

CONSTITUTION OF THE SOUTH AFRICAN CONSOLIDATED RECREATIONAL ANGLING ASSOCIATION



First Amendment August 2018

1. INTERPRETATION

1.1. In this Constitution, any word to which a meaning has been assigned shall have the meaning so assigned, unless clearly inconsistent with or otherwise indicated by the context:

“Affiliate member” means a member as defined in terms of section 6.1 and who is admitted to membership of the Association in terms of section 6.6;

“Angling community” comprises of individuals and clubs, whether affiliated to SASACC or not, interested in angling as recreation or sport;

“Association” means the South African Consolidated Recreational Angling Association and abbreviated as **“SACRAA”**;

“Association member” means a member as defined in terms of section 6.1 and who is admitted to membership of the Association in terms of section 6.6;

“Action Committee” means the committee as constituted in terms of section 10 of the Constitution;

“Code of Conduct” means the Code of Conduct incorporated herein in terms of section 8;

“Constitution” means the Constitution of the South African Consolidated Recreational Angling Association;

“Discipline of Angling” means the different angling methods used by anglers, also known as the different anglings facets;

“Financial Year” means the period from 1 October to 30 September each year;

“General Meeting” means a meeting of members and includes an Annual General Meeting and Special General Meeting.

“Honorary Member” means a member as defined in terms of section 6.1 and who has been rendered honorary membership in terms of section 6.10 of the Constitution

“Members” means any person whose application for membership has been accepted by the Association in accordance with the provisions of section 6.6 of the Constitution or who has been rendered honorary membership in accordance with section 6.10;

“Ordinary member” means a member as defined in terms of section 6.1 and who is admitted to membership of the Association in terms of section 6.6;

“Prospective Member” means a candidate for acceptance as a member of the Association;

“SAFTAD” means the South African Fishing Tackle Agents and Distributors; and

1.2. Any reference to the singular includes the plural and vice versa.

1.3. Any reference to natural persons includes legal persons and vice versa.

2. NAME

The name of the Association shall be **the South African Consolidated Recreational Angling Association**.

3. LEGAL STATUS AND LIABILITY

3.1. The Association is and shall continue to be a distinct and separate legal entity and body corporate in terms of the South African common law, with the power to acquire, to hold and to alienate property of every description whatsoever, and with the capacity to acquire rights and obligations and having perpetual succession.

3.2. The assets, liabilities, rights and obligations of the Association vest in the Association independently of its members.

3.3. All actions or suits, proceedings at law or any arbitration shall be brought by or against the Association in the name of the Association and the Action Committee may authorise any such person or persons to act on behalf of the Association and

sign all such documents and to take all such steps as may be necessary in connection with any such proceedings.

4. A NON-PROFIT ASSOCIATION

4.1. Notwithstanding anything to the contrary herein contained:

4.1.1. The Association is not formed, and does not exist, for the purpose of carrying on any business that has as its object acquisition or gain by the Association or its individual members.

4.1.2. The income and assets of the Association shall be applied solely for investment and for the promotion of the objects for which it is established.

4.1.3. No part of the income or assets of the Association shall be paid, directly or indirectly, by way of dividend.

4.1.4. The Association will not be entitled to carry on any trading or other profit-making activity or participate in any business, profession or occupation carried on by any of its members or provide to any of its members financial assistance or any premises or continuous service or facilities for the purpose of carrying on any business, profession or occupation.

4.1.5. Provided that the provisions of sections 4.1.2 to 4.1.4 will not preclude reimbursements to members for payments made in respect of travel, accommodation and subsistence expenses incurred while conducting the affairs of the Association.

5. OBJECTS AND POWERS

5.1. The objectives of the Association shall be to promote the common interests of the angling community in general and the interests of recreational anglers in particular, in the following ways:

5.1.1. To promote recreational angling in South Africa in general and to encourage the development thereof;

5.1.2. To promote the rights and responsibilities of recreational anglers and create a culture of awareness of rights and responsibilities within the recreational angling community;

5.1.3. To support fishing regulations and procedures which ensure sustainable development of recreational fishing resources, whilst taking into consideration the rights and needs of the anglers and of the environment, with special focus on the preservation and conservation of eco-systems;

5.1.4. To facilitate the exchange of ideas and act as a think tank for ideas, priorities and problems in the recreational angling community;

5.1.5 To promote and encourage a spirit of co-operation between members;

5.1.6 To provide a forum for members to exchange opinions and information concerning current problems and other matters pertaining to the recreational angling community and to debate and seek solutions;

5.1.7 To represent all interested parties in the recreational angling community in negotiations with Government and semi-Government bodies, other authorities and interested bodies or associations;

5.1.8 To meet with all sporting bodies for the benefit of promotion of the recreational angling community and for the exchange of ideas of mutual interest.

5.2. The Association shall have the general powers necessary for the realisation of the objects as set out in section 5.1 above, and may also:

5.2.1. Seek affiliation to or membership of any other body or organization if such affiliation or membership will promote the interests of the Association.

5.2.2. Arrange seminars relating to the matters affecting the recreational angling community in general or any particular aspect thereof.

5.2.3. Establish a Code of Conduct for members and to promote the adherence of members to such Code of Conduct.

5.2.4. Arrange fund-raising events for specific or general purposes directly related to the furtherance of or the benefit of the Association, anglers, angling resources and the conservation thereof.

5.2.5. Promote, support (financially or otherwise), sponsor or in any other way assist any angling activity or occasion, any particular event, or any angler participating in such sport or any such event.

5.3. The Association shall have the following specific powers for the realisation of the objectives as set out in section 5.1 above:

5.3.1. To acquire, buy, hire or purchase, moveable or immoveable property for the Association, calculated to the benefit of the Association and to sell, lease or otherwise dispose of any of the assets of the Association or otherwise deal therewith.

5.3.2. To open bank accounts in the name of the Association and to draw, accept, endorse, make and execute bills of exchange, promissory notes, cheques and other negotiable instruments connected with the business and affairs of the Association.

5.3.3. To invest and deal with any moneys of the Association which are not immediately required for the purposes of the Association.

5.3.4. To borrow money and secure loans upon such security as may be provided by the Association.

5.3.5. To institute, conduct, defend, compound or abandon any legal proceedings by or against the Association or its officers, or otherwise concerning the affairs of the Association.

6. MEMBERSHIP

6.1 Membership of the Association consist of the following categories:

- a) Association members comprising corporate bodies, retailers and recreational fishing clubs who pay an initial entrance fee and an annual subscription;
- b) Ordinary members comprising individuals who pay an initial entrance fee and an annual subscription;
- c) Affiliate members comprising individuals who do not pay an entrance fee or annual subscription and do not have voting powers; and
- d) Honorary members.

6.2. With the exception of an Honorary Member, all prospective members must complete a membership application.

6.3. All applications by prospective members shall be considered by the Association.

6.4. All information regarding a prospective member and the information given by it to the Association in its application shall be treated in the strictest of confidence and used only for the purpose of processing the membership application in question.

6.5. Such prospective members shall become members once the Action Committee has accepted the prospective application.

6.6 Acceptance by the Action Committee of an application for membership is at the complete discretion of the Action Committee.

6.7. Membership of the Association does not and shall not give any member any right, title, interest, claim or demand in or to any of the assets of the Association.

6.8. Upon acceptance of membership the member concerned shall be bound by this Constitution and by any rules or by-laws of the Association.

6.9. The Association may from time to time confer honorary membership for a limited period or for life upon one or more individuals who have rendered significant services to the Association.

6.10. An honorary member shall not be obliged to pay any entrance fee, subscription or other levies or duties to the Association.

6.11 An honorary member shall not have the vote and shall not be obliged to attend meetings of the Association or participate in shows recommended or endorsed by the Association.

6.12 Any member may at any time bring to the attention of the Action Committee any concern or issue that may cause harm to or infringe on the rights of the recreational angling community and which may require further investigation or engagement by the Association.

7. REQUIREMENTS FOR MEMBERSHIP

7.1. In order to be eligible for membership a prospective member shall meet the following criteria:

7.1.1. An ordinary member candidate shall be a member of the recreational angling community.

7.1.2 An association member candidate shall be a business that is involved in the manufacturing, distribution or retail of fishing tackle, including other business sectors linked to the angling community in any way; and recreational fishing clubs.

7.1.3 An affiliate member shall be any individual whether they are a member of the recreational angling community or not.

7.2. Applications from prospective association or ordinary members must be accompanied by an initial once-off entrance fee and an annual subscription as determined by the Association at the AGM in accordance with section 9.1.

7.3. A prospective association member should be prepared to nominate a permanent representative, or alternative member to the Association who shall be duly authorized to speak for, bind or take decisions on behalf of the member or involving the participation of the member in the Association.

7.4. The representative and the alternate should be an officer, employee, proprietor or partner of the association member and must have the power, to take decisions on behalf of the member and to vote on any issue raised at that meeting.

8. CODE OF CONDUCT

8.1. Upon acceptance of membership every member of the Association undertakes to:

8.1.1. Adhere to the terms and directives contained in this Constitution.

8.1.2. Adhere to South Africa legislation in respect of recreational fishing and the conservation of the environment.

8.1.3. Refrain from misbehaviour or unprofessional conduct which may in any way cause harm to the angling community.

8.1.4. Support the professional image of the Association.

8.1.5. Conduct their business in a highly honourable manner.

9. ENTRANCE FEES AND SUBSCRIPTION

9.1. The Association shall at the Annual General Meeting determine the once-off entrance fee to be paid by a prospective association or ordinary member and the annual subscription to be paid by association and ordinary members of the Association. Annual subscription will be based on the recovery of all of the Association's annual costs of operation.

9.2. Immediately upon application as an association or ordinary member the new member shall pay its entrance fee and a full year's subscription, irrespective of when they join the Association. In the event that an application is rejected the entrance fee and subscription fee of the prospective member will be refunded.

10. MANAGEMENT OF THE AFFAIRS OF THE ASSOCIATION

10.1. The management and control of the affairs of the Association shall vest in the Action Committee and the Action Committee shall meet as and when necessary but no less than twice (2) times per financial year.

10.2. The Action Committee consists of 5 (five) members plus the Chairperson and the Secretary/Treasurer. A Vice Chairperson will be elected by the Action Committee from one of the 5 (five) members.

10.3. The Action Committee is responsible for the day to day administration of the Association and effecting and actioning of any resolutions and decisions made by the Association.

10.4. The Action Committee have full power and authority to do any act, matter or thing which could or might be done by the Association, except such matters as are specifically reserved to be dealt with at a General or Annual General Meeting.

10.5. In addition to the general powers and authorities hereby conferred on the Action Committee, and without in any way limiting such powers and authority, the Action Committee shall have the following further specific powers:

10.5.1. To appoint such agents, officers, clerks and servants for permanent, temporary or special services as they think fit, and to invest them with such powers as they may think expedient, and to determine their duties and fix and vary their salaries or emoluments (if any) and to require security in such instances, and to such amounts, as they may think fit, and to suspend or discharge any such persons at their discretion.

10.5.2. To enter into any contracts in the name of the Association.

10.5.3. To refer any claim or demand by or against the Association to arbitration and to perform, or refuse to perform the award.

10.5.4. To make and give receipts, releases and other discharges for moneys payable to the Association and for the claims and demands of the Association.

10.5.5. To appoint persons who shall be entitled, on behalf of the Association, to sign bills of exchange, cheques, receipts and negotiable instruments.

10.5.6. To make, amend and repeal by-laws for regulation of the affairs of the Association, its officers and servants, or members of the Association, provided that such are not inconsistent with or contrary to the Constitution.

10.5.7. To appoint sub-committees, for any purpose incidental to the objectives and powers of the Association and, subject to the Constitution, by-laws, rules and regulations, delegate such of its powers to such sub-committees as may be required.

10.5.8. To determine the remunerations of the Association's auditor, alternatively accounting officer.

10.5.9. To co-opt an additional member by a simple majority vote should there be a need to replace a member of the Action Committee. In the event of this occurring, the members at the next General Meeting can either ratify or reject the appointment.

10.5.10 To appoint special advisers and consultants for any purposes needed to achieve the objects of the Association and terminate such appointments.

10.5.11 To appoint a committee or to conduct disciplinary hearings regarding any member who does not uphold the Code of Conduct and to suspend a member upon conviction.

10.6. The members of the Action Committee may serve for a term of (4) four years of office and must resign at the end of the term but may make themselves available for re-election for another term at the AGM, provided that the Chairperson and two members of the Action Committee will resign after a term of two years after adoption of this Constitution, and may make themselves available for re-election.

10.7. No member of the Action Committee will serve on the Action Committee for more than two successive terms.

10.8. The Action Committee shall act as the management body of the Association at all times except when the AGM is sitting.

10.9. Action Committee decisions shall be submitted to the next General Meeting or Annual General Meeting for confirmation and approval. Specific powers may be delegated by the General Meeting or Annual General Meeting to the Action Committee in addition to the general powers and authority herein conferred on the Action Committee.

10.10 Until such time as the Association comprises voting members, the Action Committee shall comprise of members nominated and elected by the SAFTAD Executive.

11. ANNUAL GENERAL MEETINGS (“AGM”)

11.1. The AGM of the Association shall be held within 3 (three) months after the commencement of each Financial Year.

11.2. The Secretary/Treasurer shall send written notification to all members, which shall specify the date, time, place and the Agenda of the AGM. Such a notification must be distributed at least 30 (thirty) days before the date of the AGM.

11.3. The AGM shall be presided over by the Chairperson, or in his absence, the Vice-Chairperson or, if neither is present, by any one of the members present appointed by others.

11.4. The business of the AGM shall be:

11.4.1. to confirm the minutes of the previous AGM;

11.4.2. to elect a Chairperson;

11.4.3. to elect a Secretary/Treasurer;

11.4.4. to elect an environmental officer;

11.4.5. to elect an Action Committee consisting of 5 (five) members excluding the Chairperson and Secretary/Treasurer;

11.4.6. to elect the Chairperson and two of the members of the Action Committee during the same year and the Secretary/Treasurer and the three others members of the Action Committee during the next year;

11.4.7. to receive and consider the report of the Action Committee and the financial statements for the preceding financial year with the auditor's or alternatively accounting officer's report thereon and approve the annual financial statements of the Association;

11.4.8. to determine the entrance fee and annual subscription for the ensuing financial year of the Association;

11.4.9. to determine the remuneration of the Secretary/Treasurer for the ensuing financial year;

11.4.10. to appoint an auditor for the ensuing financial year; and

11.4.11. to discuss any other business which may be deemed necessary.

11.5. The office bearers elected at an AGM shall take office upon termination of the meeting in question.

11.6. The members of the Association shall be entitled to discharge any member of the Action Committee before the expiry of the office period of such a member of the Action Committee in the event that there is a 2/3 (two thirds) majority vote by the members to that effect.

12. GENERAL MEETINGS

12.1. General Meetings of the Association other than AGM's shall be held whenever mutually considered necessary and desirable by the Action Committee.

12.2. The Secretary/Treasurer shall send written notification to all members which shall specify the date, time and place of the General Meetings. Such a notification must be distributed at least 30 (thirty) days before the date of the meeting.

12.3. Such meetings shall be presided over by the Chairperson, or in his absence, the Vice-Chairperson or, if neither is present, by any one of the members present appointed by others.

13. SPECIAL GENERAL MEETINGS (SGM)

13.1 A SGM of members shall be convened by resolution of the Action Committee or upon a written requisition of not less than 3 (three) members of the Association stating the exclusive purpose for which the SGM is to be called.

13.2. Within 14 (fourteen) days after receipt of the resolution or requisition the Secretary/Treasurer shall send written notification to all members, which shall specify the date, time and place of the SGM. Such a notification must be distributed at least 30 (thirty) days before the date of the meeting.

13.3. Such meetings shall be presided over by the Chairperson, or in his absence, the Vice-Chairperson or, if neither is present, by any one of the members present appointed by others.

13.4. No business other than that stated in the notification shall be transacted at the SGM.

14. VOTING RIGHTS AND VOTING AT MEETINGS

14.1. A quorum at any meeting of the Association, other than a meeting of the Action Committee, shall be at least 50% (fifty percent) of the members of the Action Committee plus at least 7 (seven) of the members of the Association who are entitled to attend and vote at such meeting. A quorum of a meeting of the Action Committee shall be at least 4 (four) members of the Action Committee.

14.2. In the event of a quorum not being present, the meeting shall be postponed for the period of 1 (one) hour, and, if at the end of such hour there is still no quorum present, a quorum will be deemed to be present and the meeting may be held.

14.3. In addition to the Action Committee members, only association and ordinary members will have the vote at Association meetings.

14.3.1 Each association member represented at the meeting by its nominated representative or his alternate shall be entitled to one vote.

14.3.2 Each ordinary member at the meeting shall be entitled to one vote.

14.3.3 No proxy votes are allowed.

14.4. A member which is not in good standing or who is suspended shall not be entitled to vote.

14.5. All matters submitted for resolution at any meeting shall, save as is otherwise provided in this Constitution, be decided by a simple majority of votes.

14.6. The chairperson will have a deliberate vote. In the event of an equality of votes, the person presiding at the meeting as Chairperson or acting Chairperson shall have a casting vote.

14.7. Voting at all meetings shall be by a show of hands unless a ballot is called for by any member present, in which event voting shall be by secret ballot.

15. ADMINISTRATION

15.1. The administration of the secretarial and financial affairs of the Association shall be performed by the Secretary/Treasurer who shall be responsible for correspondence and for keeping records of the Association's affairs and transactions.

15.2. The remuneration of the Secretary/Treasurer and all other expenses involved in the administration of the Association shall be funded from the resources of the Association.

15.3. The Secretary/Treasurer shall attend and keep minutes of all meetings of the Association. If the Secretary/Treasurer is not available an acting Secretary/Treasurer shall be appointed by the present members to keep minutes of the meeting of the Association.

15.4. A banking account or accounts shall be opened in the name of the Association and all receipts of the Association shall be deposited into such account/s including subscriptions and other moneys received and all expenses, save for petty expenses, shall be paid out of such account/s.

15.5. The Association may establish sub-committees or working groups which will be responsible for examining problems of interest to the members and for preparing proposals for solution within the framework of the principles of the Association. Such sub-committees may be established by the Chairperson with the concurrences of the Vice-Chairperson.

16. SUSPENSION OF MEMBERSHIP

16.1. The membership of a member and all rights of such member may be suspended in the event that the Action Committee finds or suspect on reasonable grounds that:

16.1.1. The member in question has failed for a period of 60 (sixty) days after due date to pay to the Association its subscription fees or any other amounts due by it to the Association.

16.1.2. That the member in question has broken or abused the provisions of this Constitution or the Code of Conduct or has failed upon due date to provide information or documents to the Association or the Secretary/Treasurer as provided for in this Constitution.

16.1.3. The member in question has conducted itself in a manner that has brought the Association into disrepute.

16.2. The Secretary/Treasurer of the Association shall in writing advise the suspended member of such suspension and the reasons for the suspension and call upon the suspended member to respond in writing to the Association within 30 (thirty) days and advise that the situation be corrected or furnish such other information as may be relevant in order to enable the Association to reconsider the suspension and if the Action Committee deems it necessary to lift such suspension.

16.3. At the next meeting of the Action Committee, the Action Committee shall consider the situation of the suspended member and either lift the suspension or terminate the membership of the member.

16.4. At such meeting the member in question shall be entitled to make submissions to the meeting in person or through its representative or alternate which submissions shall be considered by the meeting before a decision is taken.

16.5. The decision of the Action Committee to suspend is final and binding on all members, and may only be overturned at the AGM or a Special General Meeting.

17. TERMINATION OF MEMBERSHIP

17.1. The membership of a member may be terminated upon a decision by the Action Committee taken in terms of section 16 of the Constitution.

17.2 The decision of the Action Committee is final and binding on all members, and may only be overturned at the AGM or a Special General Meeting.

18. AMENDMENT OF CONSTITUTION

18.1 This Constitution may be amended by a resolution passed by not less than 2/3 (two thirds) of the members present and entitled to vote at a General Meeting of the Association in respect of which not less than 14 (fourteen) days written notice has been given specifying the intention to consider any such resolution. Such notice shall clearly set forth the nature of the resolution to be considered and the terms and affect thereof.

18.2 Any resolution to amend this Constitution shall be recorded in the minutes of the General Meeting at which it was passed.

18.3 Within one month of the passing of a resolution amending its Constitution, the Action Committee must lodge with the South African Revenue Service and the Department of Social Development notice of the resolution setting out particulars of the alteration.

19. DISSOLUTION

19.1. The Association may be dissolved upon a resolution passed by not less than 75% (seventy five percent) of the Members present at such meeting and entitled to vote in respect of which not less than 14 (fourteen) days' notice has been given specifying the fact that the Association is to be dissolved or liquidated.

19.2. If upon such dissolution or liquidation there remains, after satisfaction of all the Association's debts and liabilities, any assets or property whatsoever, such assets or property shall not be paid to or distributed amongst the members of the Association but shall be given or transferred to such other institution or institutions having objects similar to those of the Association, as may be determined by a majority decision of the members present at such meeting.

20. ITEMS NOT COVERED IN THIS CONSTITUTION

Subject to the Constitution of the Republic of South Africa, should this Constitution be silent on any matter or matters that may arise, the Action Committee shall give a ruling on such matter or matters, which shall be binding. Should this decision require a vote then voting must be conducted in terms of section 14 of this Constitution.

21. DECLARATION

This Constitution was adopted at a Special General Meeting of this Association held

at _____ on the ____ day of _____ 2016.

CHAIRPERSON

SECRETARY/ TREASURER