

THE CONSTITUTION

ESTABLISHING

**THE ASSOCIATION OF PRIVATE SECURITY OWNERS OF SOUTH AFRICA
(TAPSOSA)**

**Signature for adoption: _____
PRESIDENT: TAPSOSA**

**_____
SECRETARY GENERAL: TAPSOSA**

**ADOPTED ON THE 20TH OF September 2018
Randburg**

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1. **PREAMBLE TO THE CONSTITUTION**

ACKNOWLEDGING

that the African private security owners could best advance and serve their best interests in private security sector when they are united and working under one umbrella **ASSOCIATION**.

FOUNDATION

that the **ASSOCIATION** is founded based on the principle of fairness and equality

CONFIRMING

that African private security owners have similar interests that could be advanced and defended for mutual benefit.

RECOGNISING

that in order to promote, advance and defend the socio-economic interests in the private security environment, African private security owners must mobilise their resources and pull them together.

REALISING

that the private security industry operates in a regulated environment and that compliance with the Private Security Industry Regulatory Authority directives, rules and statutory requirements can be achieved when the private security owners communicate to the Regulatory Authority and the state in one voice.

NOTING

that the representation of the commercial interests of African private security owners has been fragmented and this has allowed room for marginalization of private security

companies, particularly, those owned by people who were previously historically disadvantaged.

RESOLVING

to establish, form and constitute an **ASSOCIATION** made out of common interests, objectives and business purposes to be known as **THE ASSOCIATION OF PRIVATE SECURITY OWNERS OF SOUTH AFRICA** to implement a common agenda of the members in terms of this Constitution.

NOW, THEREFORE an **ASSOCIATION** is hereby constituted, founded and established.

2. **NAME OF THE ASSOCIATION**

- 2.1 The **ASSOCIATION** shall be known as **THE ASSOCIATION OF PRIVATE SECURITY OWNERS OF SOUTH AFRICA**. This is an **ASSOCIATION** duly incorporated in accordance with the requirements of the Labour Relations Act of the Republic of South Africa as not for profit.
- 2.2 The abbreviated name of the **ASSOCIATION** shall be **TAPSOSA**. In this Constitution, the word "**The ASSOCIATION**" or "**TAPSOSA**" shall be used interchangeably to mean the same.
- 2.3 The members of the **ASSOCIATION** shall authorise its EXCO to take steps to reserve the abbreviated name of the **ASSOCIATION** with the office of Registrar of Labour Relations.

2.4 Once the abbreviated name is reserved permanently in favour of the **ASSOCIATION**, the members shall use the abbreviated name in all communications under the **ASSOCIATION**.

2.5 The logo of the **ASSOCIATION** will be determined by the EXCO and will appear on all official documents of the **ASSOCIATION**.

3. **LEGAL STATUS AND LOCATION OF THE HEAD OFFICE AND REGIONAL OFFICES**

3.1 The **ASSOCIATION** is a body corporate with its own legal identity separate from its Members and may sue and be sued in its own name.

3.2 The **ASSOCIATION** is registered as a non-profit making organisation.

3.3 The **ASSOCIATION** shall have perpetual succession and its structures shall remain constant despite the changes in its membership or office bearers who may come and go thereby allowing the **ASSOCIATION**, rather than the individual members, to become involved in the legal transactions in its own name.

3.4 The EXCO of the **ASSOCIATION** must determine the location of the Head Office of the **ASSOCIATION**. It must also decide upon the type of premises of the **ASSOCIATION**.

3.5 The EXCO of the **ASSOCIATION** must also determine the location and premises of the Regional Offices.

4. **INTERPRETATION**

The headings of the paragraphs in this Constitution are for the purpose of convenience and reference only and shall not be used in the interpretation of nor modify nor amplify the terms of this Constitution nor any paragraph hereof or of any schedule hereto. Unless a contrary intention clearly appears –

4.1 Words importing –

4.1.1 any one gender include the other two genders;

4.1.2 the singular include the plural and *vice versa*; and

4.1.3 if the due date for performance of any obligation in terms of this Constitution is a day which is not a business day then (unless otherwise

stipulated), that due date for performance of the relevant obligation shall be the immediately succeeding business day.

4.1.4 any words or expressions defined in any clause shall, unless the application of any such word or expression is specifically limited to that clause, bear the meaning assigned to such word or expression throughout the whole of this Constitution.

4.1.5 any reference to a notice shall be construed as a reference to a written notice, and shall include a notice which is transmitted electronically in a manner and form permitted in terms of this Constitution.

4.2 any reference in this Constitution to:

4.2.1 **“Days”** - shall be construed as calendar days unless qualified by the word “business” in which instance a “business day” will be any day other than a Saturday, Sunday or public holiday as gazetted by the government of the Republic from time to time.

4.2.2 **“Law”** - means any law of general application and includes the common law and any statute, constitution, decree, treaty, regulation, directive, ordinance, by-law, order or any other enactment of a legislative measure of government (including local and provincial government) statutory or regulatory body which has the force of law and a reference to any statutory enactment shall be construed as a reference to that enactment as amended or substituted from time to time.

4.2.3 **“Writing”** – means legible writing and in English and includes printing, typewriting, lithography or any other mechanical process, as well as any electronic communication in a manner and form permitted in this Constitution.

4.2.4 Where figures are referred to in numerals and in words and there is any conflict between the two, the words shall prevail, unless the context indicates a contrary intention.

4.2.5 Any reference herein to **“the Constitution”** shall be construed as a reference to this Constitution as amended from time to time.

- 4.3 The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have corresponding meanings, namely –
- 4.3.1 **“Administrative Cost”** – means the expense, fees, duties and other costs of the **ASSOCIATION** properly incurred in carrying out its **ASSOCIATION** Benefit Activities.
- 4.3.2 **“Adoption Date”** – shall mean the date of the adoption and signature of this Constitution by the President and the General Secretary and on which date the Constitution shall become effective.
- 4.3.3 **“Annual Budget”** – means the annual budget of the **ASSOCIATION** prepared by the National Treasure in accordance with this Constitution.
- 4.3.4 **“Association Benefit Activities”** – shall mean the activities of the **ASSOCIATION** as more fully set out in paragraph in this constitution and as may be set out in terms of reference of the **ASSOCIATION COMMITTEES**.
- 4.3.5 **“ASSOCIATION COMMITTEES”** – shall mean the Committees established by the **ASSOCIATION** in terms of this constitution to carry certain functions and authority in accordance with the delegation of powers and functions in terms of this constitution or such Committees as delegated thereto by the National Executive from time to time.
- 4.3.6 **“BEE”** – means the Broad Based Economic Empowerment, as envisaged in the Broad Based Black Empowerment Act No 53 of 2003.
- 4.3.7 **“Chairperson”** – means the Chairperson duly elected by the members of the **ASSOCIATION** in accordance with this constitution.
- 4.3.8 **“Code of Conduct”** – means the code of conduct prescribed by the Association in accordance with this constitution and or the code of conduct under the Private Security Industry Regulation Act 56 of 2001 regulating the conduct of the security service providers.
- 4.3.9 **“Codes of Good Practice”** – means the codes of good practice on BEE contemplated in Section 9 of the Broad-Based Black Economic Empowerment Act, No 53 of 2003, gazetted on 09 February 2007 and as

amended by the revised codes published in Government Gazette Nr 36928 on 11 October 2013.

- 4.3.10 “**Elected Official**” – means the member of the EXCO or Regional Executive Committee members of the **ASSOCIATION** who are elected at the **ASSOCIATION**'s elective conference meeting as may be determined by the general body of the members of the **ASSOCIATION** in accordance with this Constitution.
- 4.3.11 “**EXCO**” - shall mean the Executive Committee which comprises of the President, Deputy President, National Chairperson, General Secretary, Deputy General Secretary, National Treasure, Deputy National Treasure.
- 4.3.12 “**Governance Principles**” – means the principles, doctrines and guidelines for the governance of the **ASSOCIATION** to be adhered to by its office bearers and appointed officials when conducting the **ASSOCIATION** businesses.
- 4.3.13 “**Improper Conduct**” – shall mean any action or omission by a member of the **ASSOCIATION** or any person acting for or on behalf of the **ASSOCIATION** in terms of which he or she obtains or attempt to obtain an advantage to him or her from the **ASSOCIATION** to the prejudice of other members and any conduct aimed at obstructing the achievement of the aims and objectives of the **ASSOCIATION** including but not restricted to corruption, nepotism and any offence as may constitute improper conduct in terms of the code of conduct of the **ASSOCIATION** or the Private Security Industry Regulatory Authority as promulgated in terms of the Act and, insofar as the members of the National Executive Committee is concerned, shall mean any conduct contrary to their fiduciary duties.
- 4.3.14 “**Industry**” – shall mean the private security industry as defined in Section 1 of the Private Security Industry Regulatory Act.
- 4.3.15 “**Management**” – means employees of the **ASSOCIATION** who are forming part of the staff and who shall manage the affairs of the **ASSOCIATION** on a day-to-day basis and who shall have the authority to employ or dismiss workers or employees of the **ASSOCIATION**.

- 4.3.16 “**Management Fees**” – shall mean the expenses, costs, disbursements and liabilities incurred in or arising out of the formation or administration of the **ASSOCIATION** in the ordinary course of its business.
- 4.3.17 “**Member**” – shall mean every person whose a member in terms of the constitution of the **ASSOCIATION** and shall form an integral part hereof and any person admitted from time to time as a member upon proof of qualification that same is a member of the **ASSOCIATION** in good standing in terms of this Constitution.
- 4.3.18 “**Minister**” – shall mean the Minister of Police, Minister of Labour, Minister of Home Affairs, Minister of Intelligence and any other Minister that may be empowered by the law to act on matters of the industry.
- 4.3.19 “**Office-bearer**” – means a member of the **ASSOCIATION** who is elected to hold office in the **ASSOCIATION**.
- 4.3.20 “**Official**”- means a person/s appointed by the **ASSOCIATION** to perform certain duties as per the terms of reference adopted by EXCO.
- 4.3.21 “**Principle of Equity**” – shall mean the fundamental principle and doctrine of discipline, transparency, responsibility, fairness and accountability and conduct which is non-discriminatory against any member of the **ASSOCIATION** in its governance of the affairs of the **ASSOCIATION** and this covers conduct relating to discretions, transactions, actions and decisions of the **ASSOCIATION** in relation to its overall membership.
- 4.3.22 “**PSIRA**” – shall mean the Private Security Industry Regulatory Authority as established in terms of the Section 2 (1) of the Private Security Industry Regulatory Act.
- 4.3.23 “**Recognized ABA**” - means the **ASSOCIATION** Benefit Activities that are recognized by its members as forming the main objectives and purpose of its existence and shall include all the activities of the **ASSOCIATION COMMITTEES** as delegated thereto from time to time.
- 4.3.24 “**Regions**” – shall mean the offices of the **ASSOCIATION** as established in the 9 (nine) provinces of the Republic of South Africa. The words

“**Region**” and “**province**” shall be used interchangeably to mean the same.

4.3.25 “**Regional Executive Committee**” – means members of the **ASSOCIATION** who are elected to its regional structure to serve the **ASSOCIATION** from time to time.

4.3.26 “**Staff**” – means all other employees of the **ASSOCIATION**.

4.3.27 “**The Act**” – shall mean the Private Security Industry Regulatory Act and; or any act of Parliament applicable to the private security Industry or sector, as amended, consolidated or re-enacted from time to time, and includes all its schedules and the regulations.

5. **AIMS AND OBJECTIVES**

5.1 This **ASSOCIATION** is established and constituted with the following main objectives:

- 5.1.1 To serve as a mouthpiece for all African private security owners of South Africa.
- 5.1.2 To provide, uphold, promote, protect and advance the commercial and business interests of the members.
- 5.1.3 To encourage the spirit of professionalism amongst the members of the **ASSOCIATION** and full compliance with the regulatory framework provided for in the Act, its regulations and the promulgated code of good conduct.
- 5.1.4 To promote and defend the socio-economic interests of the **ASSOCIATION**.
- 5.1.5 To eradicate all forms of unfair business practices in the industry.
- 5.1.6 To strive for the empowerment of women-owned security companies and to advance empowerment of historically and previously disadvantaged members.
- 5.1.7 Actively participate in programmes that are meant to eradicate all kinds of unfair discrimination in the industry based on race, gender, sex, ethnic or social origin, colour, birth, socio-economic status, sexual orientation, age, disability, HIV status, religion, conscience, belief, political opinion, culture, language, marital status, pregnancy or family responsibility.

- 5.1.8 To build and maintain strong African private security entrepreneurs thereby promoting job creation and security.
- 5.1.9 Encourage members to act in an accountable and responsible fashion amongst each other and in dealing with third parties in the advancement of the **ASSOCIATION** interest.
- 5.1.10 To transform the private security industry.
- 5.1.11 To engage all relevant stakeholders in all issues of discriminatory procurement, transformation and empowerment for the benefit of the members.
- 5.1.12 To be a platform to participate and provide input during key private security industry policy formulation and the entire legislative and regulatory framework of the Industry.
- 5.1.13 To build an extensive network of highly skilled and professional African private security owners.
- 5.1.14 To create a pool of the financial muscle and resources of the members of the **ASSOCIATION** for the furtherance of the **ASSOCIATION** interest.
- 5.1.15 To check, monitor and challenge any Act which may threaten the general well-being of the members of the **ASSOCIATION**.
- 5.1.16 Be the national and international voice of its members.
- 5.1.17 To build solidarity and foster unity, co-operation and entrepreneurial comradeship amongst the members of the **ASSOCIATION**.
- 5.1.18 To foster democratic participation in the governance of the country by the members and to advance the gains of a democratic society based on respect for human rights, civil liberties and the rule of law.
- 5.1.19 To engage and arrange better procurement terms and conditions for the members.
- 5.1.20 To promote a positive perception of the African private security owners in the country as an integral part of the economic mainstream and as a potential creator of jobs and wealth.

- 5.1.21 To arrange educational and skills training for the members of the **ASSOCIATION** for them to have a better understanding of the regulatory framework in which their companies operate.
- 5.1.22 To conduct research, collate financial intelligence, formulate and implement relevant developmental plans in order to improve the operational efficiency and effectiveness of the companies of the members of the **ASSOCIATION**.
- 5.1.23 To serve as a marketing vehicle of the interests of the members of the **ASSOCIATION** and to facilitate interface between the **ASSOCIATION** and all the relevant stakeholders in the security industry.
- 5.1.24 To create a spirit of belonging and togetherness amongst the members of the **ASSOCIATION** and, in this regard, organize regular functions for members.
- 5.1.25 To endeavour to work in close association with other security industry based business bodies.
- 5.1.26 To deal with all matters that may be referred to the **ASSOCIATION** by its National Executive Committee or any of its member.
- 5.1.27 To raise funds for the **ASSOCIATION** by proper and legal means to advance the **ASSOCIATION** interest.
- 5.2 In order to achieve the main objectives of the **ASSOCIATION** as set out in clause 5.1 above, the **ASSOCIATION** shall do any other lawful thing that is consistent with the spirit and provisions of this Constitution and create policies of the **ASSOCIATION** that are in line with such activities as are necessary to achieve the objectives set out above provided that such activities are meant to advance and defend the interests of the **ASSOCIATION**.

6. **BENEFITS OF THE ASSOCIATION**

- 6.1 **TAPSOSA** is a voluntary **ASSOCIATION** aimed at professionalising ownership of private security companies in order to improve the lives of those involved in the occupation. The **ASSOCIATION**'s main focus is to empower its members through its programmes and to co-ordinate the activities of the members in a structured way.
- 6.2 The **ASSOCIATION** is established to benefit its members as follow:

Silver membership

- 6.2.1 Members are represented on issues of national important affecting the sector.
- 6.2.2 To be represented during wage negotiation, bargaining activities, provident fund and other matters of importance.
- 6.2.3 Be eligible to participate in education activities of members that are provided by the **Association** in relation to their rights and obligations.
- 6.2.4 To receive reports on matter of national importance
- 6.2.5 To provide mandate to the provincial structures on matters of national importance.
- 6.2.6 The member will be eligible to any other additional benefits where applicable as provided for in the policies of the organisation.

Gold membership

- 6.2.7 Members are represented on issues of national important affecting the sector in the province.
- 6.2.8 To be represented during wage negotiation, bargaining activities, provident fund and other matters of importance.
- 6.2.9 Be eligible to participate in education activities of members that are provided by the **Association** in relation to their rights and obligations.
- 6.2.10 Be Eligible to be nominated and elected in any position in the provincial structures, committees and task team including eligibility to be delegated any task as contained elsewhere in this constitution.
- 6.2.11 To participate in the Provincial Executive Committee meeting, activities and decisions.
- 6.2.12 Where elected to the Provincial Office Bearer position, to participate in the execution of the provincial decisions, actions or activities of the **Association** as contained in the constitution, policies or other lawful decision of the **Association**.
- 6.2.13 To receive reports on matter of national importance

- 6.2.14 To provide mandate to the national structures on matters of national importance.
- 6.2.15 The member will be eligible to any other additional benefits where applicable as provided for in the policies of the **Association**.
- 6.2.16 To do anything lawful that is in the best interest of members as delegated in terms of the constitution.

Platinum membership

- 6.2.17 Members are represented on issues of national important affecting the sector in the industry.
- 6.2.18 Represented during wage negotiation, bargaining activities, provident fund and other matters of national importance.
- 6.2.19 Where elected as a member of EXCO be eligible to be appointed in the wage negotiation, bargaining activities, provident fund and other matters of national importance.
- 6.2.20 Be eligible to participate in education activities of members that are provided by the **Association** in relation to their rights and obligations.
- 6.2.21 Be Eligible to be nominated and elected in any position in the national structures including eligibility to be delegated any task as contained elsewhere in this constitution.
- 6.2.22 Where applicable to participate in the National Executive Committee meeting, activities and decisions.
- 6.2.23 Where elected to the position of National Office Bearer, to participate in the wage negotiation, provident fund industry statutory bodies, execution of the decisions, actions or activities of the **Association** as contained in the constitution, policies or other lawful decision of the **Association**.
- 6.2.24 To receive reports on matter of national importance
- 6.2.25 The member will be eligible to any other additional benefits where applicable as provided for in the policies of the **Association**.

- 6.2.26 To do anything lawful that is in the best interest of members as delegated in terms of the constitution.
- 6.2.27 Participating in processes of shaping the private security landscape as delegated in terms of this constitution.
- 6.2.28 Engaging consumers of private security services on behalf of the members in all matters pertaining to procurement, transformation and empowerment.
- 6.2.29 Getting first-hand information relating to transformation and procurement as well as issues and challenges facing the industry.
- 6.2.30 Learn more about entrepreneurial planning and how to overcome challenges as an African private security owners.
- 6.2.31 To have a platform to participate in policy formulation and make necessary inputs on matters relating to the industry at large.
- 6.2.32 Harness the intellectual capacity of the members and to create a recognized structure of communicating the common interest of the members.
- 6.2.33 To ensure that the **Association** is recognized as a key player in the furtherance and advancement of African private security owners.

7. **POWER OF THE ASSOCIATION**

- 7.1 Subject to the provisions of clause 5 above, the **ASSOCIATION** shall have all such powers as are necessary for the proper attainment of its objectives set out in this Constitution and shall, in particular, have the following express powers:
 - 7.1.1 To recruit and unite all African private security owners in order to pursue their socio-economic interests and welfare.
 - 7.1.2 Defend and assist the **ASSOCIATION** members in their struggle against the adverse challenges of the industry.
 - 7.1.3 Represent members of the **ASSOCIATION** in all matters covered by the objectives of the **ASSOCIATION** and do so in accordance with the relevant laws and regulations of the Republic of South Africa.

- 7.1.4 Institute legal proceedings, where this is possible and the **ASSOCIATION** deems it appropriate, on behalf of the **ASSOCIATION** and its members in order to advance and defend its interests.
- 7.1.5 Resolve disputes and grievances amongst its members and intervene in matters of unfair business practices amongst its members.
- 7.1.6 Engage in negotiations, conciliation, mediation and arbitration in respect of matters affecting the common interest of the members.
- 7.1.7 Participate in and establish collective bargaining forums in the security sector on behalf of its members.
- 7.1.8 Negotiate and conclude agreements with third parties on behalf of the members.
- 7.1.9 Promote or oppose or defend, as the case may be, any laws, administrative measures or policies, including any proposed laws, administrative measures or policies of any state organ that may affect the **ASSOCIATION** and its members adversely.
- 7.1.10 Participate in national and international activities that are meant to foster professionalism in the security industry.
- 7.1.11 Provide and promote projects such as education and skills trainings for and on behalf of the members.
- 7.1.12 Acquire any movable or immovable property for the **ASSOCIATION** calculated to benefit the **ASSOCIATION** and to advance its objectives and maintain, improve and alter any of the **ASSOCIATION** properties.
- 7.1.13 Open a bank account and provide funding for the advancement of the objectives of the **ASSOCIATION** as well as make all necessary investments and deal with any monies of the **ASSOCIATION** in a manner that is in the best interest of the **ASSOCIATION** and as may be prescribed by the National Executive Committee of the **ASSOCIATION** from time to time.
- 7.1.14 To borrow or raise and give security for any funds or obligation of any member of the **ASSOCIATION** in the spirit and in accordance with this Constitution.

7.1.15 To make donations, loans and enter into any leases or any form of contract whatsoever including sales and purchasing of property of any nature whatsoever as may be authorized by the National Executive Committee of the **ASSOCIATION**.

7.1.16 Establish and administer funds such as provident and pension funds for the benefit of the **ASSOCIATION**'s members and their dependants.

7.1.17 Ensure participation and development of women-owned companies and structures and activities.

7.1.18 Appoint experts to assist the **ASSOCIATION** in matters affecting the interests of the members.

7.1.19 Compile financial statistics and collate financial intelligence for use by the members for purposes of maintaining and sustaining and for the furtherance of the aims and objectives of the **ASSOCIATION**.

7.1.20 Publish literature, journals, pamphlets and circulars dealing with all matters affecting the industry and conduct such similar communication on behalf the members.

7.1.21 Form private companies for the sake of administering relevant business objectives and initiatives of the **ASSOCIATION**.

7.2 Do any other thing or cause to be done any such thing as is consistent with the spirit of this Constitution and which, in the discretion of the National Executive Committee of the **ASSOCIATION**, is in the best interests of the **ASSOCIATION**.

8. **MEMBERSHIP**

Membership of the **ASSOCIATION** shall be approached having regard to the principles of equity referred to in this Constitution and shall be dealt with under the following aspects.

8.1 **ELIGIBILITY**

8.1.1 Subject to the approval by the Regional Executive Committee that has jurisdiction and EXCO, membership of the **ASSOCIATION** is open to all employers in the private security sector that falls within the scope of the **ASSOCIATION**.

- 8.1.2 A member whose membership has been terminated for any reason as contained in this Constitution other than expulsion, may re-apply for membership as and when the said member decides.
- 8.1.3 Unless otherwise decided by the **ASSOCIATION**, a member that has been expelled or whose membership has been rejected by the **ASSOCIATION** as per this Constitution, shall not be entitled to apply for the membership of the **ASSOCIATION** for a period determined by the National Executive Committee.
- 8.1.4 Upon joining this **ASSOCIATION**, the member may cease to be a member of any other **ASSOCIATION** with a similar interest unless otherwise decided by EXCO.

8.2 RIGHTS AND OBLIGATION

- 8.2.1 Rights and obligation of members are as contained in this Constitution and are such as and when determined by the highest structure of the **ASSOCIATION**.
- 8.2.2 A member who is not in good standing in terms of this constitution shall cease to hold any position in the **ASSOCIATION** unless his or her membership is condoned as outlined in this constitution.
- 8.2.3 Subject to the provisions of this Constitution and the lawful decisions of any structure, every member has the right to enjoy the rights provided for in terms of this Constitution or as may be determined by the **ASSOCIATION**.
- 8.2.4 Every member must observe the provisions of this Constitution and the lawful decisions of any structure or any federation that the **ASSOCIATION** may affiliate to and shall not act in any manner, way or form contrary to the provisions of this Constitution or lawful decisions of any structure.
- 8.2.5 The member must notify the Regional Secretary or Secretary General of the address and other details of the member.
- 8.2.6 The member must notify the Regional Secretary or Secretary General of any subsequent changes to the address or other details provided.
- 8.2.7 Application for membership must be submitted to the Regional Secretary or Secretary General in the written form as prescribed in terms of this Constitution and in a prescribed form as prescribed by EXCO.
- 8.2.8 The **ASSOCIATION** shall have the sole right to reject or accept the application or continued membership of a member.

8.2.9 Subject to the provisions of this Constitution, only members in good standing shall be entitled to the benefits and rights associated with the membership.

8.3 APPLICATION PROCEDURE

8.3.1 An employer may apply to the **ASSOCIATION** to be admitted as a member by completing the joining form of the Association and submit it to the Regional Secretary or Secretary General.

8.3.2 On joining the **ASSOCIATION** every member must notify the **ASSOCIATION** in writing of his or her address and contact details. Every member must notify the **ASSOCIATION** of any changes of the address and contact details within 14 days of any changes taking place. The postal address and contact details provided to the **ASSOCIATION** shall be the member's chosen address and contact details for service of all official documents. (i.e. the member's domicilium citandi et executandi).

8.3.3 The Regional Executive Committee on good cause shown may recommend to the EXCO that it rejects the application. The Regional Executive Committee shall submit the request in writing and motivate to the EXCO for the consideration to reject the application.

8.3.4 If there is no functioning Regional Executive Committee, the EXCO may consider the recommendation from the Secretary General to reject the application.

8.4 MEMBERSHIP CARD

8.4.1 The Regional Secretary may provide every member with a membership card. The membership card must contain the information that the National Executive Committee determines.

8.5 MEMBERS IN GOOD STANDING

8.5.1 Notwithstanding the provisions of this constitution, a member whose membership is paid-up and not in arrears for more than three consecutive months shall be in good standing.

8.5.2 The EXCO may condone any member being more than three months in arrears with the subscription fees to the Association and the member has:

8.5.2.1 Shown good cause to the EXCO for its failure to pay the subscription fee;

8.5.2.2 Entered into good faith arrangement with the EXCO to settle the outstanding fees;

8.5.2.3 Where the EXCO condone a membership of a member and the membership is still not paid-up, the member shall have the speaking rights but not voting rights;

8.5.3 Unless the **ASSOCIATION** otherwise directs, a new member who is still not paying the **ASSOCIATION** subscription fees will have the right to participate in the structures and activities of the **ASSOCIATION** but shall not be eligible to stand for positions in the **ASSOCIATION** or be deployed by the **ASSOCIATION**.

8.6 TERMINATION OF MEMBERSHIP

8.6.1 A member may resign from the **ASSOCIATION** by give 3 months written notice

8.6.2 The notice should state the reason for resignation. The EXCO may waive the notice period.

8.6.3 Any member or office bearer may be expelled by the **ASSOCIATION** for committing any of the following conduct:

8.6.3.1 acting contrary to the Constitution of the **ASSOCIATION**;

8.6.3.2 citing against the interest of the **ASSOCIATION** and its members;

8.6.3.3 failing to meet the requirement as per this Constitution;

8.6.3.4 committing any other act of misconduct;

8.6.4 No member or office bearer may be disciplined for not participating or refusal to participate in activities of the **ASSOCIATION**.

8.6.5 Only the National Disciplinary Committee will have the power to expel any member or office bearer.

8.6.6 The National Executive Committee must establish a National Disciplinary Committee and the Code of Conduct.

8.6.7 The Regional Executive Committee must establish Regional Disciplinary Committees whose powers will be limited to take and execute any disciplinary action other than the suspension or expulsion against members and office bearers and recommend for the suspension or expulsion of members or office bearers to the National Disciplinary Committee.

8.7 BY INSOLVENCY

8.7.1 A member who is sequestrated or who his or her estate has been surrendered and has not been rehabilitated by the court is not entitled to the membership of the **ASSOCIATION** and or who is:

8.7.2 Been convicted by the court for theft, fraud, corruption or any other serious offence prescribed in terms of the Act regulating the private security industry.

8.8 SUSPENSION OR EXPULSION

8.8.1 Subject to approval by the National Executive Committee, the National Disciplinary Committee may suspend or expel a member or office bearer from the membership of the **ASSOCIATION** for: -

8.8.1.1 acting in the manner that is against the interest of the **ASSOCIATION**;

8.8.1.2 failing to pay the required membership fees;

8.8.1.3 failing to comply with the provisions of this Constitution;

8.8.2 No suspension or expulsion shall have any effect unless the National Disciplinary Committee has notified the affected member in writing of the reasons for suspension or expulsion. The National Disciplinary Committee has afforded the member an opportunity to present his or her case.

8.9 SUBSCRIPTIONS

8.9.1 Subject to the clauses of this Constitution, the amount of the subscription fee shall be R300.00 per month equal to R3 600 per annum for Silver, R500 per month equal R6000 per annum for Gold and R10 000.00 per Month equal R 120 000.00 per annum for Platinum.

8.9.2 Subject to the provisions of this constitution, membership fees and the amounts applicable will be determined by the National Executive Committee from time to time.

8.9.3 All members shall be levied as provided for in terms of this Constitution depending on the categories applicable as chosen by the member.

8.9.4 Subject to the policy and the provisions of this Constitution, membership of the **ASSOCIATION** shall be open to all categories of the employers as provided for in this Constitution.

8.9.5 As and when decided upon by the National Executive Committee, the **ASSOCIATION** may require its member to pay a levy for the Annual General Meeting or for any matter that the **ASSOCIATION** have an interest. The levy shall be payable by the member as per the notice issued by Secretary General on behalf of the **ASSOCIATION**.

9. **NON-CIRCUMVENTION AND CONFIDENTIALITY**

9.1 The National Executive Committee of the **ASSOCIATION** shall in consultation with the EXCO and regional structures create a policy to deal with disclosure of information of the affairs of the **ASSOCIATION** together with such policies as will regulate non-disclosure of such information.

9.2 In developing such policy, regard shall be given to the principles of non-circumvention in terms of which no member of the **ASSOCIATION** shall use the information of the **ASSOCIATION** obtained in confidence to circumvent the business of the **ASSOCIATION** and project himself or herself (narrow business interests of the member's company) outside of the parameters of the aims and objectives of the **ASSOCIATION** in order to disadvantage and unfairly materially affect the business of the **ASSOCIATION** to his or her advantage.

10. **NATIONAL EXECUTIVE COMMITTEE**

10.1 TAPSOSA is a national organisation whose principle of governance and operations shall instil the best practice of governance with one single head office but with representation in the 9 regions as demarcated in this constitution.

10.2 By its very nature as an **ASSOCIATION** of private security company owners, its power and evolution of its business together with regulating its affairs largely depends on the capacity of the National Executive Committee of the **ASSOCIATION** to meet as and when necessity arise and to take decisions without undue delay.

10.3 As a result of this format of the **ASSOCIATION**, power and control thereof shall always lie in its National Executive Committee as capable of taking decisions that are in the best interest of the **ASSOCIATION**.

10.4 The National Executive Committee shall comprise of:

10.4.1 The President;

10.4.2 Deputy-President;

10.4.3 National Chairperson

10.4.4 Secretary General;

10.4.5 Deputy Secretary General

10.4.6 Treasure General;

10.4.7 Deputy Treasury General

10.4.8 Regional Chairperson

10.4.9 Regional Secretary

10.5 The President, the Secretary General and the Treasure of the **ASSOCIATION** shall have the powers to employ people under them to execute the functions and tasks given to them by the **ASSOCIATION**.

10.6 The powers and duties of Office Bearers shall be the following:

10.6.1 **THE PRESIDENT**

The powers and duties of the President include:

10.6.1.1 To enforce overall observance of the Constitution of the Association.

10.6.1.2 Be responsible for overall leadership oversight of the **ASSOCIATION**.

10.6.1.3 Preside over all meetings of the Annual General Meeting and conduct those meetings in accordance with the constitution.

10.6.1.4 Sign all minutes of the meetings of the Annual General Meetings.

10.6.1.5 Present to the Annual General Meetings the Presidential organisational report.

10.6.1.6 The President shall have the voting and speaking rights in the meetings of the Annual General Meeting, National Executive Committee, EXCO and any meeting that falls within the jurisdiction of the national-office-bearers.

10.6.1.7 In the absence of the National Chairperson, the President in addition to his or her powers and duties shall assume all powers and duties of the National Chairperson.

10.6.2 **THE DEPUTY PRESIDENT**

The powers and duties of the Deputy President shall be:

10.6.2.1 To assist the President in the performance of his duties.

10.6.2.2 Perform all duties as may be delegated to him or her by the President in terms of the Constitution.

10.6.2.3 Hold office of the Presidency in case of absence from office of the President.

10.6.2.4 The Deputy President shall have the voting and speaking rights in all the meetings of the Annual General Meeting, National Executive Committee, EXCO and any meeting that falls within the jurisdiction of the national-office-bearers.

10.6.3 **THE NATIONAL CHAIRPERSON**

The National Chairperson shall have the following powers and duties:

10.6.4 To chair all meetings that falls within the jurisdiction of the national-office-bearers except Annual General Meeting.

10.6.5 To be the custodian of the decision of the Annual General Meetings, National Executive Committee and EXCO.

10.6.6 To ensure implementation of the decisions of the **ASSOCIATION**

10.6.7 To ensure compliance with the policies of the **ASSOCIATION**

10.6.8 The National Chairperson shall have the voting and speaking rights in all the meetings of the Annual General Meeting, National Executive Committee, EXCO and any meeting that falls within the jurisdiction of the national-office-bearers.

10.6.4 **THE SECRETARY GENERAL**

The Secretary General shall have the following powers and duties:

- 10.6.4.1** To ensure proper administration of the **ASSOCIATION** and to co-ordinate all its activities.
- 10.6.4.2** Be the principal negotiator on behalf of the **ASSOCIATION** and supervise the work of the regional structures and secretaries.
- 10.6.4.3** Attend to and report fully on the activities of the **ASSOCIATION**.
- 10.6.4.4** Deal with the correspondences of the **ASSOCIATION**.
- 10.6.4.5** Co-ordinate all the activities of the **ASSOCIATION COMMITTEES** and delegate the same.
- 10.6.4.6** The Secretary General shall have the voting and speaking rights in all the meetings of the Annual General Meeting, National Executive Committee, EXCO and any meeting that falls within the jurisdiction of the national-office-bearers.

10.6.5 THE DEPUTY SECRETARY GENERAL

The Deputy Secretary General shall have the following powers and duties

- 10.6.5.1** The Deputy Secretary General must assist the Secretary General in all his or her duties and where the Secretary General is unable to perform his or her duties in any circumstances, the Deputy Secretary General shall assume the duties of the Secretary General.
- 10.6.5.2** The provisions of the constitution shall apply in the same context as apply to the Secretary General. In addition the Deputy Secretary General shall be responsible to ensure the well-functioning of the administration of the association.
- 10.6.5.3** The Deputy Secretary General shall have the voting and speaking rights in the meetings of the Annual General Meeting, National Executive Committee, EXCO and any meeting that falls within the jurisdiction of the national-office-bearers.

10.6.6 THE TREASURER GENERAL

The Treasurer General shall have the following powers and duties:

- 10.6.6.1** Supervise the financial affairs of the **ASSOCIATION**.

- 10.6.6.2** Ensure that proper books of account are kept and that such books are audited annually.
- 10.6.6.3** Submit monthly statements of the bank account of the **ASSOCIATION**.
- 10.6.6.4** Perform all other duties relating to the finances of the **ASSOCIATION** in terms of the Constitution.
- 10.6.6.5** The Treasure General shall have the voting and speaking rights in all the meetings of the Annual General Meeting, National Executive Committee, EXCO and any meeting that falls within the jurisdiction of the national-office-bearers.

10.6.7 DEPUTY TREASURE GENERAL

The Deputy Treasure General shall have the following powers and duties

- 10.6.7.1** The Deputy Treasure General must assist the Treasure General in all his or her duties and where the Treasure General is unable to perform his or her duties in any circumstances, the Deputy Treasure General shall assume the duties of the Treasure General.
- 10.6.7.2** The provisions of the constitution shall apply in the same context as apply to the Treasure General. In addition the Deputy Treasure General shall be responsible to ensure that funds are raised for the activities of the **ASSOCIATION**.
- 10.6.7.3** The Deputy Treasure General shall have the voting and speaking rights in all the meetings of the Annual General Meeting, National Executive Committee, EXCO and any meeting that falls within the jurisdiction of the national-office-bearers.

11 REGIONAL EXECUTIVE COMMITTEE

11.1 There shall be a Regional Executive Committee in each region. The **ASSOCIATION** shall regard regions as the 9 (nine) provinces as demarcated in terms of the constitution of the Republic of South Africa.

11.2 The Regional Executive Committee shall comprise of the following designations:

- 11.2.1** Chairperson
- 11.2.2** Deputy Chairperson
- 11.2.3** Regional Secretary

11.2.4 Regional Treasure

11.2.5 6 additional delegates elected by the General Meeting

11.3 The Regional Executive Committee shall carry the instructions and have the delegated authority from the National Executive Committee and shall deal with matters they may deem fit that affect the regions.

11.4 The Regional Executive Committee will report to the EXCO and National Executive Committee on all matters relevant to the **ASSOCIATION**.

11.5 The provisions of this constitution as applied in the National Executive Committee shall apply in the same context in the Regional Executive Committee.

11.6 Regional office bearers shall hold office for a period of four (4) year unless an extended period by the National Executive Committee.

12 MANAGEMENT OF THE AFFAIRS OF THE ASSOCIATION

12.1 The management and control of the affairs of the **ASSOCIATION** shall vest in the National Executive Committee which shall have the full power and authority to do any act, matter or thing which could or might be done by the **ASSOCIATION**.

12.2 To fully execute their functions, the National Executive Committee shall create terms of reference of the **ASSOCIATION COMMITTEES**.

12.3 The business of the **ASSOCIATION** shall be performed through the **ASSOCIATION COMMITTEES** with appropriate reporting structures as shall be created and demonstrated in the terms of reference of each **ASSOCIATION COMMITTEE**.

12.4 The National Executive Committee shall determine the terms of reference of each **ASSOCIATION** Committee covering the frequency of the meetings of the **ASSOCIATION** and what business is to be conducted by such **ASSOCIATION** Committee as well as the reporting mechanism of each **ASSOCIATION** Committee.

12.5 In dealing with the management of the **ASSOCIATION**, the National Executive Committee shall always have regard to the following principles:

12.5.1 That decisions should be taken expeditiously.

12.5.2 That the **ASSOCIATION** is formed for purposes of ensuring that there is need to reach consensus by all the relevant structures in taking decisions that affect the **ASSOCIATION**.

12.5.3 That members of the Committee should not deliberately cause undue delay or in any way hamper the business of the **ASSOCIATION** by not attending the meetings of the National Executive Committee.

12.6 The management of the **ASSOCIATION** shall always be in line with the governance framework set out in clause 15 herein below.

13 MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE

13.1 The National Executive Committee shall meet at least two (2) times per annum at a place, date and time determined by the President; and

13.1.1 A special meeting of National Executive Committee, to dispose of urgent business, may be called in accordance with the following procedures:

13.1.2 Resolution of the EXCO;

13.1.3 Written request of the delegates of the National Executive Committee:

13.1.3.1 Stating the purpose of the special meeting;

13.1.3.2 Supported by not less than 50+1% of all delegate of the National Executive Committee.

13.1.3.3 At the request of the President in consultation with the EXCO, if the President considers a special meeting to be:

13.1.3.3.1 necessary in the best interests of the **ASSOCIATION**;

13.1.3.3.2 the matter/s are considered too urgent to wait for the next ordinary meeting of National Executive Committee.

13.2 The Special National Executive Committee must be convened by the Secretary General within seven (7) days of receiving a written request from the delegates of the National Executive Committee or the President for such meeting, stating the purpose of the special meeting.

14 NOTICE

14.1 The Secretary General in consultation with the EXCO will decide on the date/s, and agenda for the meeting. The notice of meetings of the National Executive Committee, which must show the agenda to be discussed, shall be given to all delegates in writing at least fourteen (14) days prior to the date of the meeting.

14.2 When special meetings are called, the President may authorize the giving of shorter notice of not less than forty-eight (48) hours. Notice shall be deemed as properly served if provided by:

14.2.1 personal service of the notice on a delegate;

14.2.2 mailing of a registered letter containing the notice to a delegate; or

14.2.3 telefaxing the notice to the delegate, provided that a telefacsimile report printout reflecting the date, time and receiving telefax number of the addressee or other similar verifiable evidence of transmission, shows that the notice has been transmitted to the addressee; or

14.3 Sending the notice by means of e-mail or by any other verifiable electronic means.

15 QUORUM

15.1 The quorum for meetings of the National Executive Committee shall be 50% + 1 of the delegates of the National Executive Committee.

15.2 If after 3 hours of the time fixed for the meeting, a quorum is not present, the meeting must stand adjourned.

15.3 The Secretary General must decide on a date, time and place for a meeting after the adjourned meeting, provided that the meeting must be called and held between 20 to 30 days.

15.4 The Secretary General must send written notice to all the delegates of the National Executive Committee notifying them of the adjourned meeting.

15.5 The members present at the adjourned meeting shall constitute a quorum.

16 COMPOSITION OF THE NATIONAL EXECUTIVE COMMITTEE

16.1 The National Executive Committee consists of:

16.1.1 the national office bearers

16.1.2 the Regional Executive Committee Chairperson

16.1.3 the Regional Secretary

17 POWER AND CONTROL OF THE NATIONAL EXECUTIVE COMMITTEE

17.1 Subject to the policies and decisions of the Annual General Meeting, the powers and control of the National Executive Committee are:

17.2 To do all things that are contained under clause 7 of this constitution including but not limited to the following:

17.2.1 manage the affairs of the **ASSOCIATION** between meetings of the Annual General Meeting;

17.2.2 to implement the policies and strategies of the **ASSOCIATION**;

17.2.3 to interpret the constitution in between the meetings of the Annual General Meeting;

17.2.4 to give direction on policy and strategies development including training and development of leadership and members;

17.2.5 to consider and make decisions on matters arising from reports received from the regions;

17.2.6 to ratify decisions of the EXCO as may from time to time be referred to it;

17.2.7 to set up committees and determine their nature, membership, and scope;

17.2.8 to establish Disciplinary, Finance, Education, Gender and Employment Equity Committees. The Disciplinary Committee is in respect of or relevant to members and leadership;

17.2.9 to deal with disciplinary appeals of members and leadership and appeals relating to membership applications;

- 17.2.10 to establish an appeals sub-committee to consider and decide upon appeals relating to the suspension or expulsion of members and leadership including removal of persons from office;
- 17.2.11 to determine the procedures and rules regulating the elections, balloting, enquiry and meeting procedures and **ASSOCIATION** discipline;
- 17.2.12 to approve the annual audited financial statements and reports of the **ASSOCIATION** and to approve and submit these documents to the Annual General Meeting;
- 17.2.13 to adopt the annual budget;
- 17.2.14 to open, operate and close bank accounts of the **ASSOCIATION** and to generally control the funds and finances of the **ASSOCIATION**;
- 17.2.15 to determine policies and guidelines for raising funds, investments and sponsorships at national and regional level;
- 17.2.16 to establish and dissolve projects, structures, or vehicles for **ASSOCIATION** investment;
- 17.2.17 to establish policies and guidelines in respect of the **ASSOCIATION**'s involvement in the provision of benefits to members such as training, educational, financial loans, legal aid schemes etc. and to approve the **ASSOCIATION**'s involvement in such schemes;
- 17.2.18 to allocate funds to the various structures of the **ASSOCIATION**;
- 17.2.19 to bind the **ASSOCIATION** in terms of suretyship;
- 17.2.20 to appoint attorneys to act for the **ASSOCIATION** and appoint any person to sign documents on behalf of the **ASSOCIATION**;
- 17.2.21 to establish or dissolve regional structures and demarcate the jurisdiction of the regions;
- 17.2.22 to determine the creation, maintenance and termination of employment posts of the **ASSOCIATION** staff;
- 17.2.23 to determine terms and conditions of employment for the staff of the **ASSOCIATION**;

- 17.2.24 to determine the remuneration and define the job descriptions of all staff;
- 17.2.25 to establish national employment policies and codes, performance standards and criteria for staff;
- 17.2.26 to delegate powers, tasks and control to any other structures of the **ASSOCIATION**;
- 17.2.27 to set aside and replace any decision taken by any structure of the **ASSOCIATION** except the Annual General Meeting;
- 17.2.28 to amend this Constitution, where mandated by the Annual General Meeting;
- 17.2.29 to take disciplinary actions which may lead to dismissal or suspension of any National Executive Committee or Regional Executive Committee member whom the National Executive Committee finds guilty of misconduct or who brings the **ASSOCIATION** into disrepute;
- 17.3 To do anything lawful that the National Executive Committee deemed it promote promotes the interests of the **ASSOCIATION**, its aims and objectives including policies and strategies.

18 **EXCO**

- 18.1 There shall be EXCO of the **ASSOCIATION** which comprises of the President, Deputy President, National Chairperson, Secretary General, Deputy Secretary General, Treasure General, Deputy Treasure General elected as per this constitution. This will include the National Coordinator Officer appointed by EXCO ON ex-officio status with speaking right and not voting rights, to execute certain functions.
- 18.2 The EXCO may from time to time co-opt any person to add value to the to the progress of EXCO provided the person hold a platinum membership and provided such co-opted person/s shall not be more than 3.
- 18.3 The EXCO is the highest decision making structure of the **ASSOCIATION** in between the meeting of the National Executive Committee.
- 18.4 Subject to the decisions and policies of the National Executive Committee, the EXCO shall:

18.5 manage the affairs of the **ASSOCIATION** in between the meetings of the National Executive Committee.

18.5.1 implement the policies and strategies of the **ASSOCIATION**

18.5.2 give direction and proper interpretation of the constitution of the **ASSOCIATION**.

18.5.3 develop organisational, leadership, educational and other policy issues of the **ASSOCIATION**.

18.5.4 consider and make decisions on matters arising from any report of any of the structures of the **ASSOCIATION**.

18.5.5 determine the procedures and rules regulating the election, balloting and meeting procedures of the **ASSOCIATION**.

18.5.6 approve the annual audited financial statement of the **ASSOCIATION**

18.5.7 adopt the annual budget of the **ASSOCIATION**

18.5.8 recommend to the National Executive Committee any amendment of the constitution.

18.6 Do all lawful things that are necessary and consistence with the application of this constitution and in which in the opinion of EXCO serve to promote the interest of the **ASSOCIATION**, its aims and objectives and policies.

18.7 The EXCO is the highest decision making structure of the **ASSOCIATION** in between the meetings of the National Executive Committee.

18.8 Subject to the policies and decisions of the National Executive Committee, the EXCO shall:

18.8.1 Manage the affairs of the **ASSOCIATION** in between the meetings of the National Executive Committee.

18.8.2 Implement the policies of the **ASSOCIATION**.

18.8.3 Give direction and proper interpretation of the Constitution of the **ASSOCIATION**.

18.8.4 Develop organizational, leadership, educational and other policy issues of the **ASSOCIATION**.

18.8.5 Consider and make decisions on matters arising from any report of any of the structures of the **ASSOCIATION**.

- 18.8.6 Determine the procedures and rules regulating the elections, balloting and meeting procedures of the **ASSOCIATION**.
- 18.8.7 Approve the annual audited financial statements of the **ASSOCIATION**.
- 18.8.8 Adopt the annual budget of the **ASSOCIATION**.
- 18.8.9 Amend the Constitution as delegated by the National Executive Committee
- 18.8.10 To fill vacant vacancies in the national office bearers until the ordinary Annual General Meeting on the year of the election.
- 18.8.11 Appoint a person or a person from an entity to coordinate its activities or other persons or entities to assist it to achieve the aims and objectives of the **Association** as contained in this constitution.
- 18.8.12 Do all lawful things that are necessary and which in the opinion of the National Caucus serve to promote the interest of the **ASSOCIATION**, its aims and its objectives and policies.

19 THE GENERAL MEETINGS OF MEMBERS

- 19.1 Members shall have the right to hold general meetings amongst themselves in each and every region where the **ASSOCIATION** have members.
- 19.2 The Regional Secretary shall give notice to members notifying them of the general meetings at least 14 days prior to the general meeting taking place.
- 19.3 The general meeting shall take place as and when necessary or requested by the sufficient number of members in the region.

20 THE ROLE OF GENERAL MEETINGS

- 20.1 To constructively engage on matters of interest to the **ASSOCIATION** and its members in the region.
- 20.2 To evaluate and monitor the implementation of the policies, decisions and campaigns of the **ASSOCIATION**.

20.3 To receive reports and progress on the business of the **ASSOCIATION**. This include reports on the bargaining matters, stakeholders and industry matters.

20.4 To receive and discuss complaints received from members

20.5 To recruit and receive reports on the recruitment and campaigns

20.6 To receive reports on the payment of subscription fees by the members

20.7 To receive reports on the collective bargaining in the sector

21 ANNUAL GENERAL MEETING

21.1 The Annual General Meeting is the supreme body of the **ASSOCIATION** and is responsible to ratify and adopt the policies and make decisions which further the aims and objectives of the **ASSOCIATION**:

21.1.1 Consider and decide on the credentials of the Annual General Meeting;

21.1.2 Agenda;

21.1.3 Reports from the National Executive Committee;

21.1.4 Reports from EXCO;

21.1.5 Reports from Regions;

21.1.6 To adopt resolutions and declarations;

21.1.7 Amendments or delegate the amendments of the Constitution;

21.1.8 To intervene on any matter referred to it by the National Executive Committee, EXCO or Regions.

21.1.9 To monitor and evaluate the progress of the **ASSOCIATION**;

21.1.10 To elect national office bearers every five (5) years or extend their term for a period determined by the Annual General Meeting. The nomination of the individuals to the position of the national office bearers shall be moved by a region and seconded by another region. Where there is only one name for the position, the person nominated shall be declared duly elected.

21.1.11 A person to be eligible for the nomination for the position of national office bearer shall hold a platinum membership for a period of not less than 12 months consecutively and shall be in good standing. This provision shall apply in the same context in the nomination of provincial office bearers except that a member shall hold a gold or platinum membership for a period of 12 months and shall be in good standing.

21.1.12 To do any other things lawful that promote the aims and objects of the ASSOCIATION.

22 COMPOSITION OF THE ANNUAL GENERAL COMMITTEE

22.1 The composition of the Annual General Meeting is:

22.1.1 the national office bearers;

22.1.2 The regional office bearer;

22.1.3 Additional regional delegates

22.2 All staff may attend the Annual General Meeting in their *ex-officio* capacity i.e. they will have speaking but not voting rights.

23 MEETING OF THE ANNUAL GENERAL MEETING

23.1 The Annual General Meeting will meet once every five years

23.2 EXCO in consultation with the National Executive Committee and the Regional Executive Committee must decide on the date, time and the place for the Annual General Meeting.

23.3 An Annual General Meeting in relation to report back to members may be convened every year.

24 NOTICE OF THE ANNUAL GENERAL MEETING

24.1 Each member of the Regional Executive Committee and members of the National Executive Committee must be given at least 90 days' notice of the Annual General Meeting. The Secretary General must give the notice which must be accompanied by the proposed agenda.

24.2 In relation to the Annual General Meeting to report back to members a 30 days notice should be given to members.

25 SPECIAL ANNUAL GENERAL MEETING

25.1 Special Annual General Meeting may be called by National Executive Committee:

25.1.1 if not less than 50+1 of the delegates of the National Executive Committee resolve to call a Special Annual General Meeting and make such request in writing to EXCO;

25.1.2 each Regional Executive Committee must be given 30 days' notice of a Special Annual General Meeting;

25.1.3 the Secretary General must give the notice and attach the proposed agenda;

25.2 Unless provided otherwise in this Constitution, the provisions of this Constitution with respect to the Special Annual General Meeting apply in the same context as the Annual General Meeting.

26 QUORUM OF THE ANNUAL GENERAL COMMITTEE

26.1 The quorum for the Annual General Meeting is 50+1 of the number of delegates eligible to attend.

26.2 In the event that there is no quorum within 6 hours of the scheduled starting time of the Annual General Meeting or such time as may be determined by the EXCO, the Annual General Meeting will be adjourned.

26.3 The reconvening of the Annual General Meeting must take place not later than 3 months after the date on which the Annual General Meeting was adjourned.

26.4 At least 30 days' notice of the reconvened Annual General Meeting must be given to all the delegates of the Annual General Meeting who are entitled to attend.

26.5 At the reconvened Annual General Meeting the delegates present will constitute a quorum

27 PERIOD OF OFFICE

27.1 Unless when decided otherwise by Annual General Meeting, the national office bearer members shall hold office for a period of five (5) years and thereafter until the next Annual General Meeting.

28 APPLICATION OF THE CONSTITUTION

28.1 Provisions of this constitution will apply in the same context in all structures below the Annual General Meeting and the National Executive Committee.

29 FINANCIAL YEAR

29.1 The financial year of the Association is from 1 March of the year until the end of February of the following year.

29.2 The National Finance Committee is composed of the following:

29.2.1 the Treasure General

29.2.2 the Secretary General

29.2.3 the Regional Treasures

29.3 The National Finance Committee must meet at least quarterly on a date fixed by the Treasure General in conjunction with the Secretary General. The regional committee will meet every second month.

29.4 The National Finance Committee report directly to the EXCO and National Executive Committee and must be responsible to assist the Treasure General and its duties and control: is to

29.5 Prepare financial reports and statements for the EXCO and National Executive Committee;

29.6 Recommend amendments to the financial policy;

29.7 Recommend amendment to the constitution to ensure realignment of the finance of the **ASSOCIATION.**

29.8 Monitor the **ASSOCIATION's** accounts and querying unusual expenditure;

- 29.9 Making recommendation to the National Executive Committee regarding financial request from structures;
- 29.10 Ensure that proper books of accounts are maintained at the **ASSOCIATION**' head office and that regional offices act according to an acceptable accounting practices;
- 29.11 Keep detailed minutes of every meeting of the National Finance Committee;
- 29.12 Take decisions that are in compliance with the **ASSOCIATION**'s budget;
- 29.13 Make recommendation to the EXCO and National Executive Committee on all financial matters including auditing, budget, operational expenses, investment and financial policies;
- 29.14 Recommend means of making the **ASSOCIATION** self-sufficient; and
- 29.15 Preparatory work regarding the **ASSOCIATION** budget
- 29.16 The powers and duties of the Regional Finance Committees shall be similar to those of the National Finance Committee save where it explicitly indicated otherwise.

30 BOOK OF ACCOUNTING

- 30.1 All account of the **ASSOCIATION** must be audited annually by a person registered as an accountant and auditor under section 23 of the Public Accountants and Audit Act of 1951.
- 30.2 This person must be appointed by the EXCO
- 30.3 Copies of the consolidated audited accounts of the **ASSOCIATION** and the auditors' report shall be kept and made available to the members of the **ASSOCIATION** upon request.
- 30.4 The National Executive Committee must confirm the audited financial statements, the balance sheet and auditor's report
- 30.5 The auditor's financial report must be submitted and presented to the National Executive Committee by the National Finance Committee.
- 30.6 The report must state whether the auditor has examined all the books of accounts and records of the **ASSOCIATION**.
- 30.7 Is satisfied with the existence of the securities
- 30.8 Is satisfied that the **ASSOCIATION** has kept proper books of account

30.9 Has obtained all the information and explanation required

30.10 Is satisfied that the statement of income, expenditure and balance sheet accurately reflect the **ASSOCIATION**'s financial affairs; and

30.11 Is satisfied that the financial provisions as per this Constitution have been fully complied with.

30.12 The audited financial statement must be submitted to the Registrar of the Labour Relations as may be required in terms of the act.

31 GENERAL PROVISION

31.1 The provisions of this Constitution shall govern the contents of this Constitution

31.2 This document shall be known as The Association of Private Security Owners of South Africa constitution.

31.3 All persons who hold office under this Constitution at the time of registration shall continue to occupy such positions for the tenure thereof, unless the National Executive Committee so decide otherwise.

31.4 All business, notices, reports, statements or records of the **ASSOCIATION** shall be conducted in English language.

31.5 In the transition the office bearers and additional members of EXCO shall have every right and authority to act and make decisions on all matters of the **ASSOCIATION** pending the establishment of structures as contained in this constitution.

32 REPRESENTATION ON COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION, STATUTORY BODIES AND BARGAINING COUNCIL

32.1 Unless the rules or the constitution of the above in accordance with the constitution of the republic of South Africa, decision/s of any Court of law of the Republic of South Africa or decisions of the National Executive Committee provide otherwise:

32.1.1 the EXCO with the approval of the National Executive Committee resolves that the **ASSOCIATION** shall become a party to the CCMA, Statutory Bodies and Bargaining

Council etc in the area of its jurisdiction may elect or appoint a person/s to represent the **ASSOCIATION** on the aforementioned;

32.1.2 the relevant Regional Structure with the approval of the EXCO resolves that the **ASSOCIATION** shall become a party to the CCMA, Statutory Bodies or Bargaining Council in the area of its jurisdiction may elect or appoint a person/s to represent the **ASSOCIATION** on the aforementioned.

33 TERMINATION OF PARTICIPATION AND FILLING OF VACANCIES

33.1 Subject to the permission by the provisions of the law, this Constitution and decisions of the National Executive Committee, any member of the **ASSOCIATION** may vacate from the office:

33.1.1 if the member resigned by giving reasonable notice in writing to the **ASSOCIATION**

33.1.2 if a majority resolution to this effect is passed by the legitimate members of the relevant structure;

33.1.3 a member is recalled or compelled by the relevant structure to resign etc from the **ASSOCIATION** or structures;

33.1.4 a member is no longer capable both as per the provisions of this Constitution or any other conditions to continue to represent the **ASSOCIATION** in such organisation or structure etc;

33.2 The member who ceases to be a member in good standing as contained somewhere in this Constitution must not occupy any vacancies in the **ASSOCIATION** or represent the **ASSOCIATION** in such organisations or institutions as aforementioned above. The position shall be filled by the relevant structure of the **ASSOCIATION** by way of by-election and by a ballot paper unless so decided by EXCO or relevant structure.

33.3 The member vacated the position may have the right to stand in any ensued by-election if the member has since obtained good standing status unless the EXCO or relevant regional structure so otherwise decide as the case may be. The highest structure will have the final say as long is in accordance with the applicable provisions permitted by this constitution.

34 THE PROCEEDING OF MEETINGS

34.1 The Chairperson must chair all the meetings of the ASSOCIATION other than the Annual General Meeting.

34.2 If the Chairperson is absent, then the President or Deputy Chairperson as the case may be or the senior person as contained elsewhere in this Constitution must chair the meeting. If in their absence, the meeting may decide on a chair.

34.3 The senior person referred to shall mean the office bearers of the ASSOCIATION in their area of jurisdiction.

35 DEBATING OF MOTIONS

35.1 Any delegate/s or member/s present in a meeting who wish to speak must address the Chairperson or President in the case of the Annual General Meeting and may do so with the permission as referred above.

35.2 Any delegate or member present in a meeting who propose a motion may motivate that motion for not more than 10 minutes unless otherwise permitted as per the authority mentioned above and may reply to any debate for up to 5 minutes.

35.3 Unless permitted by the authority mentioned above, no delegate or member present at a meeting may speak on any issue for more than 5 minutes.

35.4 Decisions made may not be re-opened at the same meeting

35.5 The Chairperson or President as the case may be may make rulings on matters of meeting procedure, to the extent that such matters are regulated in terms of this Constitution.

35.6 No subject may be debated for longer than one hour unless delegates or members present at a meeting decide by majority to extend the period.

35.7 Unless otherwise provided for in terms of this Constitution, the majority of delegates or members present in a meeting may decide on rules of procedures not specifically regulated.

35.8 Where there is more than one motion on a matter, the delegates or members present in a meeting must vote by way of ballot. The Chairperson or President as the case may be must appoint scrutiner/s to count votes.

35.9 All matters of vote shall be done by way of ballot unless the meeting so decided otherwise.

36 DECISION MAKING

36.1 Unless so otherwise provided for in this Constitution the meeting makes decisions if:

36.1.1 the motion is duly seconded;

36.1.2 the motion is carried if majority of participants vote in favour thereof;

36.1.3 a motion will lapse if not seconded or supported by majority of the participants present;

36.1.4 where there are equal votes of and against the motion, then the President or Chairperson shall have a casting vote;

36.2 The scrutinizer/s must record the votes and report the result to the Chairperson or President as the case may be.

36.3 No motion that has been debated and determined may be re-opened or varied or rescinded at the same meeting.

36.4 Unless the Constitution provide, officials or employees of the **ASSOCIATION** may not vote on any matter.

37 RULINGS

37.1 The ruling by the President or Chairperson is final if there are procedural matters.

37.2 The ruling by the meeting if carries by consensus or by majority of members present as provided for in this constitution, is final.

37.3 If any delegate refuses to obey the President or Chairperson's ruling, a vote may be conducted by the meeting to deem the member guilty of misconduct.

37.4 If the meeting decide that the member is guilty of misconduct then, the member must withdraw from the meeting; and

37.5 The meeting has the right to suspend the member for a period deemed necessary by the meeting.

37.6 The above provisions do not apply where a duly seconded motion is move to overrule or rescind the President or Chairperson's ruling.

38 FINANCES OF THE ASSOCIATION

38.1 Unless authorised by the National Executive Committee, the **ASSOCIATION** may not open any other bank account except those provided for in terms of this Constitution.

38.2 All funds received from fees, levies, donations, functions or any other means as contained in terms of this Constitution shall be deposited into the account determined by the National Executive Committee.

38.3 A person whose membership has been terminated has no claim of whatsoever on the funds of the **ASSOCIATION**.

38.4 The National Executive Committee or its nominees may at any time authorise the account to be inspected, audited or suspended.

38.5 The Secretary General except for salaries of staff or amount authorised by written agreement and approved by the EXCO, may not make or permit payment of more than R50 000.00 (FIFTY THOUSAND RANDS) without the approval of the EXCO. The EXCO may amend this amount should it be necessary, subject to ratification by the National Executive Committee.

38.6 The funds of the Association may only be used for the administration of the affairs of the **ASSOCIATION**, i.e.

38.6.1 the acquisition of the property;

38.6.2 services provided to the Association

38.6.3 investment on behalf of the **ASSOCIATION** that are in the best interest of the **ASSOCIATION**;

38.6.4 to implement the policy and decisions of the **ASSOCIATION**;

38.6.5 to achieve the aims and objectives of the **ASSOCIATION**, as outlined in this Constitution;

38.7 For any lawful purpose agreed upon by the EXCO, National Executive Committee or Annual General Meeting.

39 PURPOSE OF FUNDS

39.1 Subject to the decisions of EXCO, National Executive Committee or the Annual General Meeting, the funds of the **ASSOCIATION** must be applied solely for the furtherance of the **ASSOCIATION**'s aims and objectives. This shall include the payment of salaries for the officials of the association and employees of the Association.

39.2 Funds contributed for a specific purpose must be used only for that specific purpose and for no other purpose and this is without any exception.

39.3 No profit or gains may be distributed to any person unless otherwise so decided by the National Executive Committee.

40 BANKING ACCOUNTS

40.1 The Treasure General or the Secretary General must deposit funds received, into the account of the **ASSOCIATION** within 7 days of receipt.

40.2 Where electronic transfer have been received, the Treasure General or Secretary General shall keep the records and register them in the register book.

40.3 No person may open a banking account in the name of the **ASSOCIATION** or any other similar name without:

40.3.1 The explicit written authority of the resolution of the EXCO and on an official letterhead of the **ASSOCIATION** signed by President and the Secretary General.

40.3.2 Subsequent verbal confirmation to the bank or financial institution concerned by either the Secretary General or Treasure General.

40.3.3 No person is authorised to open a regional bank account in any bank or financial institution in the name of the **ASSOCIATION** or any similar name without the explicit written authority of a resolution by the President and the Secretary General.

40.3.4 The Treasure General or Regional Treasure as the case may be, must draw the attention of the bank or financial institution to the provisions of this Constitution.

41 REPORTING

41.1 The National Finance Committee must prepare an income statements and expenditure reports for every meeting of the National Executive Committee

41.2 The report should include but not limited to a clear statement of any unbudgeted expenditure.

42 SIGNATORIES

42.1 The signatories of the **ASSOCIATION** bank accounts shall be the Secretary General and Treasure General on national accounts.

42.2 In the case of the regions, the signatories shall be the Regional Secretary and Regional Treasure.

42.3 All cheques or electronic transactions shall be duly signed or authorised by Secretary General and Treasure General as contained in terms of this constitution and policy.

42.4 In all cheques or electronic transactions the Secretary General and Treasure General in the case of head office shall counter sign any cheque or counter authorise any electronic transaction.

42.5 In the case of the region, the Regional Secretary and Regional Treasure shall duly sign any cheque or authorise any electronic transaction.

42.6 In the case of the correspondence subject to the area of jurisdiction, the President, Deputy President, National Chairperson, Secretary General, Deputy Secretary General, Treasure General and Deputy Treasure General are the officially authorised persons on behalf of the **ASSOCIATION**.

42.7 In the case of the regions, the Regional Chairperson, Regional Deputy Chairperson, Regional Secretary and Regional Treasure are the officially authorised persons.

43 NATIONAL ACCOUNT

43.1 All monies payable to the **ASSOCIATION**, including subscription fees, levies, fines and any other payment must be made into the account of the National Executive Committee.

43.2 The Secretary General or Treasure General must deposit the monies into the account as per the provisions of this Constitution.

43.3 The name of the bank account shall be known as The Association of Private Security Owners Association of South Africa.

43.4 The provisions of this Constitution shall *mutatis mutandis* apply to the regional financial structures except as exempted in terms of the financial policy.

43.5 All fees of funds payable to the **ASSOCIATION** shall be deposited in the national account/s. No region is permitted to receive fees or funds and monies to the account of the region unless distributed to it by the Head Office.

44 BUDGET

44.1 The National Executive Committee must determine the size of annual budget

44.2 The National Finance Committee is responsible to recommend budget and the management of the budget to the National Executive Committee.

45 LEVIES AND OTHER FUNDINGS

45.1 The National Executive Committee may at any moment impose a levy to raise funds for the **ASSOCIATION** activities.

46 UNAUTHORISED EXPENDITURES

46.1 If any member, **ASSOCIATION** official or any staff member at the structures of the **ASSOCIATION**, or meeting of the **ASSOCIATION** who incur expenses on behalf of the **ASSOCIATION** that have not been authorised, the member, official or staff member shall be held jointly and severally liable for the full refund of the amount spent together with the interest thereon.

47 REMOVAL OF MEMBERS NATIONAL EXECUTIVE COMMITTEE AND REGIONAL EXECUTIVE COMMITTEE, EXCO OR DEPLOYEE FROM OFFICE

47.1 Despite any provision in this Constitution, the members of the National Executive Committee, Regional Executive Committee, EXCO, or deployees of any structure or institution may be removed from office if:-

47.2A ballot as contained in this constitution is signed by at least 50+1 of the members in good standing in the relevant structure or area within their jurisdiction.

47.3The person/s concerned may only be removed from office if more than 50+ 1 of the members in the relevant structure vote to remove the person/s.

48 APPEAL

48.1The member may appeal by giving 30 days' written notice to the General Secretary

48.2The appeal made to the National Executive Committee on matters dealt with by the National Disciplinary Committee; and or the National Disciplinary Committee on matters dealt with by the Regional Disciplinary Committee in which the decision of the relevant structure as mentioned in this clause, is finally binding unless rescinded by the Annual General Meeting.

48.3Where the decision to suspend or expel is made by the Annual General Meeting, such decision is finally binding.

49 FINANCIAL AND LEGAL CONSEQUENCES

49.1The National Executive Committee is empowered in terms of this Constitution to recover all monies owed to the **ASSOCIATION** by the member/s.

49.2The members shall be held jointly and severally liable for all costs incurred by the **ASSOCIATION** in the recovery of such monies.

50 BALLOT

50.1Ballot may be taken of those members in respect of whom they call for a ballot in terms of this Constitution.

50.2Unless duly elected, when election of the office bearers and additional members of any structure are conducted in accordance with this Constitution; and or

50.3Where it is compulsory in terms of this Constitution

50.4Where a deadlock prevailed on any decision at a meeting, the members present shall vote by way of ballot unless the meeting agreed otherwise. Where the deadlock still

remained, the President shall have a casting vote and the Chairperson in case of the province.

50.5 Where two or more members are nominated for the same position, an election shall be conducted by a way of ballot and the person with the high number of votes shall be duly elected. Where the persons contesting the election receive an equal number of votes, the meeting shall be adjourned for an hour to allow delegates to attempt to reach consensus and where no consensus cannot be reached, further voting will be conducted. Where the deadlock still remained, the President shall have the casting vote and the Chairperson in the case of the province.

51 INDEMNIFICATION

51.1 The office bearers, EXCO members, officials, staff members and members of committees as per this constitution provided that they did not act in a manner which constitute a misconduct in terms of this constitution, shall be indemnified by the **ASSOCIATION** against all proceedings, costs and expenses incurred by reason of any omission, negligence or other acts done whilst performing their duties on behalf of the **ASSOCIATION**; and

51.2 They shall not be personally liable for any of the liabilities of the **ASSOCIATION**.

52 DISSOLUTION

52.1 The **ASSOCIATION** may be dissolved or wind up if a two-third majority of members at the National Executive Committee resolve to dissolve the **ASSOCIATION** provided that no such resolution may be taken unless a ballot of members of the **ASSOCIATION** has been conducted in the manner provided for in this Constitution and more than two-third of the members in good standing and participated in the ballot approve the dissolution.

52.2 If a resolution for the dissolution or winding up of the **ASSOCIATION** has been passed or if for any reason the **ASSOCIATION** is unable to continue to function, the following measures should be complied with

52.3 The available members of the last National Executive Committee must deliver to the Labour Court or any Court with jurisdiction a statement signed by them setting forth;

52.4 The resolution adopted;

52.5 The reasons for the **ASSOCIATION**'s inability to continue to function; and

52.6 Request to the Labour Court or any Court with jurisdiction to grant an order in terms of section 103 of the LRA as amended.

52.7 The liquidator appointed by the Labour Court or any Court with jurisdiction may call upon the members of the EXCO to deliver to the liquidator the books of account of the **ASSOCIATION** showing the assets and liabilities together with the register of members showing for the 12 months period prior to the date on which the resolution for dissolution or winding up was passed. The date as from which the **ASSOCIATION** was unable to continue functioning as the case may be (the date of dissolution), the membership fees paid to the **ASSOCIATION** by each member and his or her address as at the date of dissolution.

52.8 The liquidator may also call upon the last appointed or elected office bearers to handover to him or her all unexpended funds of the **ASSOCIATION** and deliver to him or her the Association's assets register and the documents necessary to liquidate the assets.

52.9 The liquidator must take all necessary steps to liquidate the debts of the **ASSOCIATION** from its unexpended funds and any other money realised from any assets of the **ASSOCIATION**. If these funds and monies are not sufficient to pay all creditors after the liquidation fees and the expense of winding-up have been met, the order in which the creditors will be paid must be the same as that prescribed in law for the time being in force relating to the distribution of the assets of an insolvent estate.

52.10 The liquidator's fees and the expenses for the winding-up must rank in order as that of the insolvent estate and as though the expenses were the cost of sequestration of an insolvent estate.

52.11 After the payment of all debts in accordance with the provisions of this constitution, the available members of the EXCO may decide to distribute the remaining funds, if any, by

52.11.1 transferring all or part of the assets or money to another **ASSOCIATION**;

52.11.2 entrusting the money with the Registrar of Labour Relations (the Registrar) until another **ASSOCIATION** within the scope of the **ASSOCIATION** if formed and once is formed transferring all or part of the assets or money to that **ASSOCIATION**;

52.11.3 transferring the money or assets to any insurance, pension, provident or benefit fund established in the interest of the members of the **ASSOCIATION**; or

52.12 Distributing the money or assets amongst the members in good standing at the time of dissolution on the basis of membership fees actually paid to the **ASSOCIATION** during the 12 months period prior to the date of dissolution.

52.13 After the payment of all the liabilities, any asset that cannot be disposed of in accordance with the provisions of this Constitution must be realised by the liquidator and the proceeds be paid to the Commission for Conciliation, Mediation and Arbitration in accordance with section 103 (5) of the LRA as amended.

52.14 The liability of members shall for the purpose of the provisions of this Constitution be limited to the amount of the membership fees due by them to the **ASSOCIATION** in terms of this Constitution as at the date of dissolution.

53 AMALGAMATION AND MERGER

53.1 The **ASSOCIATION** may amalgamate or merge with one or more other **ASSOCIATIONS** if at least 50+1 of the members in good standing at the Annual General Meeting vote in favour of the amalgamation or merger.

53.2 The National Executive Committee is authority to negotiate terms and conditions of the amalgamation or merger

53.3 Upon the amalgamation or merger, the assets of the **ASSOCIATION** will be transferred to the new **ASSOCIATION** subject to the provisions of the LRA as amended.

54 AMENDMENT TO THE CONSTITUTION

54.1 The Annual General Meeting or the National Executive Committee as delegated by the Annual General Meeting, may amend, repeal or add to this Constitution by way of a resolution that carries consensus or 50+1 of the members in good standing provided that a 30 days' notice has been given to the Annual General Meeting delegates.

54.2 No changes or additions to this Constitution shall have any force or effect until certified in terms of section 101 (3) of the LRA as amended.

55 AUTHORITY TO CONCLUDE AGREEMENTS OR ACT ON BEHALF OF THE ASSOCIATION

55.1 Subject to ratification by the National Executive Committee and Regional Executive Committee respectively within their jurisdiction, the Secretary General or Regional

Secretary as the case may be, may enter into or sign agreement, including collective agreements, on behalf of the **ASSOCIATION**.

55.2 Unless otherwise permitted, only national or regional office bearers or persons delegated by the **ASSOCIATION** may represent the **ASSOCIATION** or act as spokespersons of the **ASSOCIATION**. They must act in accordance with this Constitution, the policies, decisions and the mandate they received from the **ASSOCIATION** and its members.

56 DEMARCATIION

56.1 The demarcation of the regions of the **ASSOCIATION** shall be in line with the demarcation of the Republic of South Africa.

57 Appendix 1

57.1 The scope of the Association shall cover all employers operating in the

Signed President _____

Signed Secretary General _____

Date 06 September 2018