



CSPRM endorse and undertake to comply with the provisions and requirements of the following laws:

- 1 Constitution of the Republic of South Africa, 1996**
- 2 Income Tax Act, Act No 58 of 1962**
- 3 Nonprofit Organisations Act, 1997: Act No. 71 of 1997**



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PART 1: THE ORGANISATION
CHAPTER 1: FOUNDING PROVISIONS

Clause 1: Name, Body Corporate, Offices, Vision, Mission, Scope and Authority of the Constitution

1.1 Name

- 1.1.1 There is hereby established a voluntary association of former civil servants, to be known as the Civil Servants Pension Redress Movement, hereinafter called “the Organisation”
- 1.1.2 The Organisation established by subsection 1.1.1 is:



- 1.1.2.1 an organisation not for gain; and
- 1.1.2.2 a corporate body having perpetual succession, legal existence, and all the legal powers of a juristic person.
- 1.1.3 As a matter of convenience, the CIVIL SERVANTS PENSION REDRESS MOVEMENT:
 - 1.1.3.1 is referred to throughout this constitution as "the Organisation"; and
 - 1.1.3.2 may be referred to in any notice, correspondence, or legal document by the shortened form of name "CSPRM".

1.2 **Body Corporate**

- 1.2.1 The Organisation is a body corporate endowed with full legal capacity, capable, *inter alia*, of suing and being sued in its own name, and capable of acquiring, hypothecating and alienating movable and immovable property.
- 1.2.2 Unless otherwise provided for by this Constitution, no member, office bearer, official or employee of the Organisation shall, by reason only of the fact of such status, be liable for any of the obligations of the Organisation, unless such person has acted in a manner which would constitute misconduct.
- 1.2.3 The Organisation shall have an independent existence from its members and officers.
- 1.2.4 The Organisation is a voluntary association with Non-Profit Organisation status.

1.3 **Offices**

A head office shall be established to carry out the administration of the Organisation in accordance with the policies of the Organisation at such address as may be determined by the Organisation from time to time, due regard being had to the Organisation's leasing commitments and/or immovable property holdings from time to time. The National Executive Committee can decide to open Branch Offices depending on the demand and financial/Budget provision.

1.4 **Vision**

This futuristic, short and succinct phrase or statement of intent of the Organisation is.

“Dignified lives for all former Civil Servants”

1.5 **Mission**

In aspiring to reach our Vision we will adopt the following as our **Mission**:

- 1.5.1 To represent, engage and bargain on behalf of all former civil servants of South Africa on structures such as, but not limited to, the Government Employee Pension Fund (GEPF) and the Government Pensions Administration Agency (GPAA);
- 1.5.2 To seek and maintain permanent seating on structures such as, but not limited to, the Government Employee Pension Fund (GEPF) and the Government Pensions Administration Agency (GPAA);
- 1.5.3 To petition the South African Government to consider and promulgate legislature to accommodate members of the Organisation on influential bodies such as, but not limited to, parliamentary standing committees and other legislative structures, in order to utilize the immense expertise, talents, gifts and experience of the senior citizens, of our country, especially through the powerful process of effective knowledge management.
- 1.5.4 To encourage all organs of state to treat the former Civil Servants with the necessary respect and dignity.
- 1.5.5 To bind the former Civil Servants together through positive engagement.
- 1.5.6 To encourage positive dialogue with Local-, Provincial-, as well as National Governments, towards dignified lives for all its members.
- 1.5.7 To engage in positive partnerships with Chapter 9-organisations, Commissions, Foundations, Trusts as well as other Organisations and individuals, in order to restore the dignity of our members.
- 1.5.8 To establish a movement that can address common matters of concern to the members, which impact negatively on their well-being and dignity; and

- 1.5.9 help restore the injustices of the past, which impact negatively on the livelihood of the members it serves.

1.6 Objectives of the Organisation

In the pursuit of this mission the following objectives are regarded as basic cornerstones of the program guiding the activities of the Organisation:

- 1.6.1 To seek negotiating possibilities and platforms with the South African Government with the purpose of influencing a more progressive, competitive, safer, sounder and more prosperous South African society, and in particular a better life for the senior citizens of our country.
- 1.6.2 Act as a vehicle and mouthpiece for former Civil Servants, including being the body with which the State negotiates on issues of pensions, increases in pensions payable to former civil servants, and any other issues pertaining to pensions payable to former civil servants.
- 1.6.3 To seek the immediate bargaining independence of the GEPF from the activities and decisions of the Public Service Coordinating Bargaining Council (PSCBC) as it pertains to the bargaining process or any other matter concerning civil servants currently in the employ of the State and members of trade unions that represent such civil servants, as opposed to former civil servants who are no longer in the service of the State, and due to their status as former civil servants, bear no membership of trade unions anymore;
- 1.6.4 To have the final cutoff date for applications of the pension redress process, which was March 2012, re-opened because thousands of former Civil Servants were not informed personally of the process and/or the closing date.
- 1.6.5 To ensure that all former Civil Servants who were not aware of the process and/or the closing date for redress, be given an opportunity to apply for restitution and redress.
- 1.6.6 To ensure that the senior citizens who have worked in the Civil Service, have a body that can represent them, especially in cases of unfair practices which will impact negatively on their common livelihood and dignity.
- 1.6.7 To encourage the former Civil Servants to work towards the setting of common goals which will lead to them being respected for the very important roles they have played in the formation and structures of the broader society.
- 1.6.8 To encourage the broader South African community as well as Government to show the necessary appreciation and respect for the former Civil Servants for the role they played in nurturing, guiding and equipping the younger generations with much needed skills.
- 1.6.9 To encourage the former Civil Servants in their respective towns and regions to meet from time to time, where they can share their experiences and skills and enjoy each other's company; and
- 1.6.10 To meet annually as a national body for former civil servants to deliberate on contemporary, relevant and applicable issues that may affect their livelihood and well-being in South Africa, yet also to enjoy social interaction.

1.7 Means of achieving Objectives

The objectives of the Organisation will be achieved by, inter alia:

- 1.7.1 The acquisition, encumbrance, or disposal of such movable or immovable property as may be required to achieve its aims and objectives.
- 1.7.2 Taking all steps and following all procedures which are lawful and compatible with the aims and objectives of the Organisation.
- 1.7.3 Raising funds for any purpose which may be deemed necessary, including, but not limited to the raising of funds through sponsorships with corporate South Africa, Government, charitable organisations and the international community and individuals.
- 1.7.4 Assuring compliance with the provisions of this Constitution and with the rules and regulations issued in terms thereof.
- 1.7.5 Hearing and pronouncing upon appeals against the decisions of members in connection with the disciplinary action taken against members serving on substructures under their jurisdiction; and
- 1.7.6 Engaging in any other activity which may assist in achieving the aims and objectives of the Organisation.

1.8 Values

The core values that the members of the Organisation will strive towards are :

- 1.8.1 Respect
- 1.8.2 Pride
- 1.8.3 Dignity
- 1.8.4 Transparency
- 1.8.5 Equality

1.9 Scope

The Organisation may operate anywhere in the Republic of South Africa and Namibia and is open to any former civil servant.

1.10 Authority of the Constitution

This constitution is the source of all rights and responsibilities within the Organization and is the final authority concerning any dispute within the Organisation.

1.11 Digital Meetings

1.11.1 A provision that meetings, through digital platforms meetings be acceptable and binding as defined in terms of the Electronic Communications and Transactions Act, Act 25 of 2002 (ECTA)

1.11.2 unless the National Chairperson rules otherwise. Virtual meetings will not be allowed if more than 100 members are expected to attend / connect to such meeting.

CHAPTER 2: MEMBERSHIP

2.1 Qualification for Membership

2.1.1 To be eligible for membership in the Organisation, a person:

- 2.1.1.1 must be a former civil servant covered by the scope of this constitution.
- 2.1.1.2 must not have been either rejected as a member, or expelled from membership in the Organisation, within the past 12 months.

2.1.2 No former civil servant may be rejected as a member of the Organisation on any basis that constitutes unfair discrimination in terms of section 9 of the Constitution of the Republic of South Africa, 1996.

2.2 Application and Acceptance

Any former civil servant may apply for membership in the Organisation by submitting to the branch of the Organisation:

- 2.2.1 an application in the proper form; and
- 2.2.2 the prescribed subscription forms.

2.3 Subscription Fee

2.3.1 The National Executive Committee may establish a common basis for determining the members' monthly subscription fees.

2.3.2 A member may pay the monthly subscription fee through a check-off facility that provides for direct payment to the Organisation's national account or pay the annual prescribed subscription fee in advance.



2.4 Suspension, or Expulsion from Membership

The membership of a member may be suspended or his/her may expel from the Organization on condition after due process in terms of the CSPRM Policies and Procedure Manual is followed by all the relevant structures.

2.4.1 Regional Executive Committee, after holding an inquiry at which the member concerned is afforded an opportunity to be heard, may recommend to the Provincial Executive Committee, which will recommend to the National Executive Committee, that a member be suspended or expelled for conduct that is against the interests of the Organisation and its members.

2.4.2 The Provincial Executive Committee, on its own initiative, following an enquiry at which the member concerned is afforded an opportunity to be heard, or upon receipt of a recommendation from a Regional Executive Committee, may recommend to the National Executive Committee that a member be suspended or expelled for conduct that is against the interests of the Organisation and its members.

2.4.3 The National Executive Committee, on its own initiative, following an enquiry at which the member concerned is afforded an opportunity to be heard, or upon receipt of a recommendation from a Provincial Executive Committee, may suspend or expel a member for:

2.4.3.1 acting against the interests of the Organisation.

2.4.3.2 failing to pay the required monthly subscription fees; or

2.4.3.3 failing, without a reason or apology acceptable to the particular committee to which the member was on, to attend more than three (3) consecutive meetings of Branch Executive Committee, Regional Executive Committee, Provincial Executive Committee or National Executive Committee; and

2.4.3.4 Violation of the constitution, policies, procedures and membership code.

2.4.4 A suspension or expulsion in terms of subsection 2.4.1 and 2.4.2 is not effective until the National Executive Committee has made a decision to this effect. Once the decision is made, the member concerned must be notified in writing of the reasons for the suspensions or expulsion and give that member an opportunity to present a case to the Appeals Committee established and appointed by the National Executive Committee.

2.4.5 The member concerned may appeal a suspension or expulsion by:

2.4.5.1 lodging an appeal with the National General Secretary within 30 days of having been notified of the suspension or expulsion: and

2.4.5.2 the appeal must be referred to the Appeals Committee appointed by the National Executive Committee for consideration. The Appeals Committee is the structure that finalises all appeals and its decisions are final and binding.

2.4.6 A member may resign from the Organisation by giving 30 days written notice to the Branch Executive Committee, Regional Executive Committee, Provincial Executive Committee or National Executive Committee stating the reasons for resigning.

2.4.7 The Branch Executive Committee, Regional Executive Committee, Provincial Executive Committee or National Executive Committee may waive the notice period required for a resignation in terms of subsection 2.4.5.

2.4.8 When a member resigns or is expelled from the Organisation:

2.4.8.1 the member remains responsible to the Organisation for any money that the member owes to the Organisation at that time.

2.4.8.2 the member has no further claim on any assets of the Organisation; and

2.4.8.3 the NEC must ensure that appropriate steps are taken to recover any money that the member owes to the Organisation.

CHAPTER 3: POWERS AND FUNCTIONS OF THE ORGANISATION

3.1 Powers of the Organisation

- 3.1.1 to conclude and enforce contracts and collective agreements pertaining to all aspects of the retired lives of former civil servants who are members and perform other juristic acts.
- 3.1.2 to acquire, mortgage, pledge or otherwise encumber any movable or immovable property.
- 3.1.3 to borrow, lend and invest money subject to this Constitution.
- 3.1.4 to take part in any form of consultation, litigation, arbitration, or other dispute resolution proceedings.
- 3.1.5 to determine the conditions of service of members of staff.
- 3.1.6 to consider and deal with matters and disputes of common interest referred to it by its Provincial Executive Committees in accordance with the provisions of this Constitution.
- 3.1.7 to determine whether a province has the financial resources and/or capacity to administer its affairs as prescribed in this Constitution, and, if it determines that a province does not have the financial resources and/or capacity to administer its affairs, to allocate all or some of its responsibilities to another province or the National Executive Committee.
- 3.1.8 to suspend or dissolve a Provincial Executive or Standing Committee from the activities and affairs of the Organisation.
- 3.1.9 to set and collect membership subscriptions.
- 3.1.10 to establish an institute, or any other structure to further the objectives of the Organisation provided that the governance, funding, and operation of such a body is consistent with this Constitution.
- 3.1.11 subject to the provisions of this Constitution, to formulate Rules regarding the administration and the running of the Organisation and its business.
- 3.1.12 to exercise any other power that may be necessary or desirable to achieve the objectives of the Organisation.
- 3.1.13 to delegate such powers and duties as it deems to be conducive to the attainment of its objectives to relevant structures of the Organisation.
- 3.1.14 The powers and functions of the Organisation shall be exercised through the structures indicated in Chapters 5-8.

CHAPTER 4: Management and control of the Organisation

- 4.1 Subject to the provisions of this Constitution the affairs of the Organisation shall be managed and controlled, and its powers and functions performed by –
 - 4.1.1 A National Congress of Delegates.
 - 4.1.2 A National Executive Committee.
 - 4.1.3 A National Finance Committee.
 - 4.1.4 A National Human Resources Committee.
 - 4.1.5 National Portfolio Committees provided for in this Constitution and as established by National Congress or the National Executive Committee.
 - 4.1.6 Ad hoc committees appointed by the National Executive Committee; and
 - 4.1.7 The Provincial Structures of the Organisation including a Provincial Congress, Provincial Executive Committee, Provincial Finance Committee, Provincial Human Resources Committee, Provincial Portfolio Committees; Regions and Branches.
- 4.2 All national committees and ad hoc committees shall report to the National Executive Committee and all provincial committees and branches shall report to the Provincial Executive Committee.
- 4.3 All structures of the Organisation shall be bound by the Constitution of the Organisation, whilst every structure shall act in accordance with Rules established by higher structures of the Organisation.
- 4.4 Notwithstanding clause 4.3, a Provincial Executive Committee may propose Rules and Standing Orders specific to that Province, provided it be submitted to the National Executive Committee for approval.

PART TWO: ORGANISATIONAL STRUCTURES
CHAPTER 5: NATIONAL STRUCTURES

5.1 NATIONAL CONGRESS (“NC”)/

Authority

The National Congress of the Organisation shall be the highest governing, policymaking and decision-making authority of the Organisation and is empowered to carry out all the powers and functions of the Organisation contained in clause 3 and to delegate these to the National Executive Committee (NEC).

5.1.1 Purpose, powers, and duties of the National Congress

The National Congress ("NC")

- 5.1.1.1 must adopt general and specific policy measures by means of resolutions which further the aims and objectives of the Organisation.
- 5.1.1.2 The NC considers and decides on –
 - 5.1.1.2.1 credentials of delegates to the NC.
 - 5.1.1.2.2 the agenda.
 - 5.1.1.2.3 reports from the National Office Bearers of the Organisation.
 - 5.1.1.2.4 reports of a financial nature, namely audited financial statements.
 - 5.1.1.2.5 the nomination and election of the Organisation's National Office Bearers.
 - 5.1.1.2.6 amendments to the Organisation's Constitution.
 - 5.1.1.2.7 resolutions; and
 - 5.1.1.2.8 any other matter that may be deemed to be in the interest of the Organisation.
- 5.1.1.3 The NC makes decisions –
 - 5.1.1.3.1 on motions and resolutions which have been duly seconded.
 - 5.1.1.3.2 by simple majority vote by show of hands unless otherwise provided in this Constitution.

5.1.2 Composition

5.1.2.1 The National Congress shall comprise the following delegates:

- 5.1.2.1.1 The National Chairperson (as Chairperson);
 - 5.1.2.1.2 The National Deputy Chairperson.
 - 5.1.2.1.3 The National Treasurer and The Deputy National Treasurer
 - 5.1.2.1.4 The Chairperson of each Province (SA) and Namibia
 - 5.1.2.1.5 The Chairperson of each National Portfolio Committee.
 - 5.1.2.1.6 The National General Secretary and Deputy National General Secretary (ex officio);
 - 5.1.2.1.7 Provincial Secretaries of those provinces where such a post has been established (ex officio); and
 - 5.1.2.1.8 Additional delegates from Regions as determined by proportional representation and appointed by each of the Provincial Executive Committees of the Organisation.
- 5.1.2.2 The formula for calculating proportional representation shall be determined by the National Executive Committee in terms of rules established in terms of this Constitution.

- 5.1.2.3 A Provincial Executive Committee may appoint an alternate for each delegate provided that written notification is received by the National General Secretary 30 days prior to a meeting of the National Congress.
- 5.1.2.4 A Provincial Executive Committee may at any time withdraw any of its delegates or alternates by written notice to the National General Secretary.
- 5.1.2.5 A delegate or alternate may resign by giving written notice to the relevant Provincial Secretary and the National General Secretary.
- 5.1.2.6 Should a vacancy arise as a result of the withdrawal, insolvency, death, resignation or disqualification of a delegate or an alternate, the vacancy shall be filled by the relevant Provincial Secretary.
- 5.1.2.7 Any delegate or alternate appointed in terms of subsection 5.1.2.6 to fill a vacancy shall serve in this capacity for the unexpired period of the predecessor.
- 5.1.2.8 Should a Provincial Executive Committee be suspended or dissolved the delegates representing that Province shall vacate their seats provided that the National Executive Committee shall have the right to appoint delegates from that Province.
- 5.1.2.9 At each triennial meeting of the National Congress the National Executive Leadership of the Organisation shall be elected.

5.1.3 Meetings of the National Congress

5.1.3.1 Ordinary NC

- 5.1.3.1.1 The NC shall ordinarily meet once every 3 years.
- 5.1.3.1.2 The NEC decides on the date of the NC.
- 5.1.3.1.2 One month written notice must be given to each member.
- 5.1.3.1.3 An agenda must be attached to the notice.

5.1.3.2 Special National Congress Meeting

- 5.1.3.2.1 The National Chairperson must call a special National Congress meeting if –
 - 5.1.3.2.1.1 the National Executive Committee passes a resolution calling for the meeting; or
 - 5.1.3.2.1.2 not less than 50% of the Provincial Executive Committees submit a written request to the National General Secretary for the attention of the National Chairperson calling for the meeting.?
- 5.1.3.2.2 If the National Chairperson fails to call a special National Congress, then the National Executive Committee is empowered to nominate a convener of the special National Congress.
- 5.1.3.2.3 The National Chairperson decides on the notice period, but not less than 14 days written notice must be given to each member.
- 5.1.3.2.4 The National Chairperson may authorize shorter notice of a Special Meeting than the period referred to in clause 14, should all the Provincial Executive Committees consent to such shorter notice.
- 5.1.3.2.5 An agenda must be attached to the notice.

5.1.3.3 Quorum at the National Congress Meeting

- 5.1.3.3.1 The quorum for meetings of the National Congress must be at least 2/3 of the members.
- 5.1.3.3.2 If after 3 hours of the time fixed for the meeting, a quorum is not present, the meeting must stand adjourned to a time and place decided upon by the National Chairperson, provided that the meeting must be held within (1) month.
- 5.1.3.3.3 The National General Secretary must send written notice to members of the adjourned meeting.
- 5.1.3.3.4 The members present at the adjourned meeting form a quorum.

5.1.3.4 **Election of National Office Bearers**

The NC elects' people to the following National Office Bearers' ("NOB's") positions from members of affiliates:

- 5.1.3.4.1 The National Chairperson.
- 5.1.3.4.2 The National Deputy Chairperson.
- 5.1.3.4.3 The National Treasurer and
- 5.1.3.4.4 Deputy National Treasurer

5.1.3.5 **Period of office**

The National Office Bearers hold office for a period of 3 years and thereafter until the next election.

5.1.3.6 **Resolutions**

- 5.1.3.6.1 Resolutions as submitted by the National Executive and Provincial-Executive Committees to be moved at a NC shall be submitted in writing and delivered to the National General Secretary for circulation not less than thirty (30) days before the NC is held, provided that the NC shall have the right to consider special resolutions.
- 5.1.3.6.2 Unless otherwise provided herein, every matter for consideration by the NC shall be on motion duly seconded and shall be decided by the majority of the members present.

5.2 NATIONAL EXECUTIVE COMMITTEE (“NEC”)

5.2.1 Composition

5.2.1.1 The National Executive Committee shall comprise–

- 5.2.1.1.1 The National Chairperson (as Chairperson).
 - 5.2.1.1.2 The National Deputy Chairperson.
 - 5.2.1.1.3 The National Treasurer and Nat. Deputy Treasurer
 - 5.2.1.1.4 The Chairperson of each Province (SA) and Namibia
 - 5.2.1.1.5 A representative of each National Portfolio Committee.
 - 5.2.1.1.6 The National General Secretary ((ex officio); The deputy National Secretary and
 - 5.2.1.1.7 The Provincial Secretary (ex officio) of those provinces where such a post has
- 5.2.1.2 If a vacancy on the National Executive Committee occurs for whatever reason the structure whose member has vacated a position shall be required to nominate a replacement. The person appointed to fill a vacancy shall continue in this position for the remainder of the period of the appointment of the predecessor.
- 5.2.1.3 Any member of the National Executive Committee who fails to attend two consecutive meetings of the National Executive Committee shall be deemed to have forfeited membership of this Committee.

5.2.2 Term of office

The members of the National Executive Committee shall take office at the conclusion of the National Congress and shall continue in office for a period of three years until the end of the next normal National Congress.

5.2.3 Meetings



- 5.2.3.1 The National Executive Committee shall meet at such times and places as are determined by the National Executive Committee provided that it shall meet at least three times per year.
- 5.2.3.2 The meeting procedures contained in clause 14 shall apply to all meetings of the National Executive Committee with the necessary changes required.

5.2.4 Powers and functions

- 5.2.4.1 The National Executive Committee shall have custody and control of the funds of the Organisation and shall manage and administer all the affairs of the Organisation and shall be entitled to do on behalf of the Organisation all such things as the Organisation is empowered to do as directed by the National Congress, save and except such things or acts as may be expressly required by this Constitution to be otherwise performed.
- 5.2.4.2 The National Executive Committee shall be empowered-
 - 5.2.4.2.1 to receive and consider reports of the National Portfolio Committees, other National Committees of the Organisation, Provincial Executive Committees and ad hoc Committees of the Organisation.
 - 5.2.4.2.2 to consider and recommend to the National Congress Rules governing procedures of any kind in the Organisation.
 - 5.2.4.2.3 to appoint sub-committees from time to time, provided that members of sub-committees shall not necessarily be members of the National Executive Committee and that the chairperson shall be appointed by the National Executive Committee.
 - 5.2.4.2.4 to deal with the following financial matters:
 - 5.2.4.2.4.1 consider and approve resolutions to be submitted to NC
 - 5.2.4.2.4.2 consider and approve an annual budget for the Organization.
 - 5.2.4.2.4.3 consider and approve the financial statements of the previous financial year.
 - 5.2.4.2.4.4 consider and approve the accredited audited annual financial statements of the Organisation.
 - 5.2.4.2.4.5 appoint auditors for the Organisation; and
 - 5.2.4.2.4.6 explore all possible sources of revenue for the Organisation, substantially the whole of which will be derived from the members of the Organisation; and
 - 5.2.4.2.4.7 establish and/or administer group schemes and other benefits for members of the Organisation.
 - 5.2.4.2.5 to raise or borrow moneys for the purposes of the Organisation, to enter into contracts and/or incur liabilities on behalf of the Organisation upon such security as the National Executive Committee may determine, including the hypothecation, mortgage or exchange of all or any of the Organization's property and assets.
 - 5.2.4.2.6 to make funds available for, and decide on, investments in terms of the clauses on Finance hereinafter.
 - 5.2.4.2.7 to pay such honoraria to Office Bearers of the Organisation as may be determined.
 - 5.2.4.2.8 to call any special conference for any specific purpose at any time.
 - 5.2.4.2.9 to appoint a legal advisor(s) to the Organisation and to consult such other advisor(s) when necessary.
 - 5.2.4.2.10 where a Provincial structure is unable to function in terms of this Constitution, to recommend to the National Executive Committee to dissolve the Provincial structure and establish a new structure, in consultation with the members in that province, within 30 days of the dissolution of the previous structure.
 - 5.2.4.2.11 to assume the control of the management of a Province where that Province has been declared as not having the capacity to manage its own affairs or where the Provincial Executive Committee have been suspended.
 - 5.2.4.2.12 to co-opt a maximum of 3 (three) ~~persons~~ with identified expertise for the period needed who are co-opted shall not have the right to vote.

- 5.2.4.2.13 to perform any disciplinary processes and procedures as contained in this Constitution and/or its Rules.
- 5.2.4.2.14 to generally perform all such functions as may be delegated to it by National Congress; and
- 5.2.4.2.15 to delegate powers to subordinate structures.

5.3 National Management Committee

5.3 NATIONAL FINANCE COMMITTEE

5.3.1 The National Finance Committee

5.3.1.1 The National Finance Committee shall consist of the following persons:

- 5.3.1.1.1 The National Deputy Chairperson as Chairperson.
- 5.3.1.1.2 The National Treasurer and Deputy National Treasurer
- 5.3.1.1.3 The Provincial Treasurers
- 5.3.1.1.4 The Deputy Chairperson of each province who is Chairperson of his/her Provincial Finance Committee.
- 5.3.1.1.5 A maximum of two additional persons appointed by the National Executive Committee; and
- 5.3.1.1.6 The National General Secretary and Deputy National General Secretary(ex officio)

5.3.1.2 The National Finance Committee shall meet before all ordinary meetings of the National Executive Committee and at any other time as determined by the Chairperson, provided that it shall meet at least four times per year.

5.3.1.3 The National Finance Committee shall-

- 5.3.1.3.1 manage the financial business of the Organisation, acting under policy established by the National Congress and the National Executive Committee and in terms of the Constitution.
- 5.3.1.3.2 submit a report and financial statements to every ordinary meeting of the National Executive; and
- 5.3.1.3.3 together with the National Treasurer and National General Secretary, cause to be drawn up the annual, audited financial statements and annual budget of the Organisation for presentation to a meeting of the National Executive Committee.

5.3.2 The National Human Resources Committee

5.3.2.1 The National Human Resources Committee shall consist of:

- 5.3.2.1.1 The National Deputy Chairperson as Chairperson.
- 5.3.2.1.2 The Chairperson of each Provincial Human Resources Committee.
- 5.3.2.1.3 National General Secretary (ex officio); and
- 5.3.2.1.4 The National Treasurer and
- 5.3.2.1.5 Two representatives elected by members of staff of the Organisation.

5.3.2.2 The National Human Resources Committee shall advise the National Executive Committee on the conditions of service of all members of staff of the Organisation and shall meet at least twice per year.

5.4 NATIONAL PORTFOLIO COMMITTEE

5.4.1 The Organization shall have the following National Portfolio Committees:



- 5.4.1.1 Marketing, Media, and Membership Recruitment Portfolio Committee
- 5.4.1.2 Fundraising and Community Development Portfolio Committee
- 5.4.1.3 Strategic Research and Planning Portfolio Committee
- 5.4.2 Each Province shall be represented on each National Portfolio Committee by the chairperson of the corresponding Portfolio Committee in the Province, provided that, if a Provincial Executive Committee wishes to nominate additional persons to a National Portfolio Committee, the National Executive Committee shall have the right to approve, on such terms and conditions as it may determine, or not to approve the additional nominations. The National General Secretary or his/her nominee shall serve ex officio on each National Portfolio Committee.
- 5.4.3 A National Portfolio Committee shall elect its own Chairperson from among its members at or before the National Congress in an election year and shall function subject to the provisions of this Constitution and within the scope of policy laid down by the National Congress and the National Executive Committee.
- 5.4.4 Any vacancy in a National Portfolio Committee shall be filled by the relevant Provincial Executive Committee for the unexpired period.
- 5.4.5 A member of a National Portfolio Committee shall be appointed for a period of three years. The members of a National Portfolio Committee shall take office at the conclusion of a normal National Congress and shall continue as members of that National Portfolio Committee for a period of three years until the end of the next normal National Congress.
- 5.4.6 A National Portfolio Committee shall meet at least two times each year and shall on a regular basis report to the National Executive Committee on its work and each year shall present a written report on its activities to the National Executive Committee and shall report to each meeting of National Congress.
- 5.4.7 The National Executive Committee shall have the right to create additional National Portfolio Committees or to dissolve existing ones.
- 5.4.8 The National Executive Committee shall determine the terms of reference of each National Portfolio Committee.

CHAPTER 6: PROVINCIAL STRUCTURES

6.1 Provincial Office-Bearers

6.1.1 In each province, the office-bearers are:

- 6.1.1.1 the Provincial Chairperson.
- 6.1.1.2 the Provincial Deputy-Chairperson.
- 6.1.1.3 the Provincial Treasurer, and Provincial Deputy Treasurer.
- 6.1.1.4 the Provincial Secretary and Provincial Deputy Secretary.

6.1.2 The powers and duties of the provincial office-bearers are generally the same as those of the national office-bearers, as set out in section 5.2.4 and read with the changes required by the context.

6.1.3 The provincial office-bearers must liaise with their respective national counterparts and keep them generally informed about the affairs of the province.

6.1.4 In addition to those duties assigned by reference to the national counterparts in terms of subsection (2), the Provincial Treasurer must:

- 6.1.4.1 present a financial statement to each ordinary meeting of the PC; and
- 6.1.4.2 together with the Provincial Secretary, present the annual budget of the province.

6.2 Election of Office-Bearers

The procedures for election of provincial office-bearers are the same, as those of the national office-bearers set out in section 5.1.3.4 read with the changes required by the context

6.3 Provincial Executive Committee (PEC)

6.3.1 Authority

The Provincial Executive Committee shall have custody and control of the funds of the Province, shall manage and administer all the affairs of the Province and shall be entitled to do on behalf of the Province all such things that the Province is empowered to do.

6.3.2 Composition of the Provincial Executive Committee

6.3.2.1 The PEC is composed of:

- 6.3.2.1.1 the Provincial Chairperson,
- 6.3.2.1.2 Provincial Deputy-Chairperson
- 6.3.2.1.3 the Chairpersons of the Regional Executive Committees
- 6.3.2.1.4 Provincial Treasurer and Provincial Deputy Treasurer
- 6.3.2.1.5 Provincial Secretary and Provincial Deputy Secretary.
- 6.3.2.1.6 Secretary of each Regional Executive Committee; and
- 6.3.2.1.7 provincial officials except that they do not have voting rights at the PEC meeting.
(Ex Officio)

6.3.3 Establishment and Powers

6.3.3.1 The PEC exercises the management of the affairs of the Organisation between meetings of the Provincial Congress within the provincial sphere and has the necessary powers usual for such an executive body to give effect to the aims and objectives of the Organisation, including the powers to:

- 6.3.3.1.1 approve monthly financial statements.
- 6.3.3.1.2 open, operate and close banking accounts in the name of the province, subject to approval, direction and ultimate control by the NEC.
- 6.3.3.1.3 recruit members in the province and generally promote the interests of the members and the Organisation.
- 6.3.3.1.4 supervise the affairs of the regions and branches.
- 6.3.3.1.5 ensure that proper communication occurs between the province, its regions, branches and the national office.
- 6.3.3.1.6 do all further things as it considers are in the interest of the Organisation and which are not in conflict with the decisions and policy of the National Congress, National Executive Committee and any Provincial Congress, nor inconsistent with the provisions of this constitution; and
- 6.3.3.1.7 Consider the reports of the regions.

6.3.3.2 The Provincial Executive Committee shall have the power to co-opt Members with identified expertise to address a specific matter on the agenda of the Provincial Executive Committee – such member shall have no vote.

6.3.3.3 In the event of a vacancy occurring on the Provincial Executive Committee, for any reason including withdrawal, termination, death, resignation, insolvency, disqualification of the individual or if the person concerned ceases to be a member of the Organisation, the Provincial Executive Committee shall request the same Region to elect a member to replace the member who vacated the position. Any person so elected shall hold office only until the normal expiry of the term of office of his/her predecessor.

6.3.3.4 to consider and lay down Rules, to be approved by the National Executive Committee, governing procedures of any kind in the Province;

6.3.3.5 to appoint sub-committees from time to time, provided that members of sub-committees shall not necessarily be members of the Provincial Executive Committee and that the chairperson shall be appointed by the Provincial Executive Committee.

6.3.3.6 to recommend to the National Executive Committee the acquisition by purchase, exchange, donations, lease or in any other manner, movable or immovable property, and to recommend to the National Executive Committee the disposal of the same by sale or in any such manner as may from time to time be determined by the National Executive Committee;

6.3.3.7 to initiate and undertake the publication of a newsletter relevant to the Province;

6.3.3.8 to call any special Provincial Conference for any specific purpose at any time;

6.3.3.9 to ensure the effective operation of the Provincial structures and all committees.

6.3.3.10 to perform any disciplinary processes and procedures as contained in this Constitution and/or its Rules.

6.3.4 Term of office

The members of the Provincial Executive Committee shall take office at the conclusion of an Annual Provincial Congress and shall continue in office for three years until the end of that Annual Provincial Congress, provided that the term of office shall commence in the same year as the National Congress is held.

6.3.5 Meetings of the Provincial Executive Committee

- 6.3.5.1 The PEC must meet at least four times per annum, at the place and on the date and time fixed by the PEC at its previous normal meeting.
- 6.3.5.2 The date of the meeting may be changed only with the prior consent of the majority of the Regions and the Provincial Secretary must give all PEC members 14 days' notice of any change of date of a normal meeting.
- 6.3.5.3 Subject to subsection 6.3.5.4, notice of a PEC meeting must be circulated to each Region by the Provincial Secretary:
 - 6.3.5.3.1 at least 10 days prior to a scheduled meeting, along, with the agenda and minutes of the previous meeting and any other relevant documentation; and
 - 6.3.5.3.2 at least 48 hours before a special meeting, together with a written agenda specifying the issues requiring such a meeting.
- 6.3.5.4 The notice and agenda meeting requirements of a special meeting may be waived with prior consent of the majority of the branches, except that no decision of a special meeting is valid if it is proved to detrimentally affect any delegate who did not receive notice of the meeting.
- 6.3.5.5 A special meeting of the PEC may consider only that special business which necessitated the meeting.
- 6.3.5.6 For purposes of commencing a meeting of the PEC and, in order for the meeting to continue:
 - 6.3.5.6.1 at least half of the provincial office-bearers must be present.
 - 6.3.5.6.2 at least one delegate from a majority of the regions entitled to representation must be present: and
 - 6.3.5.6.3 a majority of the delegates present must be members in good standing.
- 6.3.5.7 If, in terms of subsection 6.3.5.6, a meeting cannot commence within 1 hour after the time fixed for it to begin the provincial office bearers must fix a new time and date for the meeting, which must be not more than 7 days later.
- 6.3.5.8 Despite subsection 6.3.5.6, a meeting scheduled in terms of subsection 6.3.5.7 may commence at the time fixed for the meeting to begin, and may proceed until the agenda is completed, regardless of the number of persons present.

6.4 PROVINCIAL CONGRESS

6.4.1 Governing Body for Provincial Structures

- 6.4.1.1 The Provincial Congress is the governing body of each provincial structure of the Organisation.
- 6.4.1.2 Members of the National Executive Leadership and the National General Secretary shall be entitled to attend the Provincial Annual Congress as ex officio delegates.
- 6.4.1.3 The number of delegates elected to represent each Region and branch in the Annual Provincial Congress, shall be determined by the Provincial Executive Committee.
- 6.4.1.4 All members shall have the right to attend the Annual Provincial Congress as observers provided that the Provincial Executive Committee has the right, for logistical purposes, to limit this number. Observers shall have the right to speak at Congress but not to vote.

6.4.2 Powers of the Provincial Congress



- 6.4.2.1 Each Provincial Congress has the powers and duties as may be assigned by the National Executive Committee, which may include to:
 - 6.4.2.1.1 implement decisions of the National Congress or National Executive Committee.
 - 6.4.2.1.2 elect a Provincial Chairperson, Deputy Chairperson and Provincial Treasurer and Provincial Secretary from among its members every 3 years.
 - 6.4.2.1.3 consider reports of the activities of the Provincial Executive Committee and the provincial office-bearers.
 - 6.4.2.1.4 liaise with the National Office-Bearers on the employment of officials, subject to the National Executive Committee determining the terms of employment of such officials in line with the National Executive Committee's decision on the establishment and demarcation of regions.
 - 6.4.2.1.5 formulate policy for the province not inconsistent with the decisions of the National Congress and National Executive Committee or the provisions of this constitution; and
 - 6.4.2.1.6 generally carry out the aims and objectives of the Organisation.

6.4.3 Composition of the Provincial Congress

- 6.4.3.1 The Provincial Congress is composed of:
 - 6.4.3.1.1 the Provincial Chairperson, Provincial Deputy-Chairperson, Provincial Treasurer and Provincial Secretary.
 - 6.4.3.1.2 delegates from each region and branch as specified in this section: (6.4.2.3) and
 - 6.4.3.1.3 all provincial, regional and branch officials and Staff members except that they do not have voting rights at the Provincial Congress meeting.
- 6.4.3.2 Each region may appoint one delegate for each 200 members, or portion thereof, in that region, but every delegate must be a member in good standing at the time of appointment, and at the time of the Provincial Congress meeting for which they are selected as a delegate.
- 6.4.3.3 Each region must advise the Provincial Secretary of the number of members in that region, the number of delegates appointed from that region, and the names of those delegates and their alternates:
 - 6.4.3.3.1 at least 30 days before an ordinary meeting of the Provincial Congress; or
 - 6.4.3.3.2 at least 7 days before a special meeting of the Provincial Congress.

6.4.4 Meetings of the Provincial Congress

- 6.4.4.1 The Provincial Congress must meet at least once every year. (Section 6.4.4.6 & 6.4.4.7) at the place and on the time fixed by the PEC.
- 6.4.4.2 The Provincial Secretary must give notice of a Provincial Congress meeting in writing to each region in the province:
 - 6.4.4.2.1 at least 30 days before a general PC meeting; or
 - 6.4.4.2.2 at least 14 days before a special PC meeting.
- 6.4.4.3 For purposes of commencing a Provincial Congress meeting and, in order for the meeting to continue, at least half of the delegates or their alternates, from at least a majority of the regions must be present, and, for the purpose of this section, the calculation of the number of delegates representing a province may include only persons:
 - 6.4.4.3.1 who are members in good standing; and
 - 6.4.4.3.2 whose names were previously provided to the Provincial Secretary in terms of this section.
- 6.4.4.4 If, in terms of subsection 6.4.4.3, a meeting cannot commence within 2 hours after the time fixed for it to begin:



- 6.4.4.4.1 the PEC must fix a new time and date for the meeting, which must not be more than 7 days later: and
- 6.4.4.4.2 written notice of the new date for the meeting must be given by the Provincial Secretary to each region of the province.
- 6.4.4.5 Despite subsection 6.4.4.3, a meeting scheduled in terms of subsection 6.4.4.4 may commence at the time fixed for the meeting to begin, and may proceed until the agenda is completed, regardless of the number of persons present.
- 6.4.4.6 The meeting procedures contained in clause 15 shall apply to all meetings of the Annual Provincial Congress with the necessary changes required.
- 6.4.4.7 The Annual Provincial Congress will, apart from the election of the Provincial Executive Leadership in any year when elections are scheduled for the National Executive Leadership, deal with the following matters:
 - 6.4.4.7.1 Reports of the Chairperson of the province and the Provincial Secretary.
 - 6.4.4.7.2 Issues and motions referred to it by national structures.
 - 6.4.4.7.3 Motions tabled via the Provincial Executive Committee: and
 - 6.4.4.7.4 Any other relevant issue falling within its power of authority.

6.4.4. Special Provincial Congress Meeting

- 6.4.4.1 The Provincial Chairperson must call a special National Congress meeting if –
- 6.4.4.2 The Provincial Executive Committee passes a resolution calling for the meeting; or
- 6.4.4.3– not less than 50% of the Provincial Executive Committee submit a written request to the Provincial Secretary and National General Secretary for the attention of the National Chairperson calling for the meeting
- 6.4.4.4 If the Provincial Chairperson fails to call a special Provincial Congress, then the Provincial Executive Committee is empowered to nominate a convener of the special Provincial Congress.
- 6.4.4.5 The Provincial Chairperson decides on the notice period, but not less than 14 days written notice must be given to each member.
- 6.4.4.6 The Provincial Chairperson may authorize shorter notice of a Special Meeting than the period referred to in clause 14, should all the Regional Executive Committees consent to such shorter notice. An agenda must be attached to the notice

6.5 Provincial Finance and Human Resource Committee

6.5.1 Provincial Finance Committee

- 6.5.1.1 The Provincial Finance Committee shall consist of the following persons:
 - 6.5.1.1.1 The Deputy Chairperson of the Province as Chairperson.
 - 6.5.1.1.2 The Provincial Treasurer /Provincial Deputy Treasurer and Provincial Secretary /Provincial Deputy Secretary (Ex Officio)
 - 6.5.1.1.3 A maximum of two additional members appointed by the Provincial Executive Committee
- 6.5.1.2 The Provincial Finance Committee shall meet before ordinary meetings of the Provincial Executive Committee and at other times as determined by the Chairperson of the Province, provided that it shall meet at least four times per year.
- 6.5.1.3 The Provincial Finance Committee shall –



- 6.5.1.3.1 manage the financial business of the Organization in the Province.
- 6.5.1.3.2 together with the Provincial Treasurer and Provincial Secretary, draw up the annual financial statements and Budget of the Province for presentation to a meeting of the Provincial Executive Committee; and
- 6.5.1.3.3 submit a report and financial statements to every ordinary meeting of the Provincial Executive Committee and submit copies of such statements to the National Executive Committee.

6.5.2 Provincial Human Resources Committee

- 6.5.2.1 The Provincial Human Resources Committee shall consist of the following persons:
 - 6.5.2.1.1 The Vice-Chairperson of the Province as Chairperson.
 - 6.5.2.1.2 The Provincial Secretary; Provincial Treasurer
 - 6.5.2.1.3 An elected representative of the members of staff of the province.
- 6.5.2.2 The Provincial Human Resources Committee shall meet at least two times per year.
- 6.5.2.3 The Provincial Human Resources Committee shall advise the Provincial Executive Committee on the conditions of service of members of staff of the Organisation within the Province.

6.6 Province under curatorship

In a province where the National Executive Committee has, in terms of this Constitution, resolved that a province does not have the financial resources and/or capacity to administer some or all of the powers and functions of the Organisation in the province, the structures of the Organisation in the province shall report to the National Executive Committee or a Provincial Executive Committee of a province appointed for this purpose, depending on the decision of the National Executive Committee, and to the extent as determined by the National Executive Committee. Members of staff employed in such a province shall report to the National General Secretary or the relevant Provincial Secretary.

CHAPTER 7: REGIONAL STRUCTURES

7.1 Establishment of Regions

The Provincial Executive Committee may establish and demarcate a region of the Organisation.

7.2 Regional Office-Bearers

- 7.2.1 In each region, the office-bearers are:
 - 7.2.1.1 the Regional Chairperson.
 - 7.2.1.2 the Regional Deputy-Chairperson.
 - 7.2.1.3 the Regional Treasurer and Regional Deputy Treasurer; and
 - 7.2.1.4 the Regional Secretary and Regional Deputy Secretary.
- 7.2.2 **Powers of the Regional Office Bearers**
 - 7.2.2.1 The powers and duties of the regional office-bearers are generally the same as those of the national office-bearers set out in section 5.4.2, and read with the change required by the context.
 - 7.2.2.2 The regional office-bearers must liaise with their respective provincial counterparts and keep them generally informed about the affairs of the region.
 - 7.2.2.3 The procedures for election of regional office-bearers are the same as those of the national office-bearers set out in section 5.1.3.4, and read with the changes required by the context.

7.3 Regional Executive Committee (REC)



7.3.1 Establishment

The management of the affairs of the region is vested in the REC.

7.3.2 Powers of the Regional Executive Committee

7.3.2.1 The REC has the powers and duties necessary to give effect to the aims and objectives of the Organisation and which are usual in such an executive body, including powers to:

- 7.3.2.1.1 approve monthly financial statements of the region.
- 7.3.2.1.2 recruit members within its jurisdiction and generally promote the interests of the members and the Organisation.
- 7.3.2.1.3 supervise the affairs within its jurisdiction; and
- 7.3.2.1.4 do all further things as it considers are in the interest of the Organisation and which are not in conflict with the decisions and policy of the National Congress, National Executive Committee, Provincial Executive Committee, and the Provincial Congress, nor inconsistent with the provisions of the constitution.

7.3.3 Composition of the Regional Executive Committee

7.3.3.1 The REC is composed of:

- 7.3.3.1.1 the Regional Chairperson, Regional Deputy-Chairperson, Regional Treasurer and Regional Secretary.
- 7.3.3.1.2 the Branch Chairperson, the Branch Secretary; and
- 7.3.3.1.3 regional office staff, except that they do not have voting rights at the Regional Executive Committee meeting.

7.3.4 Meetings of the Regional Executive Committee

7.3.4.1 The REC must meet at least 4 times a year, at the place and on the date and time fixed by the Regional Secretary in consultation with the Regional Office Bearers.

7.3.4.2 Subject to subsection 7.3.4.4, notice of a REC meeting, along with the agenda for the meeting, must be circulated to each branch within the region by the Regional Secretary:

- 7.3.4.2.1 at least 7 days before a general meeting; and
- 7.3.4.2.2 at least 24 hours before a special meeting.

7.3.4.3 For purposes of commencing a meeting of the REC and, in order for the meeting to continue:

- 7.3.4.3.1 at least half of the regional office-bearers must be present; and
- 7.3.4.3.2 at least a majority of the branches in the region must be represented.

7.3.4.4 If, in terms of subsection 7.3.4.3, a meeting cannot commence within 1 hour after the time fixed for it to begin, regional office bearers must fix a new time and date for the meeting, which must not be more than 7 days later.

7.3.4.5 Despite subsection 7.3.4.3, a meeting scheduled in terms of subsection 7.3.3.4 may commence at the time fixed for the meeting to begin, and may proceed until the agenda is completed, regardless of the number of persons present.

7.4 Regional Congress

7.4.1 Governing Body for Regional Structures

The RC is the governing body of each regional structure of the Organization.

7.4.2 Powers of the Regional Congress



- 7.4.2.1 Each Regional Congress has the powers and duties as may be assigned by the Provincial Congress, Provincial Executive Committee and National Executive Committee which may include to:
- 7.4.2.1.1 implement decisions of the National Congress, National Executive Committee, Provincial Congress or Provincial Executive Committee and submit regular progress reports;(refer to 6.1.3 & 8.2.2.2)
 - 7.4.2.1.2 elect a Regional Chairperson, Regional Deputy Chairperson, Regional Treasurer and Regional Secretary from amongst its members every 3 years.
 - 7.4.2.1.3 consider reports of the activities of the branches in the region.
 - 7.4.2.1.4 consider reports of the activities of the Regional Executive Committee and the regional office-bearers.
 - 7.4.2.1.5 liaise with the Provincial Office-Bearers and the National Office Bearers on the employment of officials, subject to the National Executive Committee determining the terms of employment of such officials.
 - 7.4.2.1.6 formulate policy for the region not inconsistent with the decisions of the National Congress, National Executive Committee, Provincial Congress or Provincial Executive Committee or the provisions of this constitution; and
 - 7.4.2.1.7 generally carry out the aims and objectives of the Organization in the region.

7.4.3 Composition of the Regional Congress (RC)

- 7.4.3.1 The RC is composed of:
- 7.4.3.1.1 the Regional Chairperson, Regional Deputy-Chairperson, Regional Treasurer and Regional Secretary.
 - 7.4.3.1.2 delegates from each branch as specified in this section.
 - 7.4.3.1.3 the Chairperson and Secretary of each branch in the region; and
 - 7.4.3.1.4 all regional officials (members of staff), except that they do not have voting rights at the Regional Congress meeting.
- 7.4.3.2 Each branch may appoint one delegate for each 50 members, or portion thereof, in that branch, but every delegate must be a member in good standing at the time of appointment, and at the time of the Regional Congress meeting for which they are selected as a delegate.
- 7.4.3.3 Each branch must advise the Regional Secretary of the number of members in that branch, the number of delegates appointed from that branch, and the names of those delegates and their alternates:
- 7.4.3.3.1 at least 30 days before an ordinary meeting of the Regional Congress; or
 - 7.4.3.3.2 at least 7 days before a special meeting of the Regional Congress.
- 7.4.3.4 The Regional Congress is entitled to request proof of the membership on which a branch has decided its delegation.

7.4.4 Meetings of the Regional Congress

- 7.4.4.1 The RC must meet at least once a year at the place and on the time fixed by the Regional Executive Committee.
- 7.4.4.2 The Regional Secretary must give notice of a Regional Congress meeting in writing to each branch in the region:
- 7.4.4.2.1 at least 30 days before an ordinary Regional Congress meeting; or
 - 7.4.4.2.2 at least 14 days before a special Regional Congress meeting.

- 7.4.4.3 For purposes of commencing a Regional Congress meeting and, in order for the meeting to continue, at least half of the delegates or their alternates, from at least a majority of the branches must be present, and, for the purpose of this section, the calculation of the number of delegates representing a branch may include only persons:
- 7.4.4.3.1 who are members in good standing; and
 - 7.4.4.3.2 whose names were previously provided to the Regional Secretary in terms of this section.
- 7.4.4.4 If, in terms of subsection 7.4.4.3, a meeting cannot commence within 2 hours after the time fixed for it to begin:
- 7.4.4.4.1 the REC must fix a new time and date for the meeting, which must not be more than 7 days later: and
 - 7.4.4.4.2 written notice of the new date for the meeting must be given by the Regional Secretary to each branch of the region.
- 7.4.4.5 Despite subsection 7.4.4.3, a meeting scheduled in terms of subsection 7.4.4.4 may commence at the time fixed for the meeting to begin, and may proceed until the agenda is completed, regardless of the number of persons present.

CHAPTER 8: BRANCH STRUCTURES

8.1 Establishment of Branches

Branches of the Organisation are established and demarcated in accordance with National Executive Committee decisions on the type and nature of branches.

8.2 Branch Committees

8.2.1 Branch Committee Office Bearers

In each branch, the office-bearers are:

- 8.2.1.1 the Branch Chairperson.
- 8.2.1.2 the Branch Deputy-Chairperson.
- 8.2.1.3 the Branch Treasurer and Branch Deputy Treasurer; and
- 8.2.1.4 the Branch Secretary and Branch Deputy Secretary.

8.2.2 Powers of the Branch Office Bearers

- 8.2.2.1 The powers and duties of the branch office-bearers are generally the same as those of the national office-bearers, set out in section 5.4.2, and read with the change required by the context.
- 8.2.2.2 The branch office-bearers must liaise with their respective regional counterparts and keep them generally informed about the affairs of the branch.
- 8.2.2.3 The procedures for election of branch office-bearers are the same as those of the national office-bearers set out in section 5.1.3.4 and read with the changes required by the context.

8.3 Branch Executive Committee

8.3.1 Establishment

The management of the affairs of the branch are vested in the Branch Executive Committee.



8.3.2 Powers of the Branch Executive Committee

- 8.3.2.1 The BEC has the powers and duties necessary to give effect to the aims and objectives of the union and which are usual in such an executive body, including powers to:
- 8.3.2.1.1 approve monthly financial statements of the branch.
 - 8.3.2.1.2 recruit members within its jurisdiction and generally promote the interests of the members and the Organisation.
 - 8.3.2.1.3 supervise the affairs of the workplaces within its jurisdiction; and
 - 8.3.2.1.4 do all further things as it considers are in the interest of the Organisation and which are not in conflict with the decisions and policy of the National Congress, National Executive Committee, Provincial Executive Committee, Provincial Congress, Regional Executive Committee, Regional Congress, and the Branch Congress, nor inconsistent with the provisions of the constitution.

8.3.3 Composition

The Branch Executive Committee is composed of:

- 8.3.3.1 the Branch Chairperson, Branch Deputy-Chairperson, Branch Treasurer and Branch Secretary; and
- 8.3.3.2 A maximum of two additional members appointed by the Branch Executive Committee
- 8.3.3.3 and branch Staff members, except that they do not have voting rights at the Branch Congress meeting.

8.3.4 Meetings of the Branch Executive Committee

- 8.3.4.1 The BEC must meet at least 4 times a year, at the place and on the date and time fixed by the Branch Secretary in consultation with the Branch Office Bearers.
- 8.3.4.2 Subject to subsection 8.3.4.4, the Branch Secretary must circulate notice of a Branch Executive Committee meeting, along with the agenda for the meeting, to each workplace within the branch:
 - 8.3.4.2.1 at least 7 days before a general meeting; and
 - 8.3.4.2.2 at least 24 hours before a special meeting.
- 8.3.4.3 For purposes of commencing a meeting of the Branch Executive Committee and, in order for the meeting to continue:
 - 8.3.4.3.1 at least half of the branch office-bearers must be present; and
 - 8.3.4.3.2 at least the majority of the members of the Branch Executive Committee must be present or the majority of the workplaces in the branch must be represented.
- 8.3.4.4 If, in terms of subsection 8.3.4.3, a meeting cannot commence within 1 hour after the time fixed for it to begin, branch office-bearers must fix a new time and date for the meeting, which must not be more than 7 days later.
- 8.3.4.5 Despite subsection 8.3.4.3, a meeting scheduled in terms of subsection 8.3.4.4 may commence at the time fixed for the meeting to begin, and may proceed until the agenda is completed, regardless of the number of persons present.

8.4 Branch Congress

8.4.1 Governing Body for Branch Structures



The Branch Congress is the governing body of each branch structure of the Organisation.

8.4.2 Powers of the Branch Congress

- 8.4.2.1 Each Branch Congress has the powers and duties as may be assigned by the Provincial Executive Committee and the National Executive Committee which may include to:
- 8.4.2.1.1 implement decisions of the National Congress, National Executive Committee, Regional Executive Committee, Provincial Congress or Regional Congress.
 - 8.4.2.1.2 elect a Branch Chairperson, Deputy Chairperson, Branch Treasurer and Branch Secretary from among its members every 3 years.
 - 8.4.2.1.3 consider reports of the activities in the branch.
 - 8.4.2.1.4 consider reports of the activities of the Branch Executive Committee and the branch office-bearers.
 - 8.4.2.1.5 liaise with the National Office-Bearers on the employment of officials, subject to the National Executive Committee determining the terms of employment of such officials.
 - 8.4.2.1.6 formulate policy for the branch not inconsistent with the decisions of the National Congress, National Executive Committee and Regional Executive Committee or the provisions of this constitution; and
 - 8.4.2.1.7 generally carry out the aims and objectives of the Organisation.

8.4.3 Composition of the Branch Congress

- 8.4.3.1 The Branch Congress is composed of the Branch Chairperson, Branch Deputy-Chairperson, Branch Treasurer and Branch Secretary and the delegates as stated in sections 8.4.4.2 and 8.4.4.3
8.4.3.2 and branch Staff members except that they do not have voting rights at the Branch Congress meeting.

8.4.4 Meetings of the Branch Congress

- 8.4.4.1 The Branch Congress must meet at least once a year at the place and on the time fixed by the Branch Executive Committee.
- 8.4.4.2 The Branch Secretary must give notice of a Branch Congress meeting in writing to each member in the branch:
- 8.4.4.2.1 at least 30 days before a general Branch Congress meeting; or
 - 8.4.4.2.2 at least 14 days before a special Branch Congress meeting.
- 8.4.4.3 For purposes of commencing a Branch Congress meeting and, in order for the meeting to continue, at least half of the delegates or their alternates, from at least a majority of the members must be present.
- 8.4.4.4 If, in terms of subsection 8.4.4.3, a meeting cannot commence within 2 hours after the time fixed for it to begin:
- 8.4.4.4.1 the BEC must fix a new time and date for the meeting, which must not be more than 7 days later; and

- 8.4.4.4.2 written notice of the new date for the meeting must be given by the Branch Secretary to each branch member within the Branch's jurisdiction area.
- 8.4.4.4.3 If, in terms of subsection (3), a meeting cannot commence within 2 hours after the time fixed for it to begin:
 - 8.4.4.4.3.1 the BEC must fix a new time and date for the meeting, which must not be more than 7 days later: and
 - 8.4.4.4.3.2 written notice of the new date for the meeting must be given by the Branch Secretary to each member of the branch.
- 8.4.4.4.4 Despite subsection 8.4.4.4.3, a meeting scheduled in terms of subsection 8.4.4.4.4 may commence at the time fixed for the meeting to begin, and may proceed until the agenda is completed, regardless of the number of persons present.

PART THREE: THE ORGANISATIONAL LEADERSHIP
CHAPTER 9: NATIONAL LEADERSHIP

9.1 Composition

The National Leadership of the Organisation shall be the National Chairperson, the National Deputy Chairperson, the National Treasurer, the National Deputy Treasurer, the National General Secretary, and at least three (3) other persons.

9.2 Nominations

9.2.1 Nominations for the positions of National Chairperson, National Deputy Chairperson, National Treasurer and National Deputy Treasurer shall be submitted to the National General Secretary at least 14 days prior to the National Congress meeting at which the election of the National Executive Leadership is due to take place.

9.2.2 A nomination shall be deemed to be valid if –

- 9.2.2.1 a nomination is made by Provincial Executive Committees and such nominations must be seconded by at least one other Provincial Executive Committee.
- 9.2.2.2 the nomination is signed by the nominee consenting to the nomination; and
- 9.2.2.3 the person nominated is a delegate to the National Congress.

9.2.3 Elections

- 9.2.3.1 At a normal meeting of the National Congress, the constituent members shall elect one delegate as National Chairperson and one delegate as National Deputy Chairperson.
- 9.2.3.2 The election procedures contained in section 15 shall apply to the election of the National Executive Leadership with the necessary changes required.

9.2.4 Term of office

- 9.2.4.1 The National Chairperson and National Deputy Chairperson shall hold office in the relevant capacity for a period of three years.
- 9.2.4.1 A person whose term of office as National Chairperson of the Organisation has expired shall be eligible for re-election for one further consecutive term of office. Such a person shall again become eligible for election as National Chairperson after a further term of office has expired.



9.2.4.2 The National Deputy Chairperson may be re-elected to the same office for a further term after expiry of the present term of office.

9.2.5 Removal from office

The National Chairperson and National Deputy Chairperson may be removed from office by a decision, passed by a two-thirds majority of National Congress, or a Special National Congress, called for this purpose, provided that any such motion shall have been circulated among all delegates at least 30 days before such National Congress or Special National Congress, meeting.

9.2.6 Vacancy

9.2.6.1 Should a vacancy arise for any reason including withdrawal, termination, death, resignation, insolvency, disqualification of the individual or if the person concerned ceases to be a member of the Organisation, the National Executive Committee shall elect a person to fill the position(s) from among the current constituent members of the National Executive Committee until the next National Congress. Any person so elected to fill a vacancy shall hold office only until the normal expiry of the term of his/her predecessor.

9.2.6.2 The National Chairperson and National Deputy Chairperson shall be deemed to have resigned if the person concerned ceases to be a member of the Organisation.

9.2.6.3 If a member who already holds an elected position of Chairperson or Deputy Chairperson in a Province is elected to one of the offices of National Chairperson and National Deputy Chairperson that member shall immediately vacate the relevant position in the Province.

9.2.7 Powers and functions

9.2.7.1 The National Chairperson

9.2.7.1.1 In addition to powers and functions specified elsewhere in this Constitution, the National Chairperson shall have the following powers and functions, which may be delegated:

9.2.7.1.1.1 to preside as chairperson over meetings of the National Congress and the National Executive Committee.

9.2.7.1.1.2 to attend meetings of any other committees of the Organisation in an ex officio capacity.

9.2.7.1.1.3 to act as the spokesperson for the Organisation provided that no statements shall be made in conflict with the policy of the Organisation.

9.2.7.1.1.4 to call meetings of the structures of the Organisation as determined in this Constitution.

9.2.7.1.1.5 to refer any matter to the National General Secretary for attention; and

9.2.7.1.1.6 to call for and receive reports from national committees and the National General Secretary.

9.2.7.2 The National Deputy Chairperson

- 9.2.7.2.1 The National Deputy Chairperson shall preside as chairperson over meetings of the National Finance Committee and National Human Resources Committee, respectively.
- 9.2.7.2.2 The National Deputy Chairperson shall, in the absence of the National Chairperson, chair meetings of national structures.

9.2.7.3 The National Treasurer

- 9.2.7.3.1 The National Treasurer is responsible for –
 - 9.2.7.3.1.1 financial affairs** including the submission of annual audited financial accounts; annual budget; the keeping of books and accounts as may be required by the NEC.
 - 9.2.7.3.1.2 the collection of affiliates fees.
 - 9.2.7.3.1.3 the banking of monies received in the name of the Organisation.
 - 9.2.7.3.1.4 the preparation and circulation of detailed monthly financial statements to members of the NEC and the Provinces.
- 9.2.7.3.2. The National Deputy Treasurer
 - 9.2.7.3.2.1 The National Deputy Treasurer is responsible for performing the functions and duties as contemplated in subsection 9.2.7.3. above, with the National Treasurer; or in the absence of the National Treasurer

9.2.7.4 The National General Secretary

- 9.2.7.4.1 The General Secretary is responsible for all correspondence and notices including
 - 9.2.7.4.1.1 tabling correspondence where necessary, at NEC meetings.
 - 9.2.7.4.1.2 sending out notices and minutes of all meetings of the NC, NEC and other related committees and sub-committees.
- 9.2.7.4.2 reports including –
 - 9.2.7.4.2.1 the preparation, in conjunction with the National Treasurer, and circulation of the Financial Annual Report which must include statements of income and expenditure and the balance sheet; and
 - 9.2.7.4.2.2 the circulation of the auditor's report and annual Budget to the NEC.
- 9.2.7.4.3 general co-ordination and supervision including –
 - 9.2.7.4.3.1 office work and administration of the affairs and activities of the Organisation; and
 - 9.2.7.4.3.2 the supervision of staff and the Provincial Secretaries,
 - 9.2.7.4.3.3 other duties including tasks issued by the NC and NEC.

9.2.7.5 Deputy General Secretary

The Deputy General Secretary is responsible for performing the functions and duties as contemplated in subsection 9.2.7.4 above

9.2.7.5.1 with the National General Secretary; or

9.2.7.5.2 in the absence of the National General Secretary.

9.2.7.6 Speaking and voting rights

Officials of the Organisation have full speaking rights but no voting rights.

9.2.7.7 Removal of officials

9.2.7.7.1 The NEC may suspend or dismiss the National General Secretary or any other official, if in the opinion of the NEC the official –

9.2.7.7.1.1 has committed misconduct.

9.2.7.7.1.2 has neglected his / her duties.

9.2.7.7.1.3 has acted in a manner detrimental to the Organisation; or

9.2.7.7.1.4 has acted in a manner which conflicts with this Constitution.

9.2.7.7.2 The NEC or the NC may suspend or dismiss the National General Secretary or any other official for any other reason deemed sufficient.

9.2.7.7.3 The official has the right to appeal to the next NC.

9.2.7.7.4 The National General Secretary and National Deputy General Secretary may resign on 3 months' notice to the NEC.

9.2.7.7.5 The NEC may terminate the services of the National General Secretary or National Deputy General Secretary on 3 months' notice for reasons other than those warranting instant dismissal.

9.2.7.7.6 The notice period of other officials is determined by their terms and conditions of employment.

9.2.7.7.7 The NEC may appoint a National General Secretary or National Deputy General Secretary in an acting capacity, until the election of a person to this position at the NC.

CHAPTER 10: PROVINCIAL EXECUTIVE LEADERSHIP

10.1 Composition

The Provincial Executive Leadership shall be the Provincial Chairperson; the Provincial Deputy Chairperson; the Provincial Treasurer, Provincial Deputy Treasurer; the Provincial Secretary and Provincial Deputy Secretary; at least three (3) other persons and shall be elected at the Annual Provincial Congress in the year in which the Organisation shall hold its elections for the National Executive Leadership.

10.2 Nominations

10.2.1 Each Region may nominate a maximum of one member for each of the positions of Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer, Secretary and Deputy Secretary.

10.2.2 For a nomination to be valid the nominee –

- 10.2.2.1 must be nominated by at least two Regions; or
- 10.2.2.2 shall have served on the Provincial Executive Committee of the Province.
- 10.2.2.3 Nominations must be submitted to the Provincial Secretary at least 14 days prior to the Annual Provincial Congress meeting at which the election of the Provincial Executive Leadership is due to take place.

10.3 Elections

- 10.3.1 At the Annual Provincial Congress, in the year in which the Organisation shall elect its National Executive Leadership, the delegates shall elect a Chairperson, Deputy Chairperson, Treasurer, a Deputy Treasurer, Secretary and a Deputy Secretary.
- 10.3.2 The general election provisions in clause 14 shall apply to the election of the Provincial Executive Leadership.

10.4 Term of office

- 10.4.1 The Chairperson, Deputy Chairperson, Treasurer and Secretary of a Province shall each hold office for three years, which term of office shall commence at the end of the Annual Provincial Congress held in the same year as elections are held for the National Executive Leadership of the Organisation.
- 10.4.2 Should a Chairperson, Deputy Chairperson, Treasurer and Secretary subsequently be elected to any of the positions of National Chairperson, National Deputy Chairperson, National Treasurer or National General Secretary of the Organisation he/she shall vacate his/her position in the Province and the vacancy shall be filled in accordance with this Constitution.
- 10.4.3 A Chairperson, Deputy Chairperson, Treasurer and Secretary of a Province whose term of office has expired shall be eligible for re-election for one further consecutive term of office. He/she shall again become eligible after a further term of office has expired.

10.5 Vacancy

In the event of a vacancy of Chairperson, Deputy Chairperson, Treasurer and Secretary occurring for any reason, including election to a National Executive Leadership position or another Provincial Executive Leadership position, withdrawal, termination, death, resignation, insolvency, disqualification, or loss of membership of the Organisation, the Provincial Executive Committee shall elect a member of the Provincial Executive Committee to fill the vacancy. Any person so elected shall hold office only until the normal expiry of the term of office of his/her predecessor. Such period shall not be regarded as a term of office.

10.6 Rights and Functions of the Provincial Executive Leadership

10.6.1 The Provincial Chairperson

- 10.6.1.1 The Chairperson of a Province shall-
 - 10.6.1.1.1 chair meetings of the Annual Provincial Congress and the Provincial Executive Committee.
 - 10.6.1.1.2 have the right to attend meetings of all committees and sub-committees of the province.
 - 10.6.1.1.3 have the right to speak on behalf of the Organisation in the Province and shall be empowered to delegate this right, provided that no public statements shall be made which conflict with policies of the Organisation.

- 10.6.1.1.4 have the power to call meetings of the structures of the province as determined in this Constitution.
- 10.6.1.1.5 have the right to refer any matter to the Provincial Secretary for attention; and
- 10.6.1.1.6 have the right to call for and receive reports from provincial committees, sub-committees or Regions and the Provincial Secretary.

10.6.2 The Provincial Deputy Chairperson

10.6.2.1 The Deputy Chairperson shall –

- 10.6.2.1.1 chair the Provincial Finance Committee and the Provincial Human Resources Committee, respectively.
- 10.6.2.1.2 perform such other duties as may be determined by the Provincial Executive Committee.
- 10.6.2.1.3 ensure that the various Portfolio Committees and sub-committees operate effectively within the province; and
- 10.6.2.1.4 perform such duties as may be determined by the Provincial Executive Committee.

10.6.3 The Provincial Secretary

10.6.3.1 The Secretary of the Province shall-

- 10.6.3.1.1 keep minutes of the meetings of the proceedings of the Provincial Committee and General Meetings.
- 10.6.3.1.2 ensure that all documents pertaining to the province are kept in good custody;
- 10.6.3.1.3 conduct Province correspondence.
- 10.6.3.1.4 forward to the National General Secretary of the following particulars immediately after the Annual Provincial General Meeting:
 - 10.6.3.1.4.1 the names of the Provincial delegates to the National Congress.
 - 10.6.3.1.4.2 motions for the National Congress; and
 - 10.6.3.1.4.3 the annual report of the Provincial Chairperson, the annual financial statement and any other documentation required by the National Congress.
- 10.6.3.1.5 in a year in which normal NEC elections for the National Executive Leadership are due to be held, in addition to the requirements above, forward to the National General Secretary the following particulars immediately after the Annual General Meeting:
 - 10.6.3.1.5.1 the Provincial nominations, if any, for the National Chairperson, National Deputy Chairperson and National Treasurer.
 - 10.6.3.1.5.2 the names of the newly elected Provincial Leaders.

10.6.4 Provincial Deputy Secretary

The Provincial Deputy Secretary shall assist the Secretary in a manner as determined by the Provincial Executive Committee.



10.6.5 **Provincial Treasurer**

The Treasurer shall in terms of procedures approved by the National Executive Committee requisition moneys authorised by the Provincial Executive Committee or by Provincial Congress from an annual grant of funds of the Organisation as decided by the National Executive Committee.

The role and functions of the Provincial Treasurer

- 10.6.5.1 - financial affairs including the submission of annual audited financial accounts; annual budget; including the keeping of books and accounts as may be required by the PEC.
- 10.6.5.2 the collection of affiliates fees.
- 10.6.5.3 the banking of monies received in the name of the Organisation.
- 10.6.5.4 the preparation and circulation of detailed monthly financial statements to members of the PEC and the NEC.

10.6.6 **Provincial Deputy Treasury**

The Provincial Deputy Treasurer shall assist the Provincial Treasurer in a manner as determined by the Provincial Executive Committee.

CHAPTER 11: REGIONAL EXECUTIVE LEADERSHIP

11.1 **Composition**

The Regional Executive Leadership shall be the Chairperson; the Deputy Chairperson; the Treasurer, Deputy Treasurer, the Secretary and Deputy Secretary; at least three (3) other persons and shall be elected at the Annual Regional Congress in the year in which the Organisation shall hold its elections for the Provincial Executive Leadership.

11.2 **Nominations**

11.2.1 Each Branch may nominate a maximum of one member for each of the positions of Chairperson, Deputy Chairperson, Treasurer and Secretary.

11.2.2 For a nomination to be valid the nominee –

11.2.2.1 has to be nominated by at least two Regions; or

11.2.2.2 shall have served on the Regional Executive Committee of the Region for at least three of the preceding six years.

11.2.2.3 Nominations must be submitted to the Regional Secretary at least 14 days prior to the Annual Regional Congress meeting at which the election of the Regional Executive Leadership is due to take place.

11.3 **Elections**

11.3.1 At the Annual Regional Congress, in the year in which the Organisation shall elect its Provincial Executive Leadership, the delegates shall elect a Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer and Secretary and Deputy Secretary; provided that each of these members of the Regional Executive Leadership shall be drawn from a different branch, where there are three or more branches in the province.

11.3.2 The general election provisions in clause 15 shall apply to the election of the Regional Executive Leadership.



11.4 Term of office

- 11.4.1 The Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer and Secretary and Deputy Secretary of a Region shall each hold office for three years, which term of office shall commence at the end of the Annual Regional Congress held in the same year as elections are held for the Provincial Executive Leadership of the Province.
- 11.4.2 Should a Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer, Secretary and Deputy Secretary subsequently be elected to any of the positions of Provincial Chairperson, Provincial Deputy Chairperson, Provincial Treasurer or Provincial Secretary of the Province he/she shall vacate his/her position in the Region and the vacancy shall be filled in accordance with this Constitution.
- 11.4.3 A Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer, Secretary and Deputy Secretary of a Region whose term of office has expired shall be eligible for re-election for one further consecutive term of office. He/she shall again become eligible after a further term of office has expired.

11.5 Vacancy

In the event of a vacancy of Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer, Secretary and Deputy Secretary occurring for any reason, including election to a Provincial Executive Leadership position or another Regional Executive Leadership position, withdrawal, termination, death, resignation, insolvency, disqualification, or loss of membership of the Organisation, the Regional Executive Committee shall elect a member of the Regional Executive Committee to fill the vacancy. Any person so elected shall hold office only until the normal expiry of the term of office of his/her predecessor. Such period shall not be regarded as a term of office.

11.6 Rights and Functions of the Regional Executive Leadership

11.6.1 The Regional Chairperson

11.6.1.1 The Chairperson of a Region shall-

- 11.6.1.1.1 chair meetings of the Annual Regional Congress and the Regional Executive Committee.
- 11.6.1.1.2 have the right to attend meetings of all committees and sub-committees of the Region.
- 11.6.1.1.3 have the right to speak on behalf of the Organisation in the Region and shall be empowered to delegate this right, provided that no public statements shall be made which conflict with policies of the Organisation.
- 11.6.1.1.4 have the power to call meetings of the structures of the Region as determined in this Constitution.
- 11.6.1.1.5 have the right to refer any matter to the Regional Secretary for attention; and have the right to call for and receive reports from Regional committees, sub-committees or Branches and the Regional Secretary.

11.6.2 The Regional Deputy Chairperson

11.6.2.1 The Regional Deputy Chairperson shall –

- 11.6.2.1.1 chair the Regional Finance Committee and the Regional Human Resources Committee, respectively.



- 11.6.2.1.2 perform such other duties as may be determined by the Regional Executive Committee.
- 11.6.2.1.3 ensure that the various Portfolio Committees and sub-committees operate effectively within the Region; and
- 11.6.2.1.4 perform such duties as may be determined by the Regional Executive Committee.

11.6.3 The Regional **Secretary**

11.6.3.1 The Secretary of the Region shall-

- 11.6.3.1.1 keep minutes of the meetings of the proceedings of the Regional Committee and General Meetings.
- 11.6.3.1.2 ensure that all documents pertaining to the Region are kept in good custody.
- 11.6.3.1.3 conduct Regional correspondence.
- 11.6.3.1.4 forward to the Provincial Secretary of the following particulars immediately after the Annual Regional General Meeting:
 - 11.6.3.1.4.1 the names of the regional delegates to the Provincial Congress.
 - 11.6.3.1.4.2 motions for the Provincial Congress; and
 - 11.6.3.1.4.3 the annual report of the Regional Chairperson, the annual financial statement and any other documentation required by the Provincial Congress.
- 11.6.3.1.5 in a year in which normal Provincial Executive Committee elections for the Provincial Executive Leadership are due to be held, in addition to the requirements above, forward to the Provincial Secretary the following particulars immediately after the Annual General Meeting:
 - 11.6.3.1.5.1 the Regional nominations, if any, for the Provincial Chairperson, Provincial Deputy Chairperson, Provincial Treasurer and Provincial Secretary.
 - 11.6.3.1.5.2 the names of the newly elected Regional Leaders.

11.6.4 **Regional Deputy Secretary**

The Deputy Secretary shall assist the Secretary in a manner as determined by the Regional Executive Committee.

11.6.5 **Regional Treasurer**

The Treasurer shall in terms of procedures approved by the Provincial Executive Committee requisition moneys authorised by the Regional Executive Committee or by a Regional Congress from an annual grant of funds of the Organisation as decided by the National Executive Committee.

The role and functions of the Regional Treasurer

- 11.6.5.1 - financial affairs including the submission of annual audited financial accounts; annual budget; including the keeping of books and accounts as may be required by the REC.
- 11.6.5.2 the collection of affiliates fees.
- 11.6.5.3 the banking of monies received in the name of the Organisation.



11.6.5.4 the preparation and circulation of detailed monthly financial statements to members of the REC and the PEC.

11.6.6 Regional Deputy Treasurer

The Regional Deputy Treasurer shall assist the Regional Treasurer in a manner as determined by the Regional Executive Committee.

CHAPTER 12: BRANCH EXECUTIVE LEADERSHIP

12.1 Composition

The Branch Executive Leadership shall be the Chairperson; the Deputy Chairperson; the Treasurer, Deputy Treasurer the Secretary and Deputy Secretary; at least three (3) other persons and shall be elected at the Annual Branch Congress in the year in which the Organisation shall hold its elections for the Branch Executive Leadership.

12.2 Nominations

12.2.1 Branch members may nominate a maximum of one member for each of the positions of Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer and Secretary and Deputy Secretary.

12.2.2 For a nomination to be valid the nominee –

12.2.2.1 has to be nominated by at least two members; or

12.2.2.2 shall have served on the Branch Executive Committee of the Branch for at least three of the preceding six years.

12.2.2.3 Nominations must be submitted to the Secretary at least 14 days prior to the Annual Branch Congress meeting at which the election of the Branch Executive Leadership is due to take place.

12.3 Elections

12.3.1 At the Annual Branch Congress, in the year in which the Branch shall elect its Branch Executive Leadership, the delegates shall elect a Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer and Secretary and Deputy Secretary.

12.3.2 The general election provisions in clause 14 shall apply to the election of the Branch Executive Leadership.

12.4 Term of office

12.4.1 The Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer and Secretary and Deputy Secretary of a Branch shall each hold office for three years, which term of office shall commence at the end of the Annual Branch Congress held in the same year as elections are held for the Regional Executive Leadership of the Region.

12.4.2 Should a Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer and Secretary and Deputy Secretary subsequently be elected to any of the positions of Regional Chairperson, Regional Deputy Chairperson, Regional Treasurer or Regional Secretary of the Region he/she shall vacate his/her position in the Branch and the vacancy shall be filled in accordance with this Constitution.

12.4.3 A Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer and Secretary and of a Branch whose term of office has expired shall be eligible for re-election for one further consecutive term of office. He/she shall again become eligible after a further term of office has expired.

12.5 Vacancy

In the event of a vacancy of Chairperson, Deputy Chairperson, Treasurer, Deputy Treasurer and Secretary and Deputy Secretary occurring for any reason, including election to a Regional Executive Leadership position or another Branch Executive Leadership position, withdrawal, termination, death, resignation, insolvency, disqualification or loss of membership of the Organisation, the Branch Executive Committee shall elect a member of the Branch Executive Committee to fill the vacancy. Any person so elected shall hold office only until the normal expiry of the term of office of his/her predecessor. Such period shall not be regarded as a term of office.

12.6 Rights and Functions of the Branch Executive Leadership

12.6.1 The Branch Chairperson

12.6.1.1 The Chairperson of a Branch shall-

- 12.6.1.1.1 chair meetings of the Annual Branch Congress and the Branch Executive Committee.
- 12.6.1.1.2 have the right to attend meetings of all committees and sub-committees of the Branch.
- 12.6.1.1.3 have the right to speak on behalf of the Organisation in the Branch and shall be empowered to delegate this right, provided that no public statements shall be made which conflict with policies of the Organisation.
- 12.6.1.1.4 have the power to call meetings of the structures of the Branch as determined in this Constitution.
- 12.6.1.1.5 have the right to refer any matter to the Branch Secretary for attention; and
- 12.6.1.1.6 have the right to call for and receive reports from Branch committees, sub-committees, and the Branch Secretary.

12.6.2 The Branch Deputy Chairperson

12.6.2.1 The Branch Deputy Chairperson shall –

- 12.6.2.1.1 chair the Branch Finance Committee and the Branch Human Resources Committee, respectively.
- 12.6.2.1.2 perform such other duties as may be determined by the Branch Executive Committee.
- 12.6.2.1.3 ensure that the various Portfolio Committees and sub-committees operate effectively within the Branch; and
- 12.6.2.1.4 perform such duties as may be determined by the Branch Executive Committee.

12.6.3 The Branch Secretary

12.6.3.1 The Secretary of the Branch shall-

- 12.6.3.1.1 keep minutes of the meetings of the proceedings of the Branch Committee and General Meetings.

- 12.6.3.1.2 ensure that all documents pertaining to the Branch are kept in good custody;
- 12.6.3.1.3 conduct Branch correspondence.
- 12.6.3.1.4 forward to the Provincial Secretary of the following particulars immediately after the Annual Regional General Meeting:
 - 12.6.3.1.4.1 the names of the Branch delegates to the Regional Congress.
 - 12.6.3.1.4.2 motions for the Regional Congress; and
- 12.6.3.1.5 the annual report of the Branch Chairperson, the annual financial statement and any other documentation required by the Regional Congress; in a year in which normal Regional Executive Committee elections for the Regional Executive Leadership are due to be held, in addition to the requirements above, forward to the Regional Secretary the following particulars immediately after the Annual Branch General Meeting:
 - 12.6.3.1.5.1 the Branch nominations, if any, for the Regional Chairperson, Regional Deputy Chairperson, Regional Treasurer and Regional Secretary;
 - 12.6.3.1.5.2 the names of the newly elected Branch Leaders.

12.6.4 Deputy Branch Secretary (if applicable)

The Deputy Branch Secretary shall assist the Branch Secretary in a manner as determined by the Branch Executive Committee.

12.6.5 Branch Treasurer

The Treasurer shall in terms of procedures approved by the Branch Executive Committee requisition moneys authorised by the Regional Executive Committee or by a Branch Congress the from an annual grant of funds of the Organisation as decided by the National Executive Committee.

The role and functions of the Branch Treasurer

- 12.6.5.1 - financial affairs including the submission of annual audited financial accounts; annual budget; including the keeping of books and accounts as may be required by the BEC.
- 12.6.5.2 the collection of affiliates fees.
- 12.6.5.3 the banking of monies received in the name of the Organisation.
- 12.6.5.4 the preparation and circulation of detailed monthly financial statements to members of the BEC and the REC.

12.6.6 Branch Deputy Treasurer

The Branch Deputy Treasurer shall assist the Regional Treasurer in a manner as determined by the Regional Executive Committee.

CHAPTER 13: FINANCIAL MATTERS OF THE ORGANISATION

- 13.1 The financial year of the Organisation shall be 1 January to 31 December of each year
- 13.2 The accounts and financial statements of the Organisation shall be audited by a nationally appointed registered auditor.
- 13.3 The budget of the Organisation shall be met from-



- 13.3.1 membership contributions and entry fees.
13.3.2 donations and bequests.
13.3.3 any other income received; and
13.3.4 accumulated funds in whatever form from whatever source.
provided that the receipt of any such funds would not constitute a breach of this Constitution. Furthermore, National Congress shall by way of resolution issue rules relating to the receipt of funds.
- 13.4 All funds received on behalf of the Organisation shall be deposited to the credit of the Organisation with a registered bank appointed by the National Executive Committee.
- 13.5 The funds shall be utilised exclusively for the payment of expenses arising from the administration of the affairs of the Organisation and for the furtherance of the objectives of the Organisation.
- 13.6 All disbursements to be made from the funds of the Organisation shall be in terms of a budget which has been approved by the National Executive Committee. All extra-ordinary expenditure shall be recommended by the National Finance Committee and approved by the National Executive Committee.
- 13.7 All disbursements shall be made and accounted for in terms of procedures approved by the National Executive Committee.
- 13.8 Funds required for a petty cash account shall –
- 13.8.1 not exceed the limit determined by the National Finance Committee.
13.8.2 be provided by electronic transfer or cash; and
13.8.3 be kept safely in such a manner as the National Finance Committee may determine from time to time.
- 13.9 The National Treasurer shall cause monthly financial statements reflecting the income, expenditure, assets and liabilities of the Organisation to be prepared and shall submit these to the National Finance Committee who will make a recommendation to the National Executive Committee regarding approval.
- 13.10 Prior to one of the meetings of the National Executive Committee each year, but not later than six months after the end of the financial year, the National Treasurer together with the National Finance Committee shall cause the annual financial statements of the National Office as well as the annual consolidated financial statements of the Organisation to be prepared in accordance with accepted accounting practice.
- 13.11 After the National Office annual financial statements and the consolidated annual financial statements of the Organisation have been submitted for audit to the registered auditor appointed by the Organisation and then submitted to the National Executive Committee for approval, these statements shall be countersigned by the National Chairperson and the National General Secretary.
- 13.12 No funds or profits of the Organisation may be distributed to any person and the funds of the Organisation shall be utilised only to pursue the objectives of the Organisation.
- 13.13 Electronic transfers, payments and other documents such as contracts and leases and other instruments drawn on the accounts of the National Office shall be signed and approved by any two the following: The National Chairperson, The National Treasurer, The National General Secretary or a member or official appointed by the National Executive Committee.
- 13.14 The Organisation shall not conduct any business, including normal trading or speculative commercial activities. The Organisation may not have a share or other interest in any business, profession or occupation which is carried on by its members.
- 13.15 These requirements shall apply *mutatis mutandis* to the Financial Matters of each Province, Region or Branch of the Organisation except where and as specifically stipulated otherwise in this Constitution.

CHAPTER 14. GENERAL MEETING PROVISION

Except if otherwise indicated in the constitution, the following general meeting provisions shall apply to meetings of the various structures of the Organisation:



14.1 Calling of meetings

- 14.1.1 The Chairperson of a structure of the Organisation shall call all meetings of such a structure by determining the time, place and format of the meeting.
- 14.1.2 In the case of a Branch, the Chairperson of the Branch shall call the meetings of all the Branch structures.
- 14.1.3 Format of meetings in line with clause 1.11, meetings of the structures of the Organisation, may either take place in person by members in a meeting or in a virtual meeting format.

14.2 Notice

- 14.2.1 Notice of meetings of the structures of the Organisation shall be by way of written notice or notice via an electronic format or both /digital showing the business to be transacted.
- 14.2.2 Notice of meetings of National structures shall be given by the National General Secretary at least 14 days prior to the meeting, except in the case of the National Congress where at least 30 days' notice must be given.
- 14.2.3 Notice of meetings of Provincial structures, excluding Branches, shall be given by the Provincial Secretary at least 14 days prior to the meeting; except in the case of the Provincial Congress where at least 30 days' notice must be given.
- 14.2.4 Notice of meetings of Branch structures shall be given by the relevant secretary at least 7 days prior to the meeting.
- 14.2.5 It shall be deemed that due notice had been given to the Provincial members of National structures if notice of the meeting was given by:
 - 14.2.5.1 effecting personal service of the notice on the Provincial Secretary of the Provinces concerned;
 - 14.2.5.2 a written notice or electronic/digital notice containing the notice to the Provincial Secretary of the Provinces.
 - 14.2.5.3 telefaxing/ electronic digital or send an email of the notice to the offices of the Provincial Secretary of the Provinces provided that in the case of a telefax/electronic digital receipt shows that the notice was transmitted to and received by the addressee.

14.3 Agenda

- 14.3.1 An agenda for a meeting of a structure of the Organisation must accompany the notice of the meeting.
- 14.3.2 Further agenda items not included in the agenda, may be raised under the "confirmation of the agenda" item of the agenda, but may only be included in the agenda if the meeting so decides.

14.4 Quorum

- 14.4.1 A quorum of a meeting of a structure of the Organisation shall be more than 50% (fifty percent) of those who constitute the structure in terms of the provisions of the constitution.
- 14.4.2 Subject to clause 14.4.3, if within 30 minutes of the time fixed for any meeting of any structure of the Organisation 90 minutes in respect of National Congress meetings, a quorum is not present the meeting shall stand adjourned to a time and place to be determined by the Chairperson, provided that –
 - 14.4.2.1 notice of such meeting be given in terms of clause 14.2
 - 14.4.2.2 that such meeting be held within 10 working days of the date of the original meeting; and
 - 14.4.2.3 at such reconvened meeting those present constitute a quorum.



14.4.2.4 If, in a virtual meeting a member(s) indicates that he or she/they struggles to connect to the meeting, it does not affect a quorum and the meeting may continue provided that such member(s) later connects successfully or leave the meeting due to connectivity problems

14.4.3 If at any meeting a quorum is not present within the time indicated in clause 14.4.2, but at least forty five percent of the total number of those who constitute the structure in terms of the provisions of the constitution are present, the meeting may reconvene after one hour, and at such adjourned meeting the members present shall form a quorum.

14.4.4 If during the course of a meeting the attention of the Chairperson is drawn to the fact that a quorum does not exist, the Chairperson shall adjourn the meeting, provided that the Chairperson may rule that the meeting shall continue if those present resolve to do so.

14.5 Chairing of meetings

14.5.1 If, in meetings of National structures, where the National Chairperson is the Chairperson, he/she is absent, the National Deputy Chairperson shall take the chair, where applicable.

14.5.2 The Chairperson of a Province or, in his/her absence, the Deputy Chairperson shall take the chair at all conferences and at all meetings of the Provincial Executive Committee.

14.5.3 If, in any meeting of a structure of the Organisation the Chairperson or the Deputy Chairperson (where applicable), is absent, the members of that structure shall elect a member to take the chair.

14.6 Proposals

14.6.1 The Chairperson of a meeting may require that a proposal be submitted in writing and be read by him as a prerequisite to any debate or decision in respect thereof.

14.6.2 No proposal shall be considered unless it has been properly seconded.

14.6.3 In line with 14.6.1, the Chairperson of a virtual meeting may consider a proposal by a member, and if agreed to, such proposal may be debated or decided upon.

14.7 Decisions/ Resolutions

14.7.1 All decisions/resolutions in meetings of the structures of the Organisation shall be by way of majority vote of those –

14.7.1.1 present.

14.7.1.2 entitled to vote; and

14.7.1.3 exercising their vote

14.7.1.4 Decisions in a virtual meeting shall be by a show of hands

An abstention shall NOT constitute a person voting. Proxy votes shall apply only where expressly provided for in this Constitution.

14.7.2 Notwithstanding clause 14.7.1, all decisions/resolutions of the National and Provincial Executive Committees shall be by way of a majority of those entitled to vote.

14.7.3 Voting shall be by way of a show of hands, or in terms of Rules established on round robin voting, except –

14.7.3.1 in the case of the election of members of the National and Provincial Executive Leadership, Regional and Branch Leadership or representatives of members, in which case it shall be by way of a secret ballot, and

14.7.3.2 if in a meeting, 25 % of those who constitute the structure in terms of the provisions of the constitution, and who attend the meeting, support a request for a secret ballot.

14.7.4 Vote counts shall be as follows:

14.7.4.1 each member of a structure who is entitled to vote, shall have one vote.

14.7.4.2 a chairperson shall not have a casting vote.

14.7.4.3 ex officio members of the National and Provincial Executive Committees shall have no vote.

14.7.4.4 members of staff shall have no vote (except as an elected representative of members of staff of the Organisation).

14.7.5 No decisions taken at a meeting of a structure shall be invalidated by the absence of any member if notice has been properly served on such member.

14.7.6 Decisions/resolutions of a structure shall be recorded in writing in the minutes.

14.8 Minutes

14.8.1 Minutes shall be kept by the Secretary of a meeting of a structure of the Organisation.

14.8.2 Copies of the minutes of the meeting held immediately prior to the relevant meeting shall be circulated by the Secretary to the members who constitute the relevant structure at least 7 days before the meeting.

14.8.3 If, for whatever reason, the minutes could not be circulated as per clause 14.8.2, the Secretary of the meeting shall read the minutes at the meeting.

14.8.4 After confirmation of the minutes of the meeting, the Chairperson who chaired the relevant meeting and the Secretary of the meeting, shall sign the minutes.

14.8.5 An electronic copy of the virtual meeting shall be circulated to the members immediately after such meeting and in terms of clause 1.11 be regarded as the official minutes which is a true reflection of such meeting and be regarded as the official minutes which is a true reflection of such meeting

14.9 Nature of meetings

All meetings of the structures of the Organisation shall be held in private or virtual meeting, unless the relevant structure decides otherwise.

14.10 Special meetings

Special meetings which may also include virtual meetings of the structures of the Organisation may be called as provided for in the constitution.

14.11 Participation of non-members of structures in meetings of structures.

A person who is not a member of a structure of the Organisation may, with the approval of, and on such terms and conditions as decided by the structure, participate in a meeting of the structure-

14.11.1 if he/she has particular expertise which may be of use to the meeting; or

14.11.2 as an observer provided that such person shall have no vote.

CHAPTER 15. GENERAL ELECTION PROVISIONS

Except if otherwise indicated in this constitution, the following provisions shall apply where elections to leadership positions in any of the structures of the Organisation are required:



- 15.1 An election shall be held if there are more than one nomination for any position to be filled.
- 15.2 The nominee who receives more than 50% of the votes shall be declared duly elected.
- 15.3 If no person for a position receives an outright majority, a further election shall be held at the same meeting with the two nominees who obtained the highest number of votes as the only candidates for the position.
- 15.4 The nominee who, during this further election, receives more than 50% of the votes shall be declared duly elected.
- 15.5 Where more than one position is to be filled at the same meeting, separate voting shall take place for each of the positions in declining order.
- 15.6 The following functionaries shall act as electoral officers for the election of the leadership positions at national, provincial, regional and branch levels:
 - 15.6.1 The National General Secretary, (or his/her delegate), for positions at the national level; or a person appointed by the NEC
 - 15.6.2 The Provincial Secretary, or his/her delegate, for positions at the provincial level; or a person appointed by the PEC and
 - 15.6.3 A member of staff of the Provincial Office, assigned by the Provincial Secretary or a person appointed by the PEC, for positions at the regional and branch levels.

CHAPTER 16. DECISIONS OF THE ORGANISATION AND BALLOTS

- 16.1 Decisions in the Organisation may be made in the following:

- 16.1.1 By show of hands
- 16.1.2 By ballot, or
- 16.1.3 By postal ballot

- 16.1.4. By show of hands in a virtual meeting

16.2 Voting by show of hands

In the normal course of events, all decisions in the Organisation will be made by way of show of hands of the members entitled to vote on such matters. The relevant structure shall be bound to take action according to the decision of a majority of members voting by show of hands, including the show of hands in a virtual meeting unless the constitution of the Organisation requires a two-thirds majority.

16.3 Ballots

“**Ballot**” is a method of voting in secret by marking a paper and putting it in a sealed box.

- 16.3.1 A ballot on any question shall be taken if the National Executive Committee so decides, and shall also be taken –
 - 16.3.1.1 if demanded in writing by not less than 5% of the members of the Organisation.
- 16.3.2 Ballots shall be conducted in the following manner:
 - 16.3.2.1 Notice of a ballot shall be given to each member in writing by the Provincial Secretary acting on written instructions of the National General Secretary, at least three days before the ballot is to be taken: Provided that a ballot may be taken without notice at any general meeting on the decision of a majority of the members present.

- 16.3.2.2 Two independent chief scrutineers shall be appointed by the National Executive Committee to supervise any ballot and to ascertain the result thereof.
- 16.3.2.3 Ballots shall be taken at any general meetings on the decision of a majority of the members present, ballots shall be conducted at any office of the Organisation or at such other venue as may be specified in the notice referred to in paragraph 16.3.2.1 of this sub-clause on the date and during the hours specified in the said notice.
- 16.3.2.4 Ballot papers shall be prepared and supplied by officials of the Organisation appointed for such purposes by the National General Secretary. The issue to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.
- 16.3.2.6 Ballot boxes shall be inspected by the scrutineers and sealed by the National General Secretary or Provincial Secretary or appointed Organisation representative in their presence prior to the issuing of ballot papers.
- 16.3.2.7 One ballot paper only may be issued to a member who is entitled to vote. The ballot paper shall be issued on demand at the place and during the hours fixed for the taking of the ballot.
- 16.3.2.8 Each voter shall, in the presence of scrutineers appointed by the National General Secretary for this specific purpose, be issued with one ballot paper which he/she shall thereupon, in secret, complete, fold and deposit the ballot paper in a ballot box provided for the purpose. Such scrutineers shall provide a report to the chief scrutineers appointed by the National Executive Committee on the process followed.
- 16.3.2.9 Ballot papers shall not be signed or marked in any way apart from the mark required to be made by a member in recording his/her vote. Papers bearing any other marks shall be regarded as spoilt and shall not be counted.
- 16.3.2.10 On completion of a ballot, or as soon as possible thereafter, the result thereof shall be ascertained by the scrutineers appointed in the presence of the National General Secretary/Provincial Secretary and made known to the National Executive Committee/Provincial Executive Committee.
- 16.3.2.11 Ballot papers, including spoilt papers and the voters roll, shall be placed in a container which shall be sealed after they have been counted and retained by the Provincial Secretary for not less than three years.

16.4 **Postal Ballots**

The National Executive Committee may decide that a postal ballot of members shall be taken, in which event the ballot shall be conducted in the following manner:

- 16.4.1 The National General Secretary or Provincial Secretary shall send by registered post to each member of the Organisation a ballot paper and a stamped and addressed envelope marked "Ballot". The ballot paper shall on completion be inserted in the envelope provided for the purpose which shall be sealed and posted so as to reach the National General Secretary or Provincial Secretary within 14 days from the date of dispatch from head office to such member. On receipt of such envelopes, the National General Secretary or Provincial Secretary shall immediately place such envelopes in a sealed ballot box.
- 16.4.2 Two independent scrutineers shall be appointed by the National Executive Committee to ascertain the result of the ballot. The ballot box shall be opened, and the ballot papers counted by the scrutineers in the presence of the Executive Director or Provincial Chief Executive Officer, who shall immediately advise the National Executive Committee of the result of the ballot.
- 16.4.3 The same procedure shall mutatis mutandis apply to a postal ballot confined to members of the National Executive Committee or any Provincial Executive Committee.

- 16.5 In any ballot conducted in connection with any election the candidates, up to the required number, receiving the highest number of votes shall be declared elected provided that where an election is for a single specific position the successful person must have received 50% plus 1 of the number of votes of those eligible to vote and voting. Failing this a second ballot shall be conducted between the two candidates with the highest scores.
- 16.6 The National Congress or the National Executive Committee shall be bound to act according to the decision of a majority of members voting in a ballot unless the constitution of the Organisation requires a two-thirds majority.

CHAPTER 17. MEMBERS OF STAFF OF THE ORGANISATION

17.1 General

- 17.1.1 All appointments of members of staff of the Organisation will be made in terms of the procedures prescribed in Annexure B to the Constitution.
- 17.1.2 The terms and conditions of employment of any person appointed as a member of staff shall be as determined by the Organisation, provided that the Organisation may determine different terms and conditions of employment for different categories of members of staff for inclusion in their relevant contracts of employment.
- 17.1.3 The Organisation shall not pay to any member of staff, office bearer, member or any other person any remuneration as defined in the Fourth Schedule of the Income Tax Act, which is excessive, having regard for what is generally considered reasonable in the education sector and in relation to the service rendered.

17.2 NATIONAL LEVEL

17.2.1 The National General Secretary

17.2.1.1 Appointment

The National Executive Committee shall appoint the National General Secretary in accordance with the procedures prescribed in Annexure B to the Constitution.

17.2.1.2 Powers, functions, and duties

17.2.1.2.1 The National General Secretary shall perform all such duties as may be assigned to him/her by the Organisation. In particular the National General Secretary shall be responsible for the following duties and functions, any of which may be delegated in writing subject to the approval of the National Executive Committee:

- 17.2.1.2.1.1 to attend the meetings of the Organisation and have the minutes of the meetings recorded.
- 17.2.1.2.1.2 to in conjunction with the National Treasurer cause books of account to be kept in accordance with generally accepted accounting practice and the instructions of the Organisation.
- 17.2.1.2.1.3 to conduct all correspondence of the Organisation.
- 17.2.1.2.1.4 to keep originals of letters received and copies of those dispatched.
- 17.2.1.2.1.5 to bank all moneys received on behalf of the Organisation in terms of the Organisation's financial policy.
- 17.2.1.2.1.6 to in conjunction with the National Treasurer submit statements of the financial position of the Organisation whenever required to do so by the Organisation.

- 17.2.1.2.1.7 to countersign cheques; approve electronic payment/transfers on the Organisation's banking account.
 - 17.2.1.2.1.8 to represent the Organisation where necessary or appoint a nominee.
 - 17.2.1.2.1.9 to comply with all requirements of the Labour Relations Act; and
 - 17.2.1.2.1.10 to generally perform all such functions and duties which are necessary for the daily running of the Organisation, and which are not contrary to the directions of the Organisation.
- 17.2.1.2.2 The National General Secretary shall keep in safe custody at the headquarters of the Organisation –
- 17.2.1.2.2.1 a copy of the approved minutes of every meeting of the Organisation, duly signed by the person who presided at the meeting at which confirmed the minutes.
 - 17.2.1.2.2.2 the financial statements and all records in relation thereto;
 - 17.2.1.2.2.3 the current and all past Constitutions of the Organisation; and
 - 17.2.1.2.2.1 any other documentation for such periods as may be required by any applicable legislation.
- 17.2.1.2.3 The duties of the National General Secretary may be exercised by any of the other appointed officials or member of staff of the Organisation acting under the directions of the National General Secretary.
- 17.2.1.2.4 The National General Secretary shall have the power to institute an enquiry into the operations and/or functioning of a provincial office provided that he has received credible information that the administration of the province has been compromised or is of the opinion that an enquiry into the administration is justified due to the non-compliance with national policy directives. Such enquiry shall only be instituted after the Provincial Executive Committee has been informed of the basis for the enquiry and after the Provincial Executive Committee has failed to act on the information. The National General Secretary shall report any proposed enquiry to the National Executive Committee.
- 17.2.1.2.5 In all cases where a province received financial assistance approved by the National Executive Committee from the National treasury and/or any combination of the provincial treasuries, the National General Secretary shall have the right to monitor the administration of the province and to act if the members of staff or leadership of the province do not comply with the conditions and guidelines for the award of additional funds for the purpose of assisting the province. Such action may include the temporary withholding of additional finances and/or withdrawal of any benefits acquired by the Province until the National Executive Committee may rule on the matter. In addition, the National General Secretary may refer any member of staff or National or Provincial Leader of the Organisation for action(s) in terms of Annexure A to the Constitution, whichever is applicable.

17.2.1.3 Reporting lines

- 17.2.1.3.1 The National General Secretary shall report to the National Chairperson and the National Congress and the National Executive Committee.



17.2.1.3.2 Members of staff employed in the National Office of the Organisation shall report to the National General Secretary.

17.2.2 Other Members of Staff at National Level

Subject to clause 17.2.1.1, the National Executive Committee shall appoint all members of staff employed in the National Office in accordance with the procedures prescribed in Annexure B to the Constitution.

17.3 PROVINCIAL LEVEL

17.3.1 Provincial Secretary

17.3.1.1 Appointment

A Provincial Secretary shall be appointed by the National Executive Committee acting on the recommendation of the Provincial Executive Committee and in accordance with the procedures prescribed in Annexure B to the constitution.

17.3.1.2 Powers, functions, and duties

17.3.1.2.1 The Provincial Secretary shall, where applicable, perform the functions referred to in clauses 17.2.1.2.1 and 17.2.1.2.2, read with the necessary changes required.

17.3.1.2.2 The Provincial Secretary shall provide the National General Secretary, and any other person or body entitled thereto, with information relating to the operations of the province, required by him/her/it.

17.3.1.2.3 The Provincial Chief Executive Officer shall, where applicable, keep in safe custody at the Provincial Offices of the Organisation, for periods as determined in the Rules, -

17.3.1.2.3.1 a copy of the approved minutes of the Annual Provincial Congress, and the Provincial Executive Committee of the Organisation, duly signed by the person who presided at such meeting.

17.3.1.2.3.2 the financial statements and all records in relation thereto, including the books of account, supporting vouchers, records of subscriptions or fees paid by members and associates, income and expenditure statements, balance sheets, and auditor's reports, in an original or reproduced form; and

17.3.1.2.3.3 ballot papers.

17.3.1.3 Reporting lines

17.3.1.3.1 The Provincial Secretary of a Province shall report to the Chairperson of the Province, the Provincial Congress and the Provincial Executive Committee.

17.3.1.3.2 The Provincial Secretary in a province shall provide any reports to the National General Secretary as required.

17.3.1.3.3 The members of staff of the Organisation employed in a province shall report to the Provincial Secretary.

17.3.2 Other Members of Staff at Provincial Level

Subject to clause 17.3.1.1, the Provincial Executive Committee shall appoint all members of staff employed in the province in accordance with the procedures prescribed in Annexure B to the Constitution.

CHAPTER 18: DISCIPLINE

18.1 Scope

The Organisation shall have the power to discipline any member, through its various structures, in accordance with this constitution and its rules. Members of staff shall be subject to the disciplinary code as contained in Annexure A to the constitution. Seconded members shall be subject to the disciplinary process as defined for members with the necessary changes required.

18.2 Transgressions / Misconduct

A member may be disciplined by the Organisation if it is alleged that he/she has:

18.2.1 contravened the provisions of this Constitution or its rules including (but not limited to) the principles and objectives.

18.2.2 acted O r g a n i s a t i o n and/or has brought the Organisation into disrepute; and/or

18.2.3 refused to comply with a decision(s) of the Organisation in an i m p r o p e r , disgraceful o r unacceptable m a n n e r , which is detrimental to the interests of the

18.3 Disciplinary Procedure

18.3.1 Procedure in respect of members

For purposes of this section member includes all members of the Organisation, irrespective of the capacity in which they might serve in the Organisation, BUT excluding members of the National and Provincial Executive Leadership.

18.3.1.1 Any allegation of a transgression / misconduct in terms of clause 18.2 may be brought against a member by another member or a structure of the Organisation or by any other competent person.

18.3.1.2 An allegation referred to in clause 18.2, supported by evidence, must be submitted to the relevant Provincial Secretary.

18.3.1.3 The Provincial Secretary must submit the allegation to the Disciplinary Panel of the Provincial Executive Committee of the province concerned for a decision, within 10 days, on whether or not- (a) an investigation into the allegation will be required.

18.3.1.3.1 the member concerned must, as a precautionary measure, be suspended from membership for a defined period (which may not be longer than 2 months) to allow for the investigation, provided the member is afforded sufficient opportunity to indicate why he/she should not be suspended.

18.3.1.3.2 charges must be brought against the member.



- 18.3.1.4 Once the decision has been taken to prefer charges against a member, the Provincial Secretary must table the allegation to the next meeting of the Provincial Executive Committee, provided the member is served with a notice at least 14 days in advance of the meeting.
- 18.3.1.5 The member must be informed in the notice of the allegation and that he/she will have an opportunity to answer to the allegation to the Provincial Executive Committee in person, or in writing, and call witnesses in support of his case.
- 18.3.1.6 If the member fails to attend the meeting of the Provincial Executive Committee, the Committee will continue its consideration of the allegation in his/her absence.
- 18.3.1.7 After having considered the allegation and the member's response (where the member utilised the opportunity), the Provincial Executive Committee must decide whether or not action needs to be taken against the member. If action is required, the Provincial Executive Committee must decide on the appropriate sanction to be imposed which could be one, or a combination, of the following:
- 18.3.1.7.1 Counselling
 - 18.3.1.7.2 Warning/ reprimand
 - 18.3.1.7.3 Suspension
 - 18.3.1.7.4 Termination of membership / expulsion of member.
- 18.3.1.8 If a sanction of warning/ reprimand or suspension is imposed, the Provincial Executive Committee must decide the period of validity, which may not exceed 6 months.
- 18.3.1.9 In the case where a sanction of termination of membership/ expulsion is imposed:
- 18.3.1.9.1 the person shall not be eligible for membership of the Organisation for a period of 12 months.
 - 18.3.1.9.2 the termination is only valid if two-thirds of the members of the Provincial Executive Committee, present in a properly constituted meeting, vote in favour of the sanction. If the two- thirds majority cannot be achieved one of the other sanctions must be imposed by way of a simple majority decision, unless clause 18.6.3 is applicable.
- 18.3.1.10 The Provincial Secretary must inform the member, in writing, of the Provincial Executive Committee's decision regarding the sanction to be imposed. In the letter the member must be informed of his right to appeal to the Provincial Executive Committee within 14 days of being served with the decision.
- 18.3.1.11 A member that wishes to appeal the decision and / or sanction imposed by the Provincial Executive Committee must submit his/her appeal in writing to the relevant Provincial Secretary for submission to the next meeting of the Provincial Executive Committee.
- 18.3.1.12 The Provincial Executive Committee can uphold, amend or dismiss the appeal. The decision of the Provincial Executive Committee is final. The Provincial Secretary must, within 5 days of the decision of the Provincial Executive Committee, inform the member, in writing, of the outcome of his/her appeal.

18.3.2 Procedure in respect of National and Provincial Executive Leadership

- 18.3.2.1 The disciplinary procedure for members as contained in clause 18.3.1 will apply mutatis mutandis, provided that any reference to-

- 18.3.2.1.1 “member” must be read as “relevant member of the National Executive Leadership” or “relevant member of the Provincial Executive Leadership”, whichever is applicable.
- 18.3.2.1.2 “Provincial Secretary” must be read as “National General Secretary”;
- 18.3.2.1.3 “Provincial Executive Committee” must be read as “National Executive Committee”;
- 18.3.2.1.4 “Disciplinary Panel of the Provincial Executive Committee” must be read as “Disciplinary Panel of the National Executive Committee”.

18.4 General **Disciplinary Provisions**

- 18.4.1 The National Executive Committee shall have the right to consider charges against a member referred to in clause 18.3.1, provided the relevant Provincial Executive Committee has been informed. The disciplinary procedures referred to in clause 18.3.1 will apply except that the National General Secretary will substitute for the Provincial Secretary and the structures referred to in clause 18.3.2.1 will be the relevant structures.
- 18.4.2 If a member of the National or Provincial Executive Leadership is found guilty of a transgression/misconduct, the relevant structure must also pronounce, as part of the disciplinary decision, whether or not the term of office of the office bearer must be terminated (he/she must be removed from office) as provided for in clause 18.6.
- 17.4.3 Upon termination of membership/expulsion of a member (including members of the National or Provincial Executive Leadership), all monies due to the Organisation by such member shall become payable. If payment thereof is not made within thirty days, the Provincial Executive Committee or National Executive Committee may take such steps as it deems necessary to secure a settlement.
- 18.4.4 A member (including a member of the National/ Provincial Executive Leadership) shall cease to be entitled to any of the benefits of membership including the right to vote –
 - 18.4.4.1 if membership fees or any other monies due by the member to the Organisation are more than three months in arrears.
 - 18.4.4.2 during any period while the member is under suspension in terms of this constitution.
 - 18.4.4.3 if the person ceases to be employed in the education sector; or
 - 18.4.4.4 if he/she resigns from the Organisation, if his/her membership of the Organisation has been terminated or terminated automatically in terms of clause 18.5 of the Constitution.

18.5 **Automatic termination of membership**

- 18.5.1 If a member fails, within thirty days of demand in writing by the Secretary of the Province, to pay membership fees or levies which are more than three months in arrears, his/her membership will automatically terminate.
- 18.5.2 The Provincial Executive Committee or National Executive Committee may take such steps as it deems necessary to secure the repayment of all arrears.
- 18.5.3 A member whose membership terminated automatically in terms of clause 18.5.1 may be reinstated on the payment of all arrears.

18.6 **Termination of term of office of Office Bearers (Removal from office)**

- 18.6.1 The term of office of an office bearer **shall** terminate-
 - 18.6.1.1 if he/she is found guilty of a transgression/ misconduct and a sanction of termination of membership has been imposed at completion of the disciplinary process (including the appeal process);



- 18.6.1.2 when his/her membership of the Organisation terminates for any reason other than (a) above;
- 18.6.1.3 when in the case of membership of the National Executive Committee or any Provincial Executive Committee his/her estate is sequestrated or he/she enters into a compromise with his/her creditors;
- 18.6.1.4 when a motion of no-confidence in the office bearer has been accepted at a meeting of the National Congress/ Provincial Congress (whichever is applicable) with a two-thirds majority;
- 18.6.1.5 when he/she is in terms of any law declared as a mentally disordered person;
- 17.6.1.6 when he/she has been convicted of a criminal offence and in respect thereof sentenced to imprisonment without the option of a fine; or
- 18.6.1.7 when a member is dismissed from duty by his/her employer and as a result does not have a constituency that he/she represents.

18.6.2 The term of office of an office bearer **may** terminate.

- 18.6.2.1 if he/she is found guilty of a transgression/ misconduct and a sanction other than termination of membership has been imposed at completion of the disciplinary process; or
- 18.6.2.2 when he/she has been absent without informing the chairperson for more than two consecutive National Executive Committee or Provincial Executive Committee or branch or committee management meetings.

18.6.3 A decision to terminate the term of office (remove) of an office bearer in terms of clause 18.6.1.1 shall only be taken at a properly constituted meeting of the National Executive Committee or Provincial Executive Committee (whichever is applicable), provided that a two-thirds majority of those present and voting shall be required to take such a decision and only after the office bearer concerned had been afforded an opportunity to address the relevant Committee in person, or in writing, on why his/her term of office should not be terminated.

CHAPTER 19: RULES AND STANDING ORDERS OF THE ORGANISATION

The National Congress and National Executive Committee shall have the power to issue, revoke and amend from time-to-time Rules to govern the implementation of this Constitution; and Standing Orders to regulate the conduct of meetings of the Organisation provided that should any Rules be issued, revoked and amended by the National Executive Committee that decision and the Rules so affected shall be tabled at the next meeting of the National Congress for ratification.

CHAPTER 20: AMENDMENT OF THE CONSTITUTION

- 20.1 Subject to clause 20.4, the Constitution may be amended by way of a two-thirds majority resolution of the National Congress (NC) or a Special General Meeting called by the NC. If the NC is not in sitting a special NC meeting can be arranged to deal with this matter
- 20.2 No amendment shall be considered unless at least 60 days prior notice of the proposed amendment has been given to the National General Secretary.
- 20.3 Such notice shall be transmitted to all Provinces and their National Congress delegates at least 45 days prior to the meeting at which it is to be considered provided that the provisions of this Constitution shall apply.
- 20.4 The Constitution may be amended by the National Executive Committee (without a resolution of the National Congress) if the Organisation receives amendment instructions from-

20.4.1 the Registrar of Labour in compliance of the Labour Relations Act,1995; or



- 20.4.2 the South African Revenue Service in compliance of the Income Tax Act,1962, provided that the decision of the National Executive Committee shall be taken by way of a two-thirds majority.
- 20.4.3. The Department of Social Development in compliance with the NPO Act, provided that the decision of the National Executive Committee shall be taken by a two-thirds majority.
- 20.5 Any amendment to this Constitution must be submitted to the Registrar of Labour Relations and to the Commissioner for Inland Revenue and the Department of Social Development in terms of the NPO Act within 30 days of its amendment and will take effect only after certification.

CHAPTER 21: INTERPRETATION

- 21.1 If any doubt arises as to the meaning of any provision of this constitution the interpretation of that provision is the responsibility of the NC:
- 21.1.1 which must decide any matter of interpretation by majority vote; and
- 21.1.2 whose decisions are the final interpretation of the provision in question.
- 21.2 Despite subsection 21.1, the NEC may make an interim ruling on constitution interpretation at any time between meetings of the NC.
- 21.3 Every person interpreting and applying the constitution:
- 21.3.1 must prefer a reasonable interpretation, statement of policy, or decision that is consistent with the constitution over an interpretation that conflicts with the constitution.
- 21.3.2 must give a liberal construction to the provisions of the Constitution, in a manner consistent with the Bill of Rights, the Act, and the traditions of the Organisation.
- 21.3.3 may consider applicable legal precedents; and
- 21.3.4 may consult any recognised authority for the meaning of words not specifically defined in this chapter.
- 21.4 Words importing the singular include the plural, and Deputy versa.
- 21.5 Wherever any period between two events is expressed as a number of days, the days on which the first and second event take place is not to be counted.
- 21.6 The power to appoint includes the power to replace.
- 21.7 The power to make a rule or policy includes the power to amend or repeal that rule or policy.
- 21.8 The word "province", when used as a geographic reference, means a particular province as defined in the Constitution of the Republic of South Africa, 1996 and when used to refer to a constituent element of the Organisation means the operation of the Organisation within a province.
- 21.9 Any dispute concerning the interpretation of the Constitution shall be resolved by the National Executive Committee and failing that, such dispute may be referred to the National Congress. Provided that in the event of any such dispute the minutes of the meetings dealing with the drafting or subsequent amendment of the Constitution shall form part of the terms of reference for the Organisation.

CHAPTER 22: PROPERTY OF THE ORGANISATION

- 22.1 The NEC or PEC, as the case may be, holds in trust, as property of the Organisation:
- 22.1.1 any gift made to the Organisation.
- 22.1.2 any gift made to an office-bearer or official of the Organisation in the course of service to the Organisation.
- 22.1.3 any revenue raised by the Organisation from any source.
- 22.1.4 any account in a financial workplace in the name of the Organisation;
- 22.1.5 anything purchased with any revenue or gift or exchanged for any property of the Organisation.
- 22.1.6 copyright in any material or publication either:

- 22.1.6.1 produced at the expense of the Organisation; or
- 22.1.6.2 contributed to the Organisation by the original creator of that material or publication.

22.1.7 anything else that would be generally recognised as being the property of the Organisation in accordance with ordinary commercial conduct.

- 22.2 NEC must establish policies for the acquisition, maintenance, insurance, management, use and disposal of property of the Organisation.
- 22.3 The National General Secretary is responsible to maintain a current inventory of the property of the Organisation and attach a summary of that inventory to the report.

CHAPTER 23: LIABILITY, INDEMNITY AND INSURANCE

23.1 The Organisation accepts responsibility for any liability incurred in the course of service to the Organisation by any office-bearer or official of the Organisation, unless the liability arose from conduct of the office bearer or official that involved:

- 23.1.1 gross or criminal negligence;
- 23.1.2 fraud or deliberate deception;
- 23.1.3 a misrepresentation of the authority of that office-bearer or official; or
- 23.1.4 that office-bearer or official taking improper personal advantage of an opportunity available to the Organisation.

23.2 The NEC may identify any office-bearer or official of the Organisation for any loss or claim arising out of conduct for which the Organisation accepts responsibility as set out in subsection 23.1.

23.3 The NEC must adopt a policy setting out:

- 23.3.1 rules of conduct for office-bearers and officials of the Organisation; and
- 23.3.2 the circumstances in which, and the extent to which, the Organisation will assume responsibility within the scope of subsection 23.1 and provide indemnification within the scope of subsection 23.2

23.4 The NEC may purchase liability insurance to protect the Organisation from losses or claims that fall within the scope of the Organisation's assumed responsibility in terms of this section.

CHAPTER 24: LANGUAGE OF RECORD

The language of record of the Organisation shall be English.

CHAPTER 25: DISSOLUTION/AMALGAMATION OF THE ORGANISATION

25.1 The Organisation may be dissolved by resolution supported by not less than two thirds of those voting on the resolution at a NC meeting.

25.2 If a resolution to dissolve the Organisation is passed or if, for whatever reason, the Organisation is unable to continue to function, the following rules apply:

- 25.2.1 The NC or any available national office-bearer must appoint a liquidator to carry out the winding-up of the Organisation affairs. The liquidator must not be a member of the Organisation and must be paid such fees as are agreed upon by the national office bearers.



- 25.2.2 The liquidator's fees and expenses rank in order of preference as though the liquidator were a trustee of an insolvent and as though the expenses were the cost of sequestration of an insolvent estate.
- 25.2.3 After payment of all debts, any remaining assets are to be given to any other non-profit, tax-exempt organisation or organisations with similar objectives to those of the Organisation.

CHAPTER 26: DELIBERATION AND CONSULTATION

The Organisation or its committees may, for purposes of deliberation and consultation, invite anybody to attend a meeting. Such persons are not empowered to vote at such a meeting and the conditions regarding financial implications shall apply.

We, the National Chairperson, and the National General Secretary of the Organisation, certify that the provisions and regulation of the adoption of this constitution have been complied with

David Jantjies. NATIONAL CHAIRPERSON

Bernard Wentzel

Nat. General Secretary

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Approved and accepted at the CSPRM National Congress 27 November 2021.

Yours faithfully

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