSION/SUSPENSION

No Member shall be expelled or suspended unless he is given fourteen (14) days Notice in writing to appear before the Elected Committee and be given an opportunity mitigate against the decision of the Disciplinary Board. The Elected Committee shall then review the case and the findings of the Disciplinary Board and vote in favour or against of suspension or expulsion by simple majority. The decision by the Elected Committee shall be final and conclusive.

14.3

BANKRUPTCY

If any Member shall be adjudged a bankrupt, or is wound-up voluntarily or otherwise, or makes a composition or arrangement with his creditors under the provision of any statute, he shall thereupon automatically cease to be a Member.

ARTICLE 15

APPEAL

15.1.

Any Member who has been subjected to disciplinary action by the Disciplinary Board and is dissatisfied with the decision made may within fourteen (14) days from the date the decision of the Board was officially communicated to him, lodge an appeal to the Elected Committee who under this provision shall be designated as Appeal Committee. The decision of the Appeal Committee shall be final and conclusive.

15.2

Any decision or sanctions made by the Disciplinary Board against a defaulting Member under Article 14.1 and any appeal to the Appeal Committee under Article 15.1 shall be decided by a simple majority of Appeal Committee Members present at the meeting.

ARTICLE 16

FINANCIAL PROVISIONS

16.1

FINANCIAL YEAR

The financial year of the Association shall commence on the 1st of January and on 31st December in each year, to which day the statement of receipts and payments and a balance sheet of the Association for the year shall be balanced and audited.

16.2

PETTY CASH

The Honorary Treasurer may hold petty cash not exceeding Ringgit Malaysia Two Thousand (RM 2,000.00) at any one time and any monies exceeding the said sum received by the Honorary Treasurer shall be deposited in a bank account approved by the Elected Committee and in the name of the Association within seven (7) days of receipt.

16.3

SIGNATORIES TO CHEQUES

No moneys shall be drawn from that account except by cheque signed jointly by the President (or in his absence the Deputy President or in his absence the Vice President), the Honorary Secretary and the Honorary Treasurer.

16.4

OUTGOINGS

16.4.1

Any outgoings of not more than RM50,000.00 can be approved by the Elected Committee without prior sanction of the AGM or EGM.

16.4.2

All other outgoings less than Ringgit Malaysia Ten Thousand (RM10,000.00) shall not be incurred without the prior approval of the President and the Honorary Treasurer.

16.5

SPECIAL PROJECTS

All projects which will be carried out by any Committee on behalf of the Association valued up to Ringgit Malaysia Five Hundred Thousand (RM500,000.00) may be approved by the Elected Committee without prior sanction of the AGM or EGM. However for projects valued more than Ringgit Malaysia Five Hundred One Thousand (RM500,000.00) sanction from the AGM or EGM must first be obtained.

16.6

REMUNERATION FOR SERVICES

Subject to the aforesaid the Elected Committee shall have the exclusive power to authorize the payment of remuneration and expenses to any officer, Member or employee of the Association including but not limited to any other person(s) / organization / firm/company for services rendered to the Association.

ARTICLE 17

COMMON SEAL

The Association shall provide for the safe custody of the Common Seal, which shall only be used by the

Authority of the Elected Committee and every instrument or documents to which the seal is to be affixed shall be signed by the President and countersigned by the Deputy President and the Honorary Secretary.

ARTICLE 18

18.1

PROHIBITIONS

The following games shall be barred from the premises of the Association/and at every meeting and gathering thereof:

- (a) roulette;
- (b) lotto;
- (c) fan tan;
- (d) poh;
- (e) peh bin;
- (f) belangkai;
- (g) pai kau;
- (h) tau ngau;
- (i) tien kow;
- (j) chap ji kee;
- (k) sam cheong;
- (l) twenty one;
- (m) thirty one;
- (n) ten and a half;
- (o) video games;

and all games of dice, bankers games and other games of chance and the Association may prohibit any games the playing of which are unlawful or would in the opinion of the Elected Committee be injurious to the interests of the Association.

18.2

The Association shall not hold any lottery, whether confined strictly to Members or not, in the name of the Association or its office bearers, the Elected Committee or Members.

ARTICLE 19

AFFILIATION

The Association may affiliate join or associate itself with any similar or like organisations nationally or internationally.

ARTICLE 20

AMENDMENTS TO CONSTITUTION

The Articles may not be altered or amended except by resolutions in a general meeting and all such amendments and alterations shall be submitted to the Registrar of Societies within 60 days of approval by the meeting and the amendments or alterations shall take effect from the date of notice of approval by the Registrar of Societies.

ARTICLE 21

DISSOLUTION

21.1

A resolution to dissolve the Association shall only be proposed at an EGM and shall be carried by a majority of at least two third (2/3) of the total Membership.

21.2

Upon the dissolution of the Association all debts and liabilities shall be fully discharged and disposal of any funds remaining shall be decided at the date of dissolution.

21.3

Notice of dissolution shall be forwarded to the Registrar of Societies within 14 days of the dissolution.

ARTICLE 22

NOTICE

Unless otherwise stated hereinabove any notice required to be given or served under these Articles shall be in writing and shall be deemed to have been served :-

- (a) Five (5) days after posting of the said notice is sent by the Secretariat to its Members through post or; email or; facsimile or; other electronic means and displayed in the Association Official Website; or
- (b) Any notice to be given by a member to the Association shall be in writing and shall be deemed duly served if delivered personally or by prepaid registered post or sent by facsimile transmission or email to the official address or email address of the Association. In proving the

service of any notice it will be sufficient to prove in the case of a letter that such letter was properly stamped addressed and place in the post or delivered or left at the official address if delivered personally and in the case of a facsimile transmission or email, it was duly dispatched to the facsimile number or email of the Association.

ARTICLE 23

AUDITORS

23.1 HONORARY AUDITORS

Two Members who shall not be office bearers of Association may be appointed at the Annual General Meeting as Honorary Auditors. They shall hold office for one (1) Term only but may be eligible for re- appointment at the next Annual General meeting

23.2 PROFESSIONAL AUDITORS

The Professional Auditors shall be required to audit the accounts of the Association for the year and to prepare a report or certificate for the Annual General Meeting. They may also be required by the President to audit the account of the Association for any period within the tenure of office at any date, and to make a report to the Committee.

ARTICLE 24

OFFICIAL WEBSITE

Official Website of the Association is www.pikm.my

ARTICLE 25

FLAG, LOGO AND BADGE



- (a) The shield symbolises readiness and cohesion of the Association Members and its employees as entrepreneurs in the security industry. The shield is also a symbol of

readiness of the Association Members to be in unison in voice and keep the good name of the Association.

- (b) PIKM (Persatuan Industri Keselamatan Malaysia)
English Version: Malaysia Security Industry Association (MSIA)
- (c) The red and white bands symbolise the unity of the security industry. Red means courage, and white means honesty
- (d) An Eagle symbolises valour and integrity of members of the security industry
- (e) 1980 within the shield symbolises members of the Association have been together to help secure and protect Malaysia since its inception in 1980
- (f) The salam leaves symbolise consensus and alliance of the Association Members to unite in strength and their resources towards the development of the security industry