

# **DeafSA CONSTITUTION**



**APPROVED OCTOBER 1999 –  
AMENDED OCTOBER 2000**

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# DeafSA

## DEAF FEDERATION OF SOUTH AFRICA CONSTITUTION

### 1. INTRODUCTION

- 1.1. The basic philosophy of DeafSA constitution is grounded in respect for and the need to enshrine Deaf Culture and to play a role in the equalisation of opportunities for Deaf people. It furthermore serves to convey the intention and to reflect a profound commitment to the holistic empowerment of the South African Deaf community, while upholding and adhering to the basic principle of [development] and non-discrimination in terms of race, gender, education and social standing while fostering unity, transparency, accountability and integrity. In line with the present national government's efforts and concerns relating to decentralisation of power, control and responsibility to provincial structures, DeafSA lends its encouragement and assistance to the ongoing development of provincial structures for Deaf people to enhance capacity building as well as self and public awareness. Through this affirmative action Deaf people are placed in a position of managing provincial structures according to their actual needs.
- 1.2. The principle behind the status of this Constitution is in line with the present policies and processes of the South African Government of decentralising power and authority to Provincial government structures. Along similar lines, encouragement of and assistance with the provincial development of structures relating to the Deaf people, is one of the responsibilities of the Deaf Federation of South Africa.
- 1.3. This constitution signifies a basic and fundamental shift away from a structure representing organisations serving Deaf people, to one which is primarily composed of the nine Deaf Provincial Federations, through which the South African Deaf community is afforded direct representational opportunities.
- 1.4. DeafSA is one organisation with delegated powers and functions to the provinces to allow for self-management through a provincial structure of the Deaf Provincial Federation, Deaf Provincial Council and its management Committee. Member organisations become members of DeafSA through their provincial affiliation. The approval of membership is delegated to the provinces.
- 1.5. DeafSA National Quadrennial Congress decides and mandates what powers and functions are delegated to the provinces.

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## **2. NAME AND CONCEPT**

The name of this body shall be “DEAF FEDERATION OF SOUTH AFRICA” hereinafter referred to as “DeafSA”.

The name of the Deaf Provincial Federation hereinafter referred to as “D.P.F” shall be as followed: -

- A) DeafSA – Gauteng
- B) DeafSA – Limpopo
- C) DeafSA – North West
- D) DeafSA – Mpumalanga
- E) DeafSA – Kwazulu-Natal
- F) DeafSA – Northern Cape
- G) DeafSA – Eastern Cape
- H) DeafSA – Western Cape
- I) DeafSA – Free State

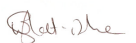
In recognition of the diversity of communities that comprise the population of South Africa, together with the fact that within this diversity, Deaf people share in one common Deaf culture, DeafSA embraces all Deaf communities in all Province’s in order to assist them to acquire such knowledge, skills and experience as will encourage them to establish their own organisations through which to encourage and promote social, developmental and other services to their own Deaf people.

## **3. DEFINITIONS**

In this Constitution the word “Deaf” refers to all persons with a substantial hearing loss who may consider themselves Deaf. In particular it refers to those persons who use South African Sign Language as a means of communication, including hard of hearing, deafblind and deafened persons who align and identify themselves with Deaf culture and with South African Sign Language.

The word Deaf is spelt with a capital “D” to denote adherence to a particular cultural grouping, namely. Deaf culture.

Any use of gender specific pronouns, such as he, she, him or her does not exclude reference to persons of the other gender.



## **4. LANGUAGE**

The language of DeafSA is South African Sign Language. The minutes, correspondence and record keeping within DeafSA shall be recorded in English. Other official languages and methods of communication are respected.

## **5. VISION AND MISSION STATEMENT OF DeafSA**

It is the intention of DeafSA to conduct itself according to the official vision of the organisation and to adhere to its official Mission Statement that shall be formulated at each National Quadrennial Congress.

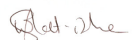
## **6. AREA OF FUNDRAISING**

### **6.1 NATIONAL**

The area of fundraising of DeafSA is the Republic of South Africa, but this does not preclude international funding. Should any outreach programmes of DeafSA include areas beyond the Republic, then the provision of equipment and the payment of services in such areas shall not be funded from the funds raised specifically for DeafSA's activities within the Republic of South Africa, or from any subsidies or grants from the South African Government or other South African bodies, unless specifically donated for use in such other areas.

### **6.2 PROVINCIAL**

The area of fundraising of the D.P.F (Deaf Provincial Federation) is, by mutual agreement between the various provinces and DeafSA, (Deaf Federation of South Africa) restricted to the provincial boundaries within which the Deaf Provincial Federation functions. This does, however, not restrict the D.P.F from receiving funding assistance from beyond its boundaries. Should any outreach programmes of the D.P.F include areas beyond this province, then the provision of equipment and the payment of services in such areas shall not be funded from the funds raised specifically for the provincial activities, or from any subsidies or grants from the provincial Government or other South African bodies, unless specifically donated for use in such other areas.



## **7. AREA OF OPERATION**

### **7.1 GEOGRAPHIC AREAS OF PROVINCES**

The provinces covered by the national area in terms of this Constitution are each of the geographic areas defined as a Province in terms of the Republic of South Africa Constitution Act, Act. No. 200 of 1993.

### **7.2 THE PROVINCES**

The provinces are as follows:

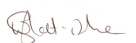
- Gauteng
- Limpopo
- North West Province
- Mpumalanga
- Kwazulu-Natal
- Northern Cape
- Eastern Cape
- Western Cape
- Free State

However it shall not exclude any re-demarcation of any new geographic regions as may be promulgated by the Government of the Republic of South Africa from time to time. Each of the above provinces shall establish a D.P.F, which shall be governed by a Deaf Provincial Council, hereinafter referred to as a D.P.C, and shall act as the provincial representative body for Deaf people in that province.

### **7.3 DEAFSA PROVINCIAL STRUCTURES**

7.3.1 DeafSA accepts as one of its main objectives the facilitation of provincial development, through the establishment and maintenance of the D.P.F in each province. Where necessary, alliances with other provincial/local organisations, with similar aims and objectives to those of DeafSA, shall be sought to facilitate services and representative structures for Deaf people. All such action shall be in collaboration with the Deaf community in that province.

7.3.2 The National Executive Committee, hereinafter referred to as the N.E.C, shall, from time to time, formulate policy, rules and regulations which deal with all aspects of the establishment and maintenance of D.P.F. Such rules and regulations shall not be inconsistent with this Constitution and shall be observed by the D.P.F in that province.



- 7.3.3 Should the D.P.F fail to conduct its affairs in accordance with the constitution of DeafSA, DeafSA shall have reasonable grounds to intervene in that D.P.F affairs. Such intervention shall include, but not be restricted to, the monitoring of objectives and functions and the implementation of corrective measures.
- 7.3.4 The D.P.F is bound by and in accordance with the aim and objectives, values and philosophies of DeafSA and shall maintain an integrated part of the structure of DeafSA.

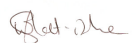
## **8. OBJECTIVES**

### **8.1 NATIONAL OBJECTIVES**

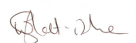
- 8.1.1 **to encourage, assist and guide in the formation and maintenance of the D.P.F** in each of the provinces. Such D.P.F is made up of a variety of member organisations for / of Deaf people, including Deaf Clubs, who act as the primary means of empowerment for the creation of representational structures for the Deaf community. Each D.P.F is managed by its D.P.C.
- 8.1.2 to act as **National Secretariat** and as a conduit for information between national and international government, other organisations and provincial Deaf Federations, as well as to co-ordinate the distribution of funds to provinces for specific projects as may be decided by DeafSA's N.E.C from time to time.
- 8.1.3 to **formulate national policies** regarding deafness.
- 8.1.4 to **initiate, develop, decentralise, co-ordinate and maintain structures** and projects which include services, training and programmes for the social development and empowerment of Deaf people on a national basis, or where there is no D.P.F in a particular Province as yet, or where the D.P.F is unable or unwilling to undertake such projects; as well as to undertake projects to benefit Deaf people at provincial level in collaboration with that specific D.P.F.
- 8.1.5 to **promote the status of South African Sign Language** in co-operation with PanSALB (Pan South African Language Board), provincial Deaf structures and all other stakeholders in all such measures so as to maintain South African Sign Language as the official language used by Deaf people in South Africa.
- 8.1.6 to **promote, and assist in maintaining the standards and training of Sign Language interpreter services** in South Africa. These efforts may be undertaken in collaboration with other bodies where expertise and resources may be shared.

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- 8.1.7 to be the **official lobbying, representation and negotiation channel** for the purposes of equalisation of opportunities and full participation of Deaf people in community life, thus facilitating communication between members of DeafSA and national, provincial and local and all other authorities and to furnish such reports and memoranda in respect of the needs and well-being of Deaf people, to achieve the necessary statutory recognition and representation on government structures as DeafSA's N.E.C may deem necessary.
- 8.1.8 to **co-operate with the national, provincial and local authorities** in all measures for the general well-being of Deaf people, and to take such steps as may be necessary or desirable for securing the proper administration of all legislation dealing with Deaf people, including promotion of any measures or policies that DeafSA or its N.E.C may consider advisable for the general well-being of Deaf people. Any such action that may be undertaken at local or provincial level shall be in collaboration with Deaf provincial structures and that specific Deaf community.
- 8.1.9 to **promote the integration of Deaf people into society** as a whole by providing relevant information about public and specialised services available to them.
- 8.1.10 to **promote research and training programmes** on national and provincial levels to meet specific needs in the Deaf community, on any research related topic which may be deemed to be of benefit to the Deaf community such as the needs of children; women; young adults; the aged; illiterate, uneducated or mis-educated Deaf people; Deaf people with multiple disabilities; Deaf people with no prior access to Sign Language and Deafblind people, as well as relevant management practice and fundraising skills.
- 8.1.11 to **promote Deaf awareness and Deaf culture** as well as life- and leadership skills training among Deaf people to generate self-assertiveness and self-empowerment.
- 8.1.12 to **establish and maintain professional standards of supervision** and consultation services within social development programmes of Deaf people.
- 8.1.13 to **promote** equal employment opportunities in all sectors of the economy on national, Provincial and local levels.
- 8.1.14 to **obtain statistics regarding Deaf people**, including children of school- going and pre-school age.



- 8.1.15 to **investigate any question or proposal with reference to the causation** of deafness; early identification and early intervention, the conservation of hearing as well as the education, health, training, employment, information technology, assistive/technological devices, sport, education in democratic rights, recreation and religious practice or any life facet which may contribute toward the well-being of Deaf people; and to give advice, counsel and assistance of every kind including the convening of conferences and the like, in connection herewith.
- 8.1.16 to **educate all sectors of South African population** and to promote public awareness of Deaf people by the provision of information and research activities, including the dissemination of knowledge concerning Deaf people their culture and abilities, by the publication and/or issuing of journals, magazines, pamphlets, brochures, circulars, or the like in connection herewith.
- 8.1.17 to **raise funds and to market the services provided** and projects of interest to Deaf people to the public, both nationally and internationally.
- 8.1.18 to **co-operate with all organisations, or institutions** nationally or internationally to further the cause of Deaf people in South Africa.
- 8.1.19 to encourage and assist where necessary with the formation of structures for **Deaf women, the Deaf Youth and Deaf sport** of South Africa, both on national and provincial level to ensure full representative and decision-making opportunities for these groups.
- 8.1.20 to **appoint such employees** as DeafSA's N.E.C may consider to be necessary for the carrying out of its objectives and activities, including the appointment of a National Director of DeafSA.
- 8.1.21 to **borrow and procure capital** in such manner as DeafSA's N.E.C shall deem fit and to make contributions and /or grant loans at the discretion of and upon such terms and conditions as DeafSA's N.E.C may decide, to Deaf people or to any person or service structure providing a service to Deaf people.
- 8.1.22 to **promote** equal and effective education of Deaf children.
- 8.1.23 to **promote** effective education methodology, teacher training and education policies that are in the best interests of ensuring a learner – free education environment for adult and children learners.
- 8.1.24 to **actively co-operate** with education service providers.



8.1.25 Above-mentioned objectives are given meaning through the strategic business plans on national and provincial level.

## **8.2 PROVINCIAL OBJECTIVES**

8.2.1 To **formulate policies, procedures and guidelines** regarding deafness and services to the Deaf community.

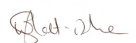
8.2.2 To **encourage, assist and guide in the formation of local societies** for/of Deaf people and Deaf Clubs and to guide and coordinate the activities of such societies and clubs, and to promote co-operation between such societies and/or clubs through the creation of a Coordination Platform.

8.2.3 To **initiate, develop, coordinate and maintain structures** and projects which include services, training and programmes for the welfare and empowerment of Deaf people, or to undertake same where a local society or club is unable or unwilling to undertake such projects; as well as to undertake projects to benefit Deaf people in collaboration with national bodies and local affiliated societies or clubs and Provincial or local authorities.

8.2.4 To **manage and administer systems** on provincial -, regional - and local levels on an effective and sound basis and to train the members of all it's committees and any affiliated members, in this regard.

8.2.5 To **promote the status of South African Sign Language** in co-operation with the national structure in all such measures to maintain South African Sign Language as an official language used by Deaf people, which includes the promotion of the training in South African Sign Language and Interpreter Services, and to assist in maintaining standards of South African Sign Language training and interpreter services. These efforts may be undertaken in collaboration with other bodies where expertise and resources may be shared as appropriate.

8.2.6 To be the **official lobbying, representation and negotiation channel** in co-operation with its members, for the purposes of equalisation of opportunities and full participation of Deaf people in community life, thus facilitating communication between Deaf provincial structures and provincial, and/or local authorities and to furnish such reports and memoranda in respect thereof from time to time as the D.P.C may deem necessary, to members and other role-players involved.



- 8.2.7 To **co-operate with the provincial, and/or local authorities** in all measures for the welfare of Deaf people, and to take such steps as may be necessary or desirable for securing the proper administration of all provincial legislation dealing with Deaf people, including promotion of any measures that the D.P.C may consider advisable for the general welfare and development of Deaf people.
- 8.2.8 To **investigate the conditions of Deaf people, in co-operation with members**, with a view to observing the Human Rights of Deaf people, including but not restricted to the accessibility of public and organisational services to Deaf people; and generally to act for the protection of their interests; to promote their well-being; and to monitor discriminatory practices and to take appropriate steps to deal with it.
- 8.2.9 To **promote the integration of Deaf people into the community** as a whole by informing them about the available public services and by informing the community about the needs, culture and abilities of Deaf people.
- 8.2.10 To **promote research, the compiling of specific statistics** and training programmes on provincial levels to meet the needs in the Deaf community, on any research related topic which may be deemed to be of benefit to the Deaf community such as the needs of children; women; young adults; the aged; illiterate, uneducated or mis-educated Deaf people; Deaf people with multiple disabilities and Deaf people with no prior access to Sign Language, relevant management practices and fundraising.
- 8.2.11 To **promote Deaf awareness and Deaf culture, as well as life- and leadership skills training** among Deaf people in order to enable them to achieve self-assertiveness and empowerment.
- 8.2.12 To **establish and maintain professional standards of supervision and consultation services** within welfare and community development programmes of Deaf people.
- 8.2.13 To **promote the development of Deaf human resources and employment**.
- 8.2.14 To **investigate any question or proposal with reference to the causation of deafness; early identification and early intervention** to the conservation of hearing and to the education of Deaf children from birth, technological assistive devices, training, employment or well-being of Deaf people, or otherwise affecting their interest; and to give advice, counsel and assistance of every kind including the convening of conferences and the like in connection herewith and to obtain statistics on such.

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- 8.2.15 To **educate the public and to promote public awareness of Deaf people** by the provision of information and research activities, including the dissemination of knowledge concerning Deaf people, their culture and abilities and to publish or issue journals, magazines, pamphlets, brochures, circulars, or the like in connection herewith.
- 8.2.16 To **co-operate with all organisations, schools or institutions** in the province to further the cause of Deaf people in the province.
- 8.2.17 To **borrow money, raise funds and market the services provided and projects of interest** to Deaf people, in accordance with pre-set guidelines. The D.P.C may make contributions and/or grant loans at its discretion and upon such terms and conditions as it may decide, to Deaf people or any person, provincial or local body rendering assistance in any form to Deaf people.
- 8.2.18 To elect and **appoint such office bearers and employees** as the D.P.F or its D.P.C may consider being necessary for the carrying out of its objectives and activities, including the appointment of a Provincial Director for this D.P.F.
- 8.2.19 To **co-operate with national and international organisations** (in close collaboration with DeafSA) of the Deaf, hard of hearing and other groups of persons with disabilities as well as provincial, national and international bodies and authorities, to seek alliances with such organisations and to appoint representatives to such bodies to enhance the life of Deaf people.

## **9. POWERS**

### **9.1 POWERS: NATIONAL**

- 9.1.1 DeafSA N.E.C shall have the power to implement the following:
- 9.1.1.1 To canvass for, receive and accept subscriptions, contributions, donations, bequests, endowments, subsidies, grants-in-aid and other awarded monies and any other benefits whether in cash or in kind, as well as any other type of assistance whatsoever.
- 9.1.1.2 To organise and direct the collection of funds and to explore all suitable sources of revenue and where appropriate, to do so in collaboration with the various D.P.F.

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- 9.1.1.3 To administer the funds of DeafSA and to invest the funds and capital of DeafSA which are available for investment with registered financial institutions as defined in the Financial Institutions Amendment Act (Act No 22 of 1997), and in shares listed on a licensed Stock Exchange as defined in Stock Exchange Act, (Act No. 14 of 1998), and to realise or vary such investments, all in such manner as may be deemed advisable.
- 9.1.1.4 To borrow or raise money with or without security and in such manner as may be deemed to be fit and in particular by the issue of mortgage bonds charged upon all or any part of DeafSA's property.
- 9.1.1.5 To acquire by purchase, lease, exchange or in any other manner whatsoever, movable and immovable property of any nature of kind whatsoever and wheresoever situated, or any right, title or interest whatsoever therein and including shares or securities of any kind. In the event of it being necessary for a bond to be registered on any property of DeafSA in any of the provinces, DeafSA.
- 9.1.1.6 To let or hire out any of DeafSA's property of any kind whether movable or immovable, and to enter into and conclude any lease or agreement which may from time to time become necessary or be found to be advisable upon such terms and conditions and at such rentals or free of rent as may be deemed advisable. In the event that DeafSA's N.E.C decides to develop or occupy any of its properties in any of the provinces, it shall do so in a manner which will not be to the detriment or expense of any provincial Deaf structure and in a manner which will ensure the continuation of services in that specific province.
- 9.1.1.7 To manage and develop any land, buildings and other property, whether belonging to DeafSA or not.
- 9.1.1.8 To sell, dispose of or otherwise deal with the undertaking of all or any part of the property of DeafSA, upon any terms.
- 9.1.1.9 To make donations to organisations having the same or similar objectives as those of DeafSA.
- 9.1.1.10 To pay gratuities and pensions and establish pension schemes in respect of its bona fide employees.
- 9.1.1.11 To institute and defend actions at law in any competent court, and for that purpose sign and execute all necessary powers of attorney.
- 9.1.1.12 To perform any act in furtherance of the interest of DeafSA and do all such other things as may be necessary, desirable or conducive to the achievement of any of the objectives of DeafSA or its more efficient functioning.

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- 9.1.1.13 Property owned or bought must be registered in the name of DeafSA. With permission of DeafSA, legal entities may be established in the provinces to perform this function for provincially owned property.
- 9.1.2 For the written exercise of any and all powers vested in DeafSA, one signature shall be necessary from each of a) and b) below, unless the power is delegated :
- a) the Chairperson or Vice-Chairperson of DeafSA and
  - b) the National Director, Honorary Treasurer or a staff member of the National Office as designated by the N.E.C, provided that the N.E.C may decide that at least two of the persons mentioned in b) above may sign for transactions up to a maximum determined by the N.E.C from time to time.
- 9.1.3 DeafSA is a non-profit organisation registered in terms of the Non-Profit Organisation Act (Act 71 of 1997) and, in terms thereof, may enter into agreements in its own name, and all actions at law against DeafSA shall be directed against DeafSA in its own name and all actions instituted by DeafSA shall be instituted in its own name.
- 9.1.4 No D.P.F, office bearer or staff member of DeafSA shall, purely by its/their membership, incur any financial liability in respect of any claim or action brought against DeafSA. Similarly DeafSA shall not accept any financial liability for any action brought against any DeafSA office bearer or staff member or any D.P.F, its office bearers or staff members, should such action involve any unlawful or negative personal conduct.
- 9.1.5 DeafSA shall register itself in terms of any legislative structure which, after due consideration by its N.E.C, will further the cause and activities of this organisation.

## **9.2 POWERS: PROVINCIAL**

- 9.2.1 The D.P.C has delegated powers from DeafSA and therefore stays accountable to DeafSA N.E.C. for the execution of such powers. It is expected from the D.P.C to provide progress reports on a quarterly basis to DeafSA N.E.C within a format prescribed by DeafSA N.E.C. The execution of the following powers is subject to set policy on national level:
- 9.2.1.1 to canvass for and receive and accept subscriptions, contributions, donations, bequests, endowments, subsidies, grants-in-aid and other awarded money and any other benefits whether in cash or in kind, as well as any other type of assistance whatever.

- 9.2.1.2 to organise and direct the collection of funds and to explore all suitable sources of revenue and where appropriate, to do so in collaboration with organisations of/for Deaf people, including Deaf Clubs.
- 9.2.1.3 to administer the funds of the D.P.C and to invest the funds and capital which are available for investment with registered financial institutions as defined in the Financial Institutions Amendment Act (Act No 22 of 1997), and in shares listed on a licensed Stock Exchange as defined in Stock Exchange Act, (Act No 14 of 1998), and to realise or vary such investments, all in such manner as may be deemed advisable.
- 9.2.1.4 to borrow or raise money with or without security and in such manner as may be deemed fit and in particular by the issue of mortgage bonds charged upon all or any part of property owned by this D.P.F.
- 9.2.1.5 to acquire by purchase, lease, exchange or in any other manner whatsoever, movable and immovable property of any nature or kind whatsoever and situated, or any right, title or interest whatsoever therein and including shares or securities of any kind.
- 9.2.1.6 to manage, develop, dispose of, let or hire out any property of any kind of the D.P.C whether movable or immovable, and to enter into and conclude any lease or agreement which may become necessary or be found to be advisable upon such terms and conditions and at such rentals or free of rent as may be deemed advisable.
- 9.2.1.7 to levy membership fees from its member organisations in accordance with fee structures as may be determined by the D.P.C from time to time.
- 9.2.1.8 to make donations to organisations and Deaf clubs having the same or similar objectives to the D.P.C.
- 9.2.1.9 to pay gratuities and pensions and establish pension schemes in respect of its bona fide employees.
- 9.2.1.10 to institute and defend actions at law in any competent court, and for that purpose to sign and execute all necessary powers of attorney.
- 9.2.1.11 to perform any act in furtherance of the interest of the D.P.C and to do all such other things as may be reasonably necessary, desirable and conducive to the achievement of any of the objectives of the D.P.C or to its more efficient functioning.

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9.2.1.12 to terminate the membership of any affiliated member according to and in line with the prescriptions as outlined in Clause 10.2.3.2 below.

9.2.2 For the written execution of any and all of the powers vested in the D.P.C one signature shall be necessary from each of a), (b) below, except signing of all contracts that need one signature from (a), (b) and (c):

- a) The Chairperson or the Vice-Chairperson of the D.P.C and
- b) The Provincial Director, the Honorary Treasurer, the Honorary Secretary (where no provincial office exists) or of a staff member in the provincial office,
- c) The Chairperson of DeafSA NEC or Vice-Chairperson

provided that the D.P.C may decide that at least two of the persons mentioned in b) may sign for transactions up to a maximum to be determined by the DeafSA N.E.C. from time to time.

9.2.3 No member organisation, office bearer or staff member shall, purely, by its membership, incur any financial liability in respect of any claim or action brought against the D.P.F. Similarly the D.P.F shall not accept any financial liability for any action brought against any of its members' organisations or individuals attached to such a structure, office bearers or staff members, should such action involve any unlawful or negative personal conduct.

## **10. STRUCTURE OF DeafSA**

### **10.1. MEMBERSHIP OF DeafSA NATIONAL**

#### 10.1.1. Voting members of DeafSA

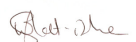
10.1.1.1. Membership of the D.P.F constitute membership of DeafSA

10.1.1.2. National Deaf Youth

10.1.1.3. National Deaf Women

10.1.1.4. National Deaf Sport

10.1.1.5. National DeafBlind



## 10.1.2. Non-voting Members of DeafSA

### 10.1.2.1. Donor Members

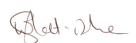
At the discretion of the N.E.C, an individual or a specific representative of a corporate body who has provided substantial support for the cause of Deaf people and for whom public acknowledgement of such support is indicated may be granted Donor membership for a minimum period of one year, and which may be extended by the Executive Committee. They shall have no voting rights but shall be allowed to ask for the floor at the National Quadrennial Congress of DeafSA and shall bear their own cost for attendance of the Congress.

### 10.1.2.2. Associated Member

Any properly constituted body which, among other functions, concerns itself with the social development, treatment or development of Deaf people, or any other properly National constituted body, shall upon written application to or on the written invitation of DeafSA or its N.E.C be eligible to be granted associated membership of DeafSA, provided that where such a body has branches, its main branch only, shall be granted such membership. They shall have no voting rights but shall be allowed to ask for the floor at the National Quadrennial Congress of DeafSA and shall bear their own cost for attendance of the Congress.

### 10.1.2.3. Honorary National Members

A person who by common consent is recognised as having contributed his or her efforts beyond the call of duty to the social development and/or advancement of the cause of Deaf people shall be eligible to be invited by DeafSA or by its N.E.C to become, upon written acceptance of the invitation, an Honorary National Member of DeafSA, to be acknowledged as such in appropriate manner during his or her lifetime. They shall have no voting rights but shall have full debating rights at the National Quadrennial Congress of DeafSA.



## **10.2 MEMBERSHIP OF DeafSA - PROVINCIAL**

### **10.2.1 Voting members of D.P.F**

#### **10.2.1.1 Affiliated Members, provided that the constitutions of affiliated members shall make no reference to ethnic exclusivity or be discriminatory in any way in terms of the Human Rights of Deaf people, shall be the following:**

- Democratically constituted organisations within this province, providing for the welfare, development or any other specialised services to Deaf people or which serve the interest of any specific group of Deaf people, with a constitution stating a clear majority of Deaf voting members among their membership, with a governing board with a majority of Deaf persons and goals similar to any of the objectives described in Clause 9 above, including, but not restricted to the following:
  - homes for Deaf people including old age homes or care centres,
  - constituted workshops of/for Deaf people functioning independently and not as part of welfare services provided by an affiliated member organisation,
  - hostels or group homes or/of Deaf people functioning independently and not as part of welfare services provided by an affiliated member organisation,
  - Deaf infant and child care centres, crèches, nursery schools and after-school centres not attached to any affiliated member organisation.
  
- All schools for Deaf people within this province, including schools that cater for the hard of hearing, deafblind and other disabilities as well, and including mainstream educational units for Deaf children attached to normal hearing schools, provided that they shall strive towards a democratisation policy of allowing Deaf persons, Deaf parents, and parents of Deaf children to serve on the management body of such a school and/or to form part of the staff composition.
  
- Local clubs for Deaf, DeafBlind, and hard of hearing individuals, with at least a simple constitution stating a clear majority of Deaf voting members among their membership, with a governing board with a majority of Deaf persons and with goals similar to any of the objectives described in Clause 8 above.

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- Religious groupings of/for Deaf people, even if they function under the auspices of and in accordance with the constitution of head of the religious organisation, whether or not such congregation has a minister / priest / preacher who ministers primarily to such congregation and a fixed venue where such congregation regularly worships, provided that the church/congregation's governing board is comprised of a majority of Deaf persons.
  
- Any regional or provincial sport structure with a clear majority of Deaf voting members among their membership, with a governing board with a majority of Deaf persons and goals not in conflict with any of the objectives described in Clause 8 above of this constitution.
  
- Any other democratically constituted organisation, with which a partnership alliance may be sought, which may accept responsibility for the provision of welfare, developmental or any other specialised services to Deaf people, DeafBlind people and/or people with other disabilities, with goals, philosophy and service programmes similar to and not inconsistent to any of the objectives described in Clause 8 above, with or without a constitution stating a clear majority of Deaf voting members among their membership and without a governing board with a majority of Deaf people, but still provided that they strive towards a democratisation policy of allowing Deaf persons to the management body and/or to the staff composition.
  
- Any regional or provincial Youth structure with, at least, a simple constitution stating a clear majority of Deaf voting members among their membership, with a governing board with a majority of Deaf persons and goals similar to any of the objectives described in Clause 8 above. Local Youth Clubs can only become members if no such structures exist.
  
- Any regional or provincial Women structure with, at least, a simple constitution stating a clear majority of Deaf voting women members among their membership, with a governing board with a majority of Deaf women and goals similar to any of the objectives described in Clause 8 above. Local Women Clubs can only become members if no such structures exist.

The affiliation of the above members, termination of membership and appeal against such termination is set out in Clause 10 of this constitution. The voting rights of the affiliated members are likewise governed by clause 10.2.1.

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## 10.2.2 Non-Voting Members

### 10.2.2.1 Associated members

Any properly constituted body that, among other functions, concerns itself with the welfare, treatment or development of Deaf people, or any other properly constituted provincial body, shall upon written application to or on the written invitation of the D.P.F or its D.P.C, be eligible to be granted associated membership of the D.P.F, provided that where such a body has branches, its main branch only, shall be granted such membership. Such a body has no voting rights but shall be allowed to ask for the floor at open meetings of the D.P.F.

### 10.2.2.2. Honorary Provincial Members

A person or organisation who by common consent is recognised as having contributed his/their efforts beyond the call of duty to the welfare and/or advancement of the cause of Deaf people shall be eligible to be invited by the D.P.F or by its D.P.C to become, upon written acceptance of the invitation, an Honorary Provincial Member of the D.P.F, to be acknowledged as such in appropriate manner during his of her lifetime. They shall have no voting rights but shall have full debating rights.

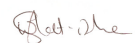
## 10.2.3 Membership Procedures

### 10.2.3.1 Application and approval

Any application and approval for any category of membership in terms of this Constitution shall be decided by D.P.C and must be made in writing, at least one month in advance prior to a meeting of the D.P.C for the purpose of representation at such a meeting. The application for membership shall be accompanied with the constitution of the applicant organisation. The power to approve membership is delegated to the D.P.C and membership of the D.P.F implies membership of DeafSA.

### 10.2.3.2 Termination of membership

Membership of the D.P.F terminates on written resignation of the member organisation; or by a resolution of the D.P.C (after consultation with the member organisation) that shall formally and in writing be conveyed to the member organisation, stating the reasons for termination of membership.



Reasons for termination of membership of the D.P.F may include but are not restricted to the following grounds:

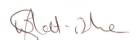
- Should the member organisation act in any manner contrary to the spirit of co-operation as stated or implied at the time of affiliation.
- Should the member organisation act in any manner, which actively undermines the authority of the D.P.F
- Should the member organisation act in any manner, which can be construed as being harmful, discriminatory or injurious to the Deaf community.
- Should the member organisation alter or amend its constitution from that which was submitted for affiliation purposes, without notifying and supplying the D.P.F of the changed constitution within a period of three months.
- Should the member organisation, without written apology for absence, not have nominated any delegates to the Provincial Quadrennial General Meeting.
- Should the member organisation found guilty of fraud, corruption or any other criminal activity.

#### 10.2.3.3 Appeal against termination of membership.

In the event that a member organisation wishes to appeal against a termination of membership resolution by the D.P.F., the member organisation may demand that the D.P.C appoint an Appeal Committee which shall comprise the following:

- Chairpersons of the D.P.F and the member organisation.
- Chairperson of DeafSA plus one representative of DeafSA's N.E.C
- Two representatives of the D.P.C and two representatives of the Executive committee of the member organisation.
- In deadlocked situations, either or both of the parties may demand the appointment of an external person or organisation versed in mediation and conflict resolution.
- Legal representation to the Appeal Committee may be sought by both parties.

Should an appeal by the member organisation be successful, the Appeal Committee shall make a recommendation to the D.P.C that the prior termination of membership resolution be rescinded.



#### 10.2.3.4 Membership Fees

The D.P.C may levy membership fees for all the above categories of membership. Such fees will be determined by the D.P.C from time to time.

#### 10.2.3.5 Criteria for Membership

The following criteria will apply for membership:

- 1) A minimum of 10 members;
- 2) A approved constitution;
- 3) Regular (in accordance with constitution) meetings with minutes;
- 4) A proven record of activities, projects and programmes.

Any new member who does not comply fully with above set criteria may become a member of the D.P.C but without voting rights until such time the member does comply with the set criteria.

### **10.3. DISPUTE RESOLUTION**

In recognition of the desire to resolve all disputes as amicably and effectively as possible, it is required of all structures of DeafSA to accept this manner of dispute resolution as an integral part of day-to-day operations. A special ad-hoc committee will be established when needed to take care of any dispute between DeafSA N.E.C and the D.P.F / D.P.C.

## **11. DEAFSA NATIONAL STRUCTURE**

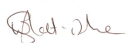
### **11.1. NATIONAL QUADRENNIAL CONGRESS**

#### 11.1.1 Convening the National Quadrennial Congress

DeafSA shall, except in the event of special circumstances, convene a National Quadrennial Congress at least once in every four years.

#### 11.1.2 Composition of the National Quadrennial Congress

- 11.1.2.1 The National Quadrennial Congress shall be composed of the following voting members, whose expenses for attendance shall be for the account of DeafSA:



- 11.1.2.1.1 Eighteen Congressional Members, two members, the Chairperson and Vice-Chairperson (all of whom shall be Deaf) from each of the nine D.P.F's of the RSA, except for the N.Q.C 18 October 2008 when three Congressional Members from each province will be allowed.
- 11.1.2.1.2 Two National representatives for Deaf Youth South Africa. A Chairperson and Vice-Chairperson (all of whom shall be Deaf) shall quadrennially be elected at the N.Q.C from the 9 D.P.C representatives, and who shall assume the responsibility of representing the Deaf Youth South Africa at the National Quadrennial Congress.
- 11.1.2.1.3 Two National representatives for Deaf Women South Africa. A Chairperson and Vice-Chairperson (all of whom shall be Deaf) shall quadrennially be elected at the N.Q.C from the 9 D.P.C representatives, and who shall assume the responsibility of representing the Deaf Women South Africa at the National Quadrennial Congress.
- 11.1.2.1.4 Two National representatives for Deaf Sport South Africa. A Chairperson and Vice-Chairperson (all of whom shall be Deaf) shall quadrennially be elected from existing and developing sport structures on national and / or provincial levels and who shall assume the responsibility of representing the Deaf Sport South Africa at the National Quadrennial Congress.
- 11.1.2.1.5 Two National representatives for Deafblind South Africa. A Chairperson and Vice-Chairperson shall assume the responsibility of representing the National Deafblind members at the National Quadrennial Congress.

This brings to the total to 26 voting representatives, for the above categories.

- 11.1.2.2 Individual National non-voting members:  
  
Donor Members, Associated Members and Honorary Members, as in Clause 10.1.2.1, 10.1.2.2. and 10.1.2.3. These members shall be responsible for their own attendance expenses.
- 11.1.2.3 All other parties interested in the cause of the Deaf community of South Africa may attend the National Quadrennial Congress, at their own expense and shall have observer status with no voting rights.
- 11.1.2.4 Representatives of State Departments as described in Clause 11.1.5

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### 11.1.3 Notification of the National Quadrennial Congress

The National Director shall notify each member as defined in Clauses 10.1 at least 3 months before DeafSA's National Quadrennial Congress of the date of such congress. At each Provincial Quadrennial General Meeting and at least 30 days prior to DeafSA's National Quadrennial Congress, the representatives to the Congress of that specific Province, as described in Clause 11.2. shall be elected from among representatives of each of the Provincial affiliates and other member organisations.

### 11.1.4 Provincial Representation to the National Quadrennial Congress

At each of the Quadrennial Provincial General Meeting two Congressional Members (the Chairperson and Vice-Chairperson of the D.P.C) shall be nominated to represent the D.P.F, as well as two Alternate Congressional Members. Immediately after such provincial nominations, DeafSA shall be notified in writing of the names of the persons who shall represent the province at the Congress.

### 11.1.5 Notification to State Departments

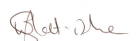
11.1.5.1 The National Director shall give similar notice as prescribed in Clause 11.1.3 to the following State Departments or similar National and provincial authorities:

- » Office on the Status of Disabled People and Provincial Disability Desk
- » National and Provincial Departments of Education, Health, Labour and Social development, Arts, Culture, Languages, Science and Technology.
- » Departments of Justice and Correctional Services

And any other Departments which at the discretion of DeafSA's N.E.C are considered to have an interest in Deaf people, as well as to any other National organisations which cater for the interest of all people with disabilities in the Republic of South Africa.

11.1.5.2 Each such Department and each such other national organisation shall be entitled to be represented at the Quadrennial General Meeting by an official thereof in an advisory and consultative capacity without the right to vote.

11.1.5.3 A similar notice shall be given to any formally recognised coalition with Disability Organisations.



### 11.1.6 Motions for the National Quadrennial Congress

A notice of motion for a National Quadrennial Congress must be submitted to reach the National Director not later than **one month** before such meeting and shall, if its content is approved by DeafSA's Management Committee, be placed by the National Director on the Agenda of the Congress. If such approval is not granted a note shall be entered on the Agenda a note that the motion was not approved and has been referred to the N.E.C for consideration at its meeting immediately prior to the Congress in the event that the N.E.C resolves to accept to the delegates present at the National Quadrennial Congress. If there is no such acceptance, the disapproved motion shall not be raised for discussion at the Congress for which it was submitted:

### 11.1.7 Agenda of the National Quadrennial Congress

11.1.7.1 The National director shall send the Agenda of a National Quadrennial Congress at least **thirty days** before such a meeting to the provincial delegates and other members who have notified DeafSA of their attendance. Two thirds of the total number of members entitled to be present at the National Quadrennial Congress shall form a quorum for such meeting.

11.1.7.2 Included in the Agenda as part of the task and responsibility of the National Quadrennial Congress shall be the following items:

- 11.1.7.2.1 Planning of and arranging for the training of members of the N.E.C.
- 11.1.7.2.2 Strategic planning of DeafSA's work for the following four years as well as the formulation of a Mission statement and a vision for DeafSA for the next four year period.
- 11.1.7.2.3 National policy formulation
- 11.1.7.2.4 Setting of research priorities
- 11.1.7.2.5 Confirming the appointment of the N.E.C
- 11.1.7.2.6 To co-opt five members to the N.E.C
- 11.1.7.2.7 Election of a Chairperson and Vice-Chairperson
- 11.1.7.2.8 Appoint official auditors for DeafSA including provinces.
- 11.1.7.2.9 Election / appointment of a Honorary Treasurer
- 11.1.7.2.10 Report on strategic plan for previous four years
- 11.1.7.2.11 Amendments to Constitution
- 11.1.7.2.12 Quadrennial and Financial Reports

### 11.1.8 Voting at the National Quadrennial Congress

At any National Quadrennial Congress a resolution put to the vote of the meeting shall be decided by a ballot. A declaration by the chairperson that a resolution has been carried or lost shall be conclusive evidence of the fact, without having to declare the number or proportion of the votes recorded in favour of or against resolution. Each of the 26 representatives, as defined in Clauses 11.1.2.1., shall each have one vote subject to the following:

- 11.1.8.1 A register of names of voters, limited to two representatives per provincial structure or representing any of the other membership categories shall be prepared during registration of the members at the National Quadrennial Congress, so that a pre-numbered set of ballots can be prepared for any votes to be taken regarding any proposed motions. The register of voters shall be used by an independent person to observe the ballot during any vote to be taken.
- 11.1.8.2 If only one delegate per any of the member categories is present at the National Quadrennial Congress, a warranty letter from the other representative member authorising the delegate present to represent them , shall be necessary.
- 11.1.8.3 Every motion shall be decided by a simple majority except a proposal to amend the Constitution or to affect a change in the Headquarters of DeafSA, which shall be decided by a clear two third majority of votes shall be necessary. In a case of an equality of votes, the Chairperson shall have a casting vote in addition to his ordinary vote. The decision of the Chairperson in such an instance shall be final and binding.

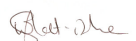
### 11.1.9. Postal Votes

In circumstances where any extraordinary meeting will not be practicable, an emergency motion may be decided by postal votes according to procedures that shall be determined by the N.E.C.

### 11.1.10 Election of Chairperson and Vice-Chairperson

The nomination of the Chairperson and Vice Chairperson(both shall be Deaf) of DeafSA shall take place from the pool of the newly elected N.E.C and co-opted members of DeafSA. Chairperson and Vice Chairperson must be present in person at the N.Q.C.

The 26 voting representatives as stipulated in Clause 11.1.2.1 shall nominate and vote for the Chairperson and Vice Chairperson of DeafSA.



In the case of an equality of votes regarding the election of the Chairperson or the Vice-chairperson, the names of the candidates thus affected shall be put in a hat and a draw from the hat shall be the Chairperson or Vice-Chairperson, as the case may be.

If the chairperson is also a provincial chairperson or vice-chairperson of the D.P.F, then that D.P.F must elect a new chairperson or vice-chairperson in the province. The same rule will apply for Deaf Sport and Deafblind.

In the case of vacancy of chairperson, the vice-chairperson will act as chairperson until the next quadrennial. When both positions become vacant, the N.E.C will hold internal elections to elect amongst themselves an acting chairperson and vice-chairperson.

#### 11.1.11 Quadrennial Report

A report covering the activities of DeafSA's National office as well as the work of the D.P.F's and Provincial offices, where they are in place, over the preceding four years shall be compiled by the National Director and the senior staff members of the Directorate and the Provincial Directors or members mandated by the D.P.F, respectively, and submitted by the N.E.C to the members of DeafSA at least thirty days before each National Quadrennial Congress.

Such report shall include a review by the National Chairperson, reports (or extracts there from as may be approved by the Management Committee) submitted by the National Director and by the Chairperson of each Standing Committee and sub-Committee of DeafSA, respectively, as well as the financial report by the Honorary Treasures or by the senior Finance and Administration staff member, if any.

#### 11.1.12 Extraordinary Meetings

In the case of any extraordinary meeting other than the National Quadrennial Congress, the following shall apply:

- 11.1.12.1 within **seven days** of receipt of an instruction from the N.E.C. of DeafSA, or after receipt of a written request from at least six of the nine D.P.Fs requesting an extraordinary meeting of DeafSA, the National Director shall give at least **14** but not more than **21 days** written notice of the date of such meeting to every D.P.F, to other voting members and to the members of DeafSA's N.E.C. The subject/s to be dealt with at such a meeting shall also be stated in the notice thereof; and
- 11.1.12.2 The provisions of clauses 11.5 and 11.6 shall not apply to additional or extraordinary meetings of DeafSA; and

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- 11.1.12.3 each delegate who attends an additional or extraordinary meeting of DeafSA shall at any time before the meeting supply the National Director with a written nomination furnished by the member as defined in Clauses 10.1.1 which that delegate represents.

## **11.2 NATIONAL EXECUTIVE COMMITTEE**

11.2.1 The National Executive Committee is composed as follows:

- 11.2.1.1 Chairperson – elected by the Quadrennial National Congress  
11.2.1.2 Vice-Chairperson - elected by the Quadrennial National Congress  
11.2.1.3 One representative from each of the nine D.P.Fs, previously elected at a Provincial Quadrennial General Meeting. The Chairperson of the D.P.F in the province is automatically the representative on the N.E.C.  
11.2.1.4 The Chairperson for Deaf Youth South Africa (DYSA)– elected or nominated by DYSA.  
11.2.1.5 The Chairperson for Deaf Women South Africa (DWSA) - elected or nominated by DWSA.  
11.2.1.6 The Chairperson for Deaf Sport South Africa (DSSA) - elected or nominated by DSSA.  
11.2.1.7 The Chairperson for Deafblind South Africa (DbSA)- nominated by DbSA.  
11.2.1.8 Five co-opted members – nominated and co-opted by the Quadrennial National Congress from the Congress or persons not present based on knowledge and skills contribution they can make. Co-opted members have full voting rights.

11.2.2 Functions and Responsibilities of the N.E.C.

- 11.2.2.1 The N.E.C shall have the main responsibility of guiding DeafSA in terms of policy, values and principles and to take decisions based on the Constitution and shall be represented by each of the nine D.P.Fs Chairperson elected for that purpose at a Provincial Quadrennial Meeting.
- 11.2.2.2 Within three months of the full N.E.C being constituted, the N.E.C shall assume the responsibility of instructing the National Director to arrange for an executive workshop for the purposes of ensuring their own effective continuation of work and to ensure clarity of their roles, responsibilities, comprehension of this Constitution, DeafSA's operating procedures, and line functions. Simultaneously the N.E.C will oversee the preparation of a manual, similar in contents to the executive workshop, which can be used for reference purposes.
- 11.2.2.3 At its first official meeting the N.E.C shall officially adopt the Strategic Plan of Action as formulated by the Quadrennial National Congress.

- 11.2.2.4 The N.E.C shall assume the responsibility of managing the objectives of the Strategic Plan as in Clause 11.1.7.2.2, of evaluating the progress of such objectives and of amending the objectives in line with the progress.
- 11.2.2.5 The N.E.C shall assume the responsibility of approving the National and provincial Budgets for each of the years of its term of office.
- 11.2.2.6 The N.E.C shall meet in person at least twice in each calendar year.
- 11.2.2.7 Should any member/s of the N.E.C be unable to fulfil his duties either permanently or temporarily for whatever reason or be appointed Chairperson and/or Vice-chairperson, the N.E.C. shall ensure the specific D.P.F nominate one or more of the pre-elected Congressional Members, to assume membership of the N.E.C for the remaining period of the term of office.
- 11.2.2.8 Members of the N.E.C shall hold office until the next succeeding Quadrennial National Congress or until voted out of office at an additional or extraordinary meeting of DeafSA. When a provincial Chairperson resigns or is voted out, the new Chairperson of the province become the N.E.C representative of that province. The D.P.C must inform the N.E.C in writing about the new representative.
- If the National Chairperson resigns, the National Vice-Chairperson will act as Chairperson until the next N.Q.C. If the National Vice-Chairperson resigns, the members of the N.E.C will elect a Vice-Chairperson from the members of the N.E.C.
- If any N.E.C member does not act in good faith bring DeafSA into ill repute, or being absent from 3 consecutive meetings without any apology, then a N.E.C member can be removed from office after consultation with the relevant D.P.C or structure that the member represent.
- 11.2.2.9 The N.Q.C shall have the responsibility and discretion to appoint / elect a Honorary Treasurer and who shall serve DeafSA in a voluntary capacity.
- 11.2.2.10 The N.E.C shall have the responsibility and discretion to appoint a legal representative when needed.
- 11.2.2.11 The N.E.C shall have the responsibility to appoint per contract any consultant it may deem necessary to assist DeafSA in any facet of its work and in its effort to achieve it's objectives.
- 11.2.3 Without derogating from the generality of such power, the N.E.C shall be entitled:

- 11.2.3.1 To negotiate and pay the remuneration of its employees and auditors within the set recruitment and remuneration policy, as well as for professional or other services required for the operation of the affairs of DeafSA.
- 11.2.3.2 To reimburse its members and persons appointed to its committees and sub-committees (or invited to be in attendance thereat) for any reasonable expenses incurred in attending meetings thereof.
- 11.2.4 The N.E.C may at any time convene conferences of persons and/or organisations interested in Deaf people.
- 11.2.5 The quorum for a meeting of the N.E.C shall consist of at least half plus 1 of its total members.
- 11.2.6 The first meeting of the newly appointed N.E.C (for which there need be no agenda) shall be held immediately following a Quadrennial General Meeting. The main purpose of such meeting shall be for:
- 11.2.6.1 The appointment of any Sub-Committee as hereinafter referred to
- 11.2.6.2 Any matter that the National Director and/or the previous N.E.C. shall deem fit to merit immediate attention of the incoming N.E.C.
- 11.2.7 Including the first meeting of a newly elected N.E.C, meetings of the N.E.C shall be convened by the National Director at least twice in each calendar year, for which the agenda shall be sent to members at least two weeks before each meeting
- 11.2.8 The National Director shall convene a special meeting of the N.E.C on adequate notice upon receipt by him of written request for such a meeting signed by at least half of the members of the Committee.
- 11.2.9 The National Director shall arrange for the services of interpreters and translators at all meetings of the N.E.C and of the Management Committee for the purposes of interaction between and among the Deaf members of and the hearing members of the Committee and the Directorate.
- 11.2.10 At each National Executive Meeting every motion shall be decided by a majority of votes on a show of hands unless a ballot is demanded before such vote is taken, in which case scrutineers shall be the National Director and the Honorary Treasurer, or in his absence a member of DeafSA's staff. Each Committee member shall have one vote and in the case of an equality of votes the Chairperson shall exercise a casting vote in addition to his ordinary vote.

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11.2.11 At any time in a matter of urgency when the N.E.C is not in session, the Chairperson may direct the National Director forthwith to convene a “meeting” of the N.E.C via the telephone or media conference facility offered by Telkom, whereupon the National Director shall give notice of the date and time of such “meeting” by telegram or fax sent to each member of the N.E.C at least 36 hours before the time fixed by Telkom for the telephone or media conference. Each N.E.C. member who participates in the “meeting” shall be refunded by DeafSA the charges debited to such member by Telkom in respect thereof.

11.2.11.1 A “meeting” by way of media conference shall be deemed an Extraordinary Meeting of the N.E.C provided that full interpreter services are in place to all parties as required. The National Director shall record minutes of such “meeting” at which voting on any motion to be decided shall be by voice. The minute of such a Meeting shall be approved in person by the N.E.C. at its subsequent meeting.

11.2.11.2 Should a “meeting” by way of the telephone or media conference not be practical, a decision regarding any matter referred by the Management Committee to the N.E.C, transmitted by way of the telefax medium shall be deemed to be a resolution taken by the N.E.C. if the majority of the members of the N.E.C. have indicated their approval or disapproval by fax to the National Director, in which case the majority of wither the approvals or disapprovals will be binding as a final resolution.

In the event of any of the members having not responded wither by fax of by telephone, the National Director will endeavour to contact the member by telephone, once full interpreter services at both sides are in place, in order to obtain such a vote. The National Director shall then record minutes of such resolution at which voting, by means of indication of approvals or disapprovals, on any question to be decided, shall be by fax or by voice.

11.2.12 The N.E.C has the power to establish any legal entity such as a trust to execute the work of DeafSA.

11.2.13 A person is not allowed to stand for elections under the following circumstances:

- a) If the person is not above the age of 18 years;
- b) If there is an unresolved legal dispute with any structure of DeafSA,
- c) If the person do not want to accept the code of conduct for committee members;
- d) If the person have a criminal record;

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- e) If the person is not a RSA Citizen;
- f) Employed by DeafSA;
- g) Not willing to sign fraud and anti-corruption policy of DeafSA.

### **11.3 NATIONAL MANAGEMENT COMMITTEE**

The National Management Committee consists of the National Chairperson and the Vice-Chairperson plus three (3) members of the N.E.C, elected by the N.Q.C, and two(2) co-opted members(Clause 11.3.7) nominated / elected by National Management Committee but need to be approved by N.E.C. This constitutes the full membership of the Management Committee.

11.3.1 The Chairperson shall preside over all meetings of the N.E.C and of the Management Committee.

11.3.2 The Vice-Chairperson shall, in the absence of the Chairperson, automatically assume the position of acting Chairperson and shall be vested with all the powers of Chairperson at all meetings of the N.E.C and the Management Committee. In the event of neither the Chairperson or the Vice-Chairperson being unable to attend any meeting and having handed in a written apology, the N.E.C or the Management committee, as the case may be, shall from among it's own members designate an Acting Chairperson for the purposes of conducting that specific meeting.

11.3.3 The main focus and function of the Management Committee is the effective functioning of DeafSA's National Office and provincial offices, including financial and human resources management, and attending to any other matters delegated to the Management Committee by the N.E.C The day-to-day affairs of DeafSA shall be conducted and controlled by the Management Committee that shall have power to transact all business of DeafSA and to incur the necessary expenditure for the same. The management committee has the responsibility for monitoring project and programme implementation, the service plan and budget implementation.

11.3.4 The Management Committee shall meet in person at least six times in each calendar year, provided that one Management Committee Meeting shall precede the N.E.C meeting by a day, and in addition and if necessary, by telephone and/or media conference as and when DeafSA's Chairperson may deem fit, to manage the affairs of either DeafSA's National Office or any other matter as may be delegated to the N.E.C.

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- 11.3.5 The quorum for a Management Committee Meeting shall always be 3 The National Director shall arrange that minutes be recorded of all Management Committee Meetings including those convened by way of a media conference and including resolutions taken by way of the telefax medium. The Chairperson or Vice-Chairperson must always be part of the quorum.
- 11.3.6 At each Management Committee Meeting every motion / decision shall be decided by a majority of votes on a show of hands unless a ballot is demanded before such vote is taken, in which case scrutineers shall be the National Director and the Honorary Treasurer, or in his absence a member of DeafSA's staff. Each Committee member shall have one vote and in the case of an equality of votes the Chairperson shall exercise a casting vote in addition to his ordinary vote.
- 11.3.7 The Management Committee shall be entitled to co-opt to itself, with motivation and approval of the N.E.C a maximum of two persons and such co-opted persons shall have full voting rights.
- 11.3.8 In the event of non-attendance by any Management Committee member of the three subsequent meetings without being excused, the Management Committee shall reserve the right to request the National Executive Committee to replace the member with any other member from the pool of the N.E.C members, and the Management Committee member shall be notified accordingly.
- 11.3.9 The N.E.C can co-opt skilled people to assist the N.E.C or Management Committee in performing their duties, but without voting rights.

## **11.4 SUB-COMMITTEES**

All Sub-Committees are appointed and dissolved by the N.E.C and such committees are accountable to the N.E.C in terms of their work and progress.

## **12. PROVINCIAL STRUCTURE**

### **12.1 PROVINCIAL QUADRENNIAL GENERAL MEETING**

#### **12.1.1 Nominations of Delegates**

- 12.1.1.1 This D.P.F shall, except in the event of special circumstances be called by its D.P.C to meet at least once in every four years prior to DeafSA's Quadrennial National Congress. Any additional meetings shall be at the discretion of this D.P.F or of its D.P.C, provided that the Provincial Director (or Honorary Secretary where no provincial office exists) shall call an extraordinary meeting of this D.P.F upon receipt by him of a written request for same signed by at least 50% of the affiliated members from this province.

*Bob She*

12.1.1.2 The P.Q.G.M. will be composed of representatives of all categories of members of this organisation, upon the following basis:

12.1.1.2.1 Each affiliated member shall be entitled to nominate a maximum of three delegates, provided that they are residents of the province, regardless of the number of the Deaf members or Deaf school pupils on its register, with the provision that at least two of its three representatives shall be Deaf.

12.1.1.2.2 Each associated member shall be entitled to nominate one delegate, which number can, in the case of larger bodies be increased, but not to exceed three, at the discretion of this D.P.F or its D.P.C.

12.1.1.2.3 The nomination of delegates (including an alternate for each nominee if the member body so desires) shall be made by the member organisation concerned lodging written notification with the Provincial Director (or Honorary Secretary, where no Provincial Office is in existence) at least **30 days** before the P.Q.G.M. for which the delegate is nominated. An alternate shall be entitled to act at the meeting for a delegate in his or her absence, provided that the alternate can produce a proxy duly signed by the delegate.

12.1.2 Notification of meeting

12.1.2.1 Written notice of the date of a P.Q.G.M. shall be given by the Provincial Director (or Honorary Secretary where no Provincial Office exists) to all members of the D.P.F and of its D.P.C at least **two months** before the meeting.

12.1.2.2 The Provincial Director (or Honorary Secretary where no Provincial Office exists) shall give similar notice to all State Departments or/and Provincial authorities and/or local authorities within the province as may be decided upon by the D.P.C at the time of planning it's P.Q.G.M. Representatives of such authorities shall attend the above meeting P.Q.G.M. as observers and shall have no vote.

12.1.2.3 DeafSA national office shall likewise be notified 60 days before the P.Q.G.M. of the date of such a meeting. The national body shall have debating rights without voting rights at such a meeting.

12.1.3 Notices of Motions

A notice of any motion or formal proposal for debating and/or decision which an affiliated organisation wishes to table for a P.Q.G.M. must be submitted to reach the Provincial Director (or Honorary Secretary where no provincial office exists) not later than **one month** before such meeting and shall, if its content be approved by the Management Committee of the D.P.F, be placed by the Provincial Director (or Honorary Secretary) on the Agenda for such a meeting.

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In the absence of such approval there shall be entered on the Agenda a note that the disapproved notice of motion has been referred to the D.P.C for consideration at its meeting immediately prior to the P.Q.G.M. for which the motion was submitted. In the event that the D.P.C resolves to accept said notice of motion it shall thereupon be added to the Agenda by distribution of its content to the delegates present at the P.Q.G.M. If there is no such acceptance, the disapproved motion shall not be raised for discussion at the P.Q.G.M. for which it was submitted.

#### 12.1.4 Agenda of the P.Q.G.M.

The Provincial Director (or the Honorary Secretary where no Provincial Office exists) shall send the Agenda of a P.Q.G.M. at least **three weeks** before such meeting in respect of whom notification has been received by him in; of whom two thirds of the total number of affiliated members shall be a quorum for such a meeting.

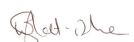
Included in the Agenda as part of the task and responsibility of the Provincial Quadrennial General Meeting shall be the following items:

- Planning of and arranging for the training of members of the D.P.C;
- Strategic planning of Provincial work for the following four years;
- Provincial policy formulation;
- Setting of research priorities;
- Confirming the appointment of the D.P.C;
- To co-opt two members to the D.P.C;
- Election of a Chairperson and Vice-Chairperson;
- Confirmation official auditors;
- Strategic planning report for previous four years;
- Amendments to Constitution;
- Quadrennial and Financial Reports.

#### 12.1.5 Extraordinary Provincial Meetings

In the case of any extraordinary provincial meeting other than the Provincial Quadrennial General Meeting the following will be adhered to:

- 12.1.6.1 within seven days of receipt of an instruction from the D.P.C or of receipt of a written request from at least 50% of the affiliated members of this province, requesting an extraordinary meeting of D.P.F, the Provincial Director (or the Honorary Secretary where no Provincial Office exists) shall give at least 14 but not more than 21 days written notice of the date of such meeting to all it's provincial members and to it's D.P.C members including the subject/s to be dealt with at such meeting shall be stated in the notice thereof; and



- 12.1.6.2 the provisions of Clauses 12.1.2, 12.1.3 and 12.1.4 shall not apply to additional or extraordinary meetings of D.P.F; and
- 12.1.6.3 each delegate who attends an additional or extraordinary meeting of The D.P.F shall at any time before the meeting produce to the Provincial Director a written nomination furnished by the member, which such delegate represents.
- 12.1.7 Voting
- 12.1.7.1 At any P.Q.G.M. a resolution put to the vote of the meeting shall be decided by a ballot. A declaration by the Chairperson that a resolution has been carried or lost, shall be conclusive evidence of the fact, without having to declare the number or proportion of the votes, in favour of or against resolution.
- 12.1.7.2 Each affiliated member of which, among the delegated persons, the majority are Deaf persons directly involved in the said organisation either through management or by their positions as staff members within the organisation and who are entitled to be present at a P.Q.G.M., shall have three votes, or one vote per delegate.
- 12.1.7.3 A register of voters, limited to three delegates per affiliated member, shall be opened during registration of the members at the P.Q.G.M., so that a pre-numbered set of ballots can be opened for any votes to be taken regarding any motion to be voted for. The voters in the register shall be categorised according to the member organisations in terms of Clause 12.1.1.2. The register of voters shall be used by an independent person, nominated by the D.P.C to observe the ballot during any vote to be taken. Such a person shall have no vested interest in the outcome of any resolution or motion.
- 12.1.7.4 If only one delegate per any of the affiliated members is present at the P.Q.G.M. notwithstanding the fact that the member has complied with all the requirements, a warranty letter (proxy) from the delegate/s not present authorising that person to represent and vote on behalf of the two delegates shall suffice, providing that the person present is Deaf.
- 12.1.7.5 If two, instead of three, delegates per any of the affiliated members are present at the P.Q.G.M. notwithstanding the fact that the member has complied with the requirements of, a warranty letter (proxy) from the delegate not present authorising that person to represent and vote on behalf of the delegate shall be necessary, provided that one of the two persons is Deaf.
- 12.1.7.6 Every motion, except the election to the D.P.C or a proposal to amend the Constitution, shall be decided by a simple majority of votes. In a case of an equality of votes, the Chairperson shall have a casting vote in addition to his ordinary vote. The decision of the Chairperson in such an instance shall be final and binding.

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- 12.1.7.7 In circumstances where any extraordinary meeting will not be practical, an emergency question or motion may be decided by postal vote according to procedures that shall be determined by the D.P.C.
- 12.1.7.8 The Provincial Director, or any staff member of the D.P.F shall have no vote on any subject at any P.Q.G.M. or at meetings of the D.P.C. or of it's Management Committee.
- 12.1.7.9 A delegate to the P.Q.G.M can only represent one affiliated member.
- 12.1.7.10 A quorum for the P.Q.G.M shall always be 50% plus one of the members of the P.Q.G.M.

12.1.8 Election of Chairperson and Vice-Chairperson

The election of the Chairperson and the Vice-Chairperson(both shall be Deaf) shall take place immediately after the election of the members of the D.P.C, from among the elected members of that Council by those members having voting rights at a P.Q.G.M. A facilitator may be appointed to handle this portion of the P.Q.G.M. should the previous Chairperson and Vice-Chairperson wish to stand for re-election. The Chairman/facilitator shall call for nominations of the two positions and voting for the nominees shall take place by ballot. In the case of an equality of votes regarding the election of these two positions, the names of the candidates thus affected shall be placed in a hat and a draw by an independent person shall take place. The person whose name is drawn from the hat shall be Chairperson or Vice-Chairperson, as the case may be.

12.1.9. Nomination to DeafSA N.E.C

- 12.1.9.1. The chairperson of the D.P.F in the province is automatically the representative on DeafSA's N.E.C. In the absence of the Chairperson, the Vice-Chairperson will represent the D.P.F on DeafSA's N.E.C.

12.1.10 Provincial Quadrennial Report.

A report (within a prescribed format by DeafSA's N.E.C) covering the activities of the D.P.F for the preceding four years shall be compiled by the Provincial Director or the Honorary Secretary where no provincial office exists. Such a report shall include a review of the provincial Chairperson, reports by the Chairpersons of any sub-committees, social workers and other key staff members as well the audited statements and a report by the Honorary Treasurer. Affiliated member organisations may also be invited to submit reports for the Provincial Quadrennial Report that shall be distributed to the member organisations **three weeks** before a P.Q.G.M.

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#### 12.1.11 Alternative Congressional Members

At each of the P.Q.G.M, two alternative representatives will be nominated by the D.P.C from the members of the D.P.C, who shall act as alternative members to represent a particular province should the Chairperson or Vice-Chairperson temporarily or permanently be unable to perform their duties.

### 12.2 THE DEAF PROVINCIAL COUNCIL

- 12.2.1 The Office Bearers of D.P.C shall be elected from among the persons delegated by those affiliated members lawfully entitled to be present at the meeting and who are physically present at the P.Q.G.M., and shall comprise of a minimum of 5 but no more than a maximum of 10 members, provided that the membership include 1 member representing Women within the province, 1 member representing Youth within the province and 1 member representing the deafblind (at the discretion of the D.P.F) community within the province.
- 12.2.2. A D.P.F shall be entitled to co-opt no more than two persons with full voting rights onto the D.P.C. Resignation of D.P.C members must be done in writing. The D.P.C shall fill the vacant position through co-option from the alternative members.
- 12.2.3. At the same meeting five (5) alternative members shall be elected to act on behalf of the members of the D.P.C. who may during their four year term of office, either permanently or temporarily not be in a position to fulfil their duties as members of the D.P.C.
- 12.2.4. Should only one individual accept nomination from a specific member organisation, it shall be deemed that they have been elected without the need for a vote to be taken, subject to Deaf majority rule. If more than one person is nominated, each voter shall on his ballot signify his vote. If any ballot is spoilt or incomplete such a ballot shall be excluded from the count of votes.
- 12.2.5 At the first meeting of the newly elected D.P.C, the three additional members of the Management Committee shall be elected by the D.P.C members from among the members of the D.P.C. as set out in Clause 12.3.1.
- 12.2.6 Members of the D.P.C shall hold office until the next succeeding P.Q.G.M. has elected a new D.P.C or until voted out of office. Should any member of the D.P.C move his residency from one province to another during his term of office, his vacancy shall be filled by one of the alternative members until the next P.Q.G.M.
- 12.2.7 Every 4 years and within three months of the official election of a D.P.C a compulsory training workshop shall be facilitated for all members of the D.P.C to ensure full understanding of their own roles and responsibilities within the D.P.C, as well as the aims and objectives of this D.P.F

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12.2.8 The purposes of nomination of office bearers to the D.P.C, each affiliated member may, at the P.Q.G.M., submit nominations.

12.2.9 A person is not allowed to stand for elections, or serve on any structure under the following circumstances :

- a) If the person is not above the age of 18 years;
- b) If there is an unresolved legal dispute with any structure of DeafSA, D.P.F or D.P.C;
- c) If the person do not want to accept the code of conduct for committee members;
- d) If the person have a criminal record.
- e) Do not have RSA citizenship;
- f) Employed by DeafSA;
- g) Not willing to sign fraud and anti-corruption policy of DeafSA.

#### 12.2.10 Power and functions of the Deaf Provincial Council

12.2.10.1 The affairs of the D.P.F shall be conducted and controlled by the D.P.C, which shall have power to transact all business of the D.P.F and to incur the necessary expenditure for it. Without derogating from the generality of such power, the D.P.C shall be entitled:

- Together with DeafSA National, the D.P.C will negotiate and arrange the remuneration of its employees and auditors, as well as for professional or other services required for the operation of affairs of D.P.C within the set recruitment and remuneration policy guidelines of DeafSA.
- To reimburse its members and persons appointed to its committees and sub-committees (or invited to be in attendance thereat) for any reasonable expenses incurred in attending meetings thereof.

12.2.10.2 The D.P.C may at any time convene conferences of persons and/or organisations on topics to promote the interests of Deaf people.

12.2.10.3 The first meeting of the newly appointed D.P.C (for which there need be no agenda) shall be held immediately following a Provincial Quadrennial General Meeting. The main purpose of such meeting is for:

- the appointment or re-appointment of any Sub-Committees, should these be deemed necessary;
- the election of the three additional members of the management committee;
- any other matters which the Provincial Director and/or the previous D.P.C. feel need the immediate attention of the incoming D.P.C.;

*Bob She*

- the election of an Honorary Treasurer;
- 12.2.10.4 the appointment of an Honorary Secretary (in those provinces where no provincial office exists and a Provincial Director therefore cannot assume the secretarial duties;
- 12.2.10.5 the appointment of official legal and other provincial consultants in consultation with DeafSA's N.E.C;
- 12.2.10.6 all such appointments shall continue until written notice of termination of the appointment has been given by or on behalf of the D.P.C then in office.

Note : The official auditors of DeafSA N.E.C will also be the auditors of the provincial D.P.F unless DeafSA's N.E.C decided to appoint different auditors for the D..PF.

12.2.11 Apart from the first meeting of a newly elected D.P.C, all meetings of the D.P.C shall be convened by the Provincial Director or Honorary Secretary at least twice per annum, for which the agenda shall be sent to members at least three weeks before each meeting, subject to the following:

- An Bi-Annual Provincial Deaf Assembly shall be convened and open to all affiliated and associated members to attend, from their own budget. During the year of the Provincial Quadrennial General Meeting no such Annual Provincial Deaf Assembly shall be convened.
- Notice of the Bi-Annual Provincial Deaf Assembly shall be sent to the affiliated and associated members three months before each such meeting. Such notice shall not include the agendas, which shall be circulated at the meeting.
- The Bi-Annual Provincial Deaf Assembly shall be preceded by a meeting, of an hour, of all affiliated members and associated members so that each member shall have the opportunity to add any item to the agenda, provided that such addition to the agenda shall be subject to the discretion of the Chairman.

12.2.12 The Provincial Director shall arrange for the services of interpreters and translators at all meetings of the D.P.C for the purposes of interaction between and among the Deaf members and hearing members of the D.P.C.

12.2.13 Each member of the D.P.C shall have one vote. At each meeting every question shall be decided by a majority of 50% plus one vote on a show of hands. In the case of an equality of votes the Chairperson shall exercise a casting vote in addition to his ordinary vote.

*Bob She*

- 12.2.14 A “meeting” by way of a media conference shall be deemed to be an Extraordinary Meeting of the D.P.C provided that full interpreter services are in place to all parties as required. The Provincial Director (or the Honorary Secretary where applicable) shall record minutes of such “meeting” at which voting on any motion to be decided shall be by voice, provided that the same quorum as mentioned in Clause 12.1.7.10 shall be adhered to.
- 12.2.15 The D.P.C shall, at their discretion, issue an invitation to appropriate State Departments to attend its meetings and to act in an advisory manner, but without voting rights.

### **12.3 THE PROVINCIAL MANAGEMENT COMMITTEE**

- 12.3.1 Following the election of the full complement of the D.P.C and the Chairperson and the Vice-Chairperson, the D.P.C shall from among the members of the D.P.C, elect three members who, together with the Chairman and Vice-Chairman shall constitute the Management Committee, who shall be tasked with the day to day management of the D.P.F, and of any matter which may be delegated by the D.P.C to the Management Committee
- 12.3.2 In the event of the D.P.F not being in a position to appoint the full complement of 10 - 15 members to its D.P.C for any reason whatsoever, the appointment of a smaller Management Committee shall not be mandatory, as the D.P.C can at any time decide to fulfil the functions of both the committees simultaneously
- 12.3.3 The Management Committee shall meet in person at least four times per annum or as regularly as the Chairperson may deem fit. Full minutes of every meeting of the Management Committee shall be made available to each member of the D.P.C.
- 12.3.4 The quorum for a Management Committee Meeting shall always be 50% plus one of the members of the Committee and furthermore provided that the majority consists of Deaf persons. The Chairperson shall have a casting vote on the Management Committee.
- 12.3.5 The Provincial Management Committee shall be entitled to co-opt no more than two persons with full voting rights.

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## **12.4 SUB-COMMITTEES**

12.4.1 In order to facilitate the work of the D.P.F, the D.P.C shall have power to appoint work groups, focus groups or study groups which shall then comprise Sub-Committees upon such terms of reference and for such periods as the D.P.C may decide, including the right to dissolve same and/or to alter the membership thereof. Sub-Committees may include persons outside D.P.F who shall have voting rights on the Sub-Committees(s) to which they have been appointed, but on no other committee of the D.P.C The Chairperson and Vice-Chairperson shall be *ex-officio* additional members of all such Sub-Committees and shall receive notification of and Minutes of all such meetings.

All sub-committees must report to the D.P.C within the framework of their terms of reference.

12.4.2 Any member of any Sub-Committee who has any direct or indirect financial interest in any matter or entity with which D.P.F or its D.P.C is dealing, or anticipates dealing, must declare such interest and is not allowed to participate in any decision regarding such dealings.

12.4.3 A quorum for each Sub-Committee meeting shall consist of at least half of the members of such Sub-Committee. At every Sub-Committee meeting every motion shall be decided by a majority vote and the Chairperson of the Sub-Committee shall have a casting vote in addition to his ordinary vote.

## **13. PATRON OF DeafSA**

In keeping with its status as a national body, DeafSA shall have authority to seek patronage of a person holding high office within the Republic of South Africa.

## **14. APPOINTMENT OF EMPLOYEES**

### **14.1 NATIONAL OFFICE**

14.1.1 The N.E.C appoints, at its discretion, the required staff members of the Directorate. The appointments at the Directorate are made subject to the most suitable candidate for any specific position while taking into account the N.E.C policy in terms of affirmative action and equalisation of employment opportunities. The members of the Directorate shall be composed as follows:

14.1.1.1 The National Director is the Chief Executive Officer of DeafSA and shall act as directed by the N.E.C. He will be supported by an appropriate staff complement to assist him in fulfilling his functions. These include, but are not restricted to, staff management, spokesperson, project management, advising, guiding and co-ordinating functions.

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Additionally the National Director has overall charge and custody of and is responsible for DeafSA's minutes, records, deeds, correspondence, documents, assets and funds, which shall be kept at the National Office or as DeafSA's N.E.C may direct. The National Director and the necessary supportive staff shall be in attendance at all N.E.C meetings and at all Management Committee Meetings.

- 14.1.1.2 All other paid secretarial, accounting, clerical, technical, social development and any other professional employees must be appointed in accordance with the Staff Organogram and the Staff Code which includes a clause that all staff members commit to learning South African Sign Language and to receiving instruction in Deaf culture as well as any other condition which the N.E.C. may determine from time to time. All **senior** staff appointments, promotions and dismissals are the shared responsibility of the Management Committee and the National Director, within the framework of relevant labour relations legislation. The N.E.C may delegate any of its powers to the Management Committee to handle any specified matters, including senior staff appointments, promotions and dismissals, with the exception of the post of the National Director that always remains the sole responsibility of the N.E.C.

## **14.2 PROVINCIAL OFFICE**

- 14.2.1 The D.P.C shall in collaboration with DeafSA, appoint the required staff members of the Provincial Office. The appointments of the staff shall be done subject to the most suitable candidate for any specific position while respecting the affirmative action policy of D.P.F. to ensure employment equalisation of opportunities for Deaf people. The staff of the Provincial Office shall be composed as follows:

- 14.2.1.1 A Provincial Director who shall be the Chief Executive Officer of D.P.F, and whose functions shall include, but not be restricted to, the staff management, spokesperson, project management, as well as the advising, guiding and coordinating functions in respect of all other staff. In addition, the Provincial Director shall have overall charge and custody of and be responsible for minutes of meetings of the D.P.F, records, deeds, correspondence, documents and assets, which shall be kept at or as D.P.F. or its D.P.C may direct. The Provincial Director and the necessary supportive staff shall be in attendance at all meetings of the D.P.C and at all Management Committee Meetings.
- 14.2.1.2 All such appointments shall continue until written notice of termination of the appointment have been given by or on behalf of the D.P.C then in office in accordance with employment contracts and labour relations legislation.

*Bob She*

## **15. OFFICE LOCATION**

### **15.1 NATIONAL OFFICE**

The National Office of DeafSA shall be in Johannesburg or any such place as DeafSA may decide by two-thirds majority of votes of those present and entitled to vote at a Quadrennial National Congress of DeafSA.

### **15.2 PROVINCIAL OFFICE**

The provincial office of the D.P.F shall be located in a town/city central to this province or any such place as may be decided by a 2/3 majority of votes of those present at a meeting of the D.P.F, subject to the approval of DeafSA N.E.C.

## **16. FUNDS, FINANCE AND ASSETS**

### **16.1 NATIONAL**

16.1.1 The area of fundraising shall be similar to that stipulated in Clause 6 and shall be the responsibility of the National Director at the direction of the N.E.C. Professional individuals and/or companies may be sourced to augment fundraising both nationally and internationally.

16.1.2 The income and property of DeafSA, whenever and wherever derived, shall be applied solely towards the promotion of the objectives of DeafSA as set forth in the constitution, and no portion thereof can be paid or transferred directly or indirectly by way of dividend, bonus or otherwise, howsoever by way of profit to the members of DeafSA or to any person provided that nothing herein contained shall prevent DeafSA from paying salaries to any employee of DeafSA or reimbursing its office bearers, members and persons appointed to its committees or invited to be in attendance thereat in return for any services actually rendered to DeafSA.

16.1.3 Any property of income of DeafSA shall be utilised solely in the furtherance of its aims and objectives. No person or organisation may be enriched thereby except by way of payment in good faith of reasonable remuneration or honoraria for services rendered to DeafSA. This provision shall, however, not prohibit DeafSA from making donations to member organisations for the purpose of furthering the aims and objectives of DeafSA.

16.1.4 Ownership of all movable and immovable property belonging to DeafSA shall be vested in DeafSA as the Corporate body.

16.1.5 All Deed office registrations shall be effected in the name of the DEAF FEDERATION OF SOUTH AFRICA.

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- 16.1.6 The National Director shall cause proper records to be kept in al DeafSA's offices and at DeafSA's National Office of all revenue and expenditure. He shall cause official printed receipts to be issued for, and deposits to be made into DeafSA's banking account, of all monies received on behalf of DeafSA, and proper vouchers to be obtained for all monies disbursed. These accounts and financial records shall be audited and certified at least once every year by the auditors appointed.
- 16.1.7 All receipts issued shall bear the signature of the National Director or authorised employees appointed by him.
- 16.1.8 All payments made by cheque or electronic payments, whatever is most convenient shall be signed, or approved by two persons as stipulated by this Constitution in terms of Clause 9.1.2 or as may be resolved by the N.E.C.
- 16.1.9 DeafSA's financial year shall be such as is determined by legislation and in the absence of such legislation, the on the 31<sup>st</sup> March, unless other wise determined by the N.E.C.
- 16.1.10 Within six months of the close of the financial year, a revenue and expenditure account together with a balance sheet, all duly audited, shall be drawn up and published.
- 16.1.11 DeafSA's appointed auditors shall be duly qualified and registered in terms of the relevant Act, and the latest balance sheet shall be tabled at N.E.C meetings.
- 16.1.12 Any member of any committee established by the N.E.C who has any direct or indirect financial interest in any matter or entity with which DeafSA or its N.E.C is, or anticipates dealing, must declare such interest beforehand, and is not allowed to take part in any voting regarding such matters or entity.

## **16.2 PROVINCIAL**

- 16.2.1 The income and property of this D.P.F, whenever and wherever derived, shall be applied solely towards the promotion of the objectives of this D.P.F as set forth in the Constitution, and no portion thereof can be paid or transferred directly or indirectly by way of dividend, bonus or otherwise, howsoever by way of profit to the members of the D.P.F or to any person provided that nothing herein contained shall prevent the D.P.F from paying salaries to any employee of the D.P.F or reimbursing its office bearers, members and persons appointed to its committees or invited to be in attendance thereat in return for any services actually rendered to D.P.F.

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- 16.2.2 Any property or income of the D.P.F shall be utilised solely in the furtherance of its aims and objectives. No person or organisation may be enriched thereby except by way of payment in good faith of reasonable remuneration or honoraria for services rendered to the D.P.F. This provision shall, however, not prohibit D.P.F from making donations to member organisations for the purpose of furthering the aims and objectives of the D.P.F.
- 16.2.3 Ownership of all movable and immovable property belonging to the D.P.F shall be vested in the D.P.F as the Corporate body.
- 16.2.4 All Deed office registrations shall be effected in the name of the D.P.F.
- 16.2.5 The Provincial Director shall cause proper records to be kept in all the D.P.F's offices and at the D.P.F's offices of all revenue and expenditure. He shall cause official printed receipts to be issued for, and deposits to be made into the D.P.F's banking account, of all monies received on behalf of the D.P.F, and proper vouchers to be obtained for all monies disbursed. These accounts and financial records shall be audited and certified at least once every year by the official auditors appointed for that purpose.
- 16.2.6 All receipts issued shall bear the signature of the Provincial Director or authorised employees appointed by him.
- 16.2.7 All payments made by cheque or electronic payments, whatever is most convenient shall be signed, or approved by two persons as stipulated in Clause 9.2.2 of this constitution.
- 16.2.8 The D.P.F's financial year shall be such as is determined by legislation and in the absence of such legislation, then on the 31<sup>st</sup> March, unless otherwise determined by the D.P.C.
- 16.2.9 Within six months of the close of the financial year, a revenue and expenditure account together with a balance sheet all duly audited, shall be drawn up and published. Audited Statements of the preceding four years shall form part of the reporting of the Honorary Treasurer at the P.Q.G.M.

## **17. AMENDMENTS TO CONSTITUTION**

- 17.1 Amendments to the Constitution may only be made by a two-thirds majority of votes of those present whom are entitled to vote at a Quadrennial National Congress of DeafSA.

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- 17.2 Notice of any amendment including the text thereof, shall be given in writing to the National Director at least two months before the date of the Quadrennial National Congress for inclusion in the Agenda of the Quadrennial National Congress, provided however that absence of the text of a proposed amendment in such notice or in the Agenda of a Quadrennial National Congress shall not preclude the Quadrennial National Congress from approving and adopting a proposed amendment in respect whereof timeous written notice has been given, or any variation thereof; where upon an appropriate text shall be worded by the Quadrennial National Congress which shall be entitled to delegate such task to DeafSA's Legal advisers or an appropriate committee. The constitution may also be amended at Special General Meeting called specially for that purpose.
- 17.3 Prior to any amendment approved at a meeting for such purpose being implemented, it must be forwarded to the relevant State authorities for their approval, if necessary.
- 17.4 The N.E.C has the authority to frame any regulations and by-laws, including, but not restricted to, the provisions in Clause 7.3.2, to regulate the running and management of DeafSA, provided that these regulate the running and management of DeafSA, provided that these regulations and by-laws are not inconsistent with this Constitution.
- 17.5 Amendments to the Constitution may be recommended by a two-thirds majority of votes of those present that are entitled to vote at the meeting of the Provincial Quadrennial General Meeting, but subject to approval at DeafSA's Quadrennial National Congress.
- 17.6 Notice of any amendment including the text thereof, shall be given in writing to the Provincial Director at least two months before the date of the meeting for inclusion in the Agenda of the meeting, provided however that absence of the text of a proposed amendment in such notice or in the Agenda of a Provincial Quadrennial General Meeting shall not preclude the Provincial Quadrennial General Meeting from approving and recommending a proposed amendment in respect whereof timeous written notice has been given, or any variation thereof; whereupon an appropriate text shall be worded by the Provincial Quadrennial General Meeting which shall be entitled to delegate such task to the D.P.F's Legal Consultants.
- 17.7 The D.P.C shall have authority to frame regulations and any by-laws, and to regulate the running and management of the D.P.F in the whole province, provided that these regulations and by-laws are not inconsistent with this Constitution.

## **18. DISSOLUTION**

### **18.1 NATIONAL**

- 18.1.1 If upon the winding-up or dissolution of DeafSA, there remain any assets whatsoever after the settlement of all its debts and liabilities, any such assets shall not be paid to or distributed among the members of DeafSA, but shall be given or transferred to such other organisation or organisation, having objectives similar to the objectives, who are authorised to collect contributions or operate in terms of the Non-Profit Organisations Act (Act 71 of 1997) or any other relevant legislation in force at the time, and also exempt from Income tax, Donations tax and the like, as may be determined by the members present at the General or Extraordinary Meeting called for the purpose of dissolving DeafSA at or before the time of the dissolution, or in default thereof, by the Director of Fund Raising or by any other relevant State Authority.
- 18.1.2 Notice of any meeting of DeafSA for which a resolution for the winding-up or dissolution of DeafSA has been submitted, shall contain full information of the proposals for same, and any such resolution will be binding if passed by a two-thirds majority of vote at such meetings.

### **18.2 PROVINCIAL**

- 18.2.1 Should a D.P.F decided at any time to close down a Provincial Office the first alternative that shall be investigated shall be negotiations with a local affiliated member organisation to continue the provision of services. Should such negotiations be successful the assets of the specific .DP.F shall be transferred to that organisation that will continue with the rendering of services to the Deaf community.


If upon winding-up or dissolution of the D.P.F, there remain any assets whatsoever after the satisfaction of all its debts and liabilities, any such assets shall not be paid to or distributed among the members of the D.P.F but shall be given or transferred to DeafSA National to deal with it in an appropriate way. This could include transfer to a new provincial structure or organisations in the province having objectives similar to the objectives of the D.P.F or having the welfare of Deaf people as one of their objectives, who are authorised to collect contributions or operate in terms of the Non-Profit organisations Act (Act No 71 of 1979) or any other relevant legislation enforced at the time, and also exempt from Income tax, Donations tax and the like, as may be determined by the members present at the Quadrennial General or Extraordinary Meeting called for the purpose of dissolving the D.P.F at or before the time of the dissolution, or in default thereof, by any Act or by any other relevant State Authority.

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- 18.2.2 Notice of any meeting of the D.P.F for which a resolution for the winding-up or dissolution of the D.P.F has been submitted, shall contain full information of the proposals for same, and any such resolution will be binding if passed by a two-thirds majority of vote at such meetings.

## 19. SPECIAL CONDITIONS

This Constitution is an amendment to the Constitution of 7 October 2004, and the amendments hereto were accepted by a two-thirds majority vote at the DeafSA Quadrennial General Meeting on 17 October 2008. Therefore the provisions of this Constitution will come into effect directly after the Quadrennial General Meeting.



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**NATIONAL CHAIRPERSON**