

Constitution of the Seekoei Estuary Forum

1. Name

The organisation hereby constituted will be called **The Seekoei Estuary Forum**
(Herein referred to as the organisation)

2. The Organisation

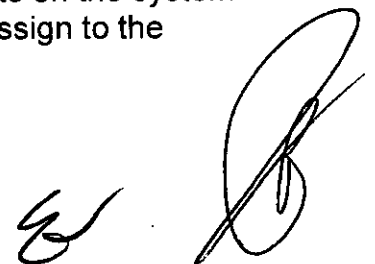
- Exist in its own right, separately from its members
- Continue to exist even when its membership changes and there are different office bearers
- Be able to own property and other possessions that are applicable to its vision and cause
- Will act as the legal entity on behalf of its members, sanctioned by the managing body

3 VISION

The **Seekoei Estuary Forum** is a non-profit organisation based in Jeffreys Bay, South Africa. Our vision is to be an organisation that promotes an ecologically healthy estuary that the residents and visitors of Aston Bay and Paradise Beach can access and enjoy using in a responsible manner as an asset of nature, that does not compromise its social, aesthetic and environmental integrity.


4 OBJECTIVES

- To liaise with, and advise the Estuary Management Authority (EMA) and other responsible authorities on any matter concerning the environmental management of the Seekoei Estuary that impact or influence the vision of the organisation
- To act as a communication channel between the stakeholders of the Seekoei Estuary and the EMA and all Government departments, national and local, and in particular, be a channel through which speedy and decisive action can be motivated in the best interest of the management of the Seekoei Estuary
- To ensure the Seekoei Estuary is being managed in accordance with the Seekoei Estuary Management Plan and all applicable national and local legislation and in alignment with all prevailing policies
- To ensure that recreational activities, both consumptive and non-consumptive, are carried out and permitted within a framework that guarantees sustainability and minimizes negative effects on the system within the guidelines and applications of legal liability assign to the applicable authorities.



CERTIFIED AS A TRUE COPY

08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

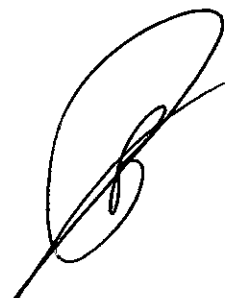



08 Nov 2023

- To monitor the water quality of the Seekoei Estuary on an ongoing basis and to discuss the outcomes with the EMA and applicable Government Departments to ensure that the water quality of the estuary does not present a risk to users of the estuary
- To assist with the prevention of spreading and the eradication of alien invasive species within the Estuary and the surrounding area
- To conduct environmental education to ensure awareness of the importance of the Estuary
- To ensure that littering of the Estuary is limited, to assist with the provision of litter bins, and to communicate against littering
- To establish a databank containing scientific findings, identification of vegetation species and animal species and where possible scientific counts of those to establish regression in either direction of the conditions of the estuary as a system.

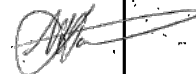
5 Governing Structure and Mechanism of Governance

- 5.1 The Office Bearers will be made up of 4 members consisting of a Chairperson, Vice Chairperson, a Secretary and a Treasurer. They are the Board of governance of the organisation. The Board will oversee the organisation.
- 5.2 The Board may co-opt stakeholders (Co-Opted Office Bearers) to the Board as it deems appropriate for a specific purpose or to fulfil a specific task for the duration of the term they serve the purpose, but their term will be limited to that of the Board that co-opted them
- 5.3 Term of Office: the term in office for the board will be 12 Months after which a new board must be appointed. If chosen, the existing board or members of the existing board may be re-appointed to ensure continuity in management.
- 5.4 Vacancies: The Office Bearers must, as soon as reasonably possible, appoint someone to fill any vacancy that reduces the number of Office Bearers.
- 5.5 Resignation: An Office Bearer may only resign from office in writing.
- 5.6 Disqualification and Removal: If an Office Bearer does not attend three meetings in a row, without having applied for and obtaining leave of absence from the Board, then the Board will find a new member to take that person's place
- 5.7 Liability: Office Bearers are not liable for any loss suffered by any person as a result of an act of omission which occurs in good faith while the office bearer is performing functions for and on behalf of the organisation, said that those actions are sanctioned by the organisation.
- 5.8 The board will ensure that documents are held and formal documentation exists of decisions taken, agendas of meetings and safeguarding of all outgoing communication and or records.



CERTIFIED AS A TRUE COPY

08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT



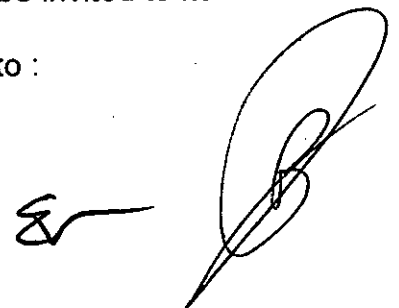
6 Powers of the Organisation

- 6.1 The Board shall carry out the powers on behalf of the organisation and they shall manage the affairs of the organisation in accordance with the resolutions of the members as shall be taken from time to time at general meetings of the Organisation
- 6.2 The Board is responsible for making decisions, and acting on such decisions, which it believes it needs to make in order to achieve the objectives of the organisation as stated in paragraph 4 of this constitution. However, such decisions and their activities may not be against the resolutions of the members or be against the law of the Republic of South Africa
- 6.3 The Board shall have the general powers and authority to:
- 6.3.1 Raise funds or to invite and receive contributions
 - 6.3.2 Buy, hire or exchange including property that it needs to achieve its objectives
 - 6.3.3 Make by-laws for proper governance and management of the organisation, inclusive of investments
 - 6.3.4 Form sub-committees as and when it is necessary for the proper functioning of the organisation
- 6.4 If the Board thinks it necessary, then it can decide to set up one or more sub-committees. It may decide to do this to get some work done quickly. Or it may want a sub-committee to make an inquiry or perform a specific task, for example,
- 6.5 The Board may delegate any of its powers or functions to a sub-committee provided that:
- 6.5.1 Such delegation and conditions are reflected in the minutes of the meeting
 - 6.5.2 At least one Office Bearer serves on the sub-committee
 - 6.5.3 There are three or more people on a sub-committee
 - 6.5.4 The sub-committee must regularly report back to the Board on its activities
- 6.6 The Board must in advance approve all expenditure budgeted to be incurred by the sub-committee, and may revoke the delegation or amend the conditions of the delegation

7 Meetings

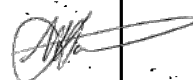
7.1 Annual General Meetings (AGM)

- 7.1.1 Stakeholders that have registered with the organisation and are included in the register of stakeholders will be invited to its annual general meetings
- 7.1.2 The purpose of the Annual General Meeting is to :

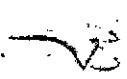


CERTIFIED AS A TRUE COPY



08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

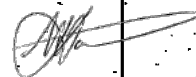


- Report back to stakeholders from the Office Bearers on the achievements and work over the year
 - Make any changes to the constitution
 - Enable stakeholders to decide on the policies of the organisation
- 7.1.3 The annual general meeting must be held once every year, towards the end of the organisation's financial year
- 7.1.4 The organisation should deal with the following business, among others, at its annual general meeting:
- Agree on items to be discussed on the agenda
 - Keep a formal attendance register that also includes formal pardons
 - Read and confirm the previous meeting's minutes with matters arising
 - The Chairpersons Report
 - The Treasurers Report
 - Changes to the constitution that members may want to make
 - Elect new Office Bearers
 - General
 - Close the meeting
- 7.2 Special Meetings**
- 7.2.1 The Special Meeting is held besides the general scheduled meetings
- 7.2.2 Special meetings can take the shape of a General Meeting or any ordinary meeting of members
- 7.2.3 The Board or not less than one third of the members may call a Special Meeting of the organisation
- 7.2.4 Special meetings may be called when the Board needs the mandate or guidance of the general members of the organisation to take up issues that require urgent attention and cannot wait until then next Annual General Meeting or ordinary meeting
- 7.3 Ordinary Meetings**
- 7.3.1 Ordinary members meetings are conducted to complete a standard order of business of the organisation. These are held once a quarter and are constituted and attended by the Board
- 7.3.2 The meetings of the Board will be held at least once a quarter or when the need arises from time to time to conduct the business of the Board



CERTIFIED AS A TRUE COPY

08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

7.4 Notices of meetings

- 7.4.1 The Chairperson of the Board shall convene meetings. The Secretary must let the Board members know the date of the proposed meeting within a reasonable time, but not less than 7 days, before it is due to take place
- 7.4.2 However, when convening an AGM, or a Special Meeting, all members of the organisation must be informed of the meeting no less than fourteen days before such meeting
- 7.4.3 Notices for all meetings provided for in this constitution must be given to relevant members in writing either personally, by post or electronic communication or whichever manner it is convenient and trustworthy, to the address or other similar particulars provided by the members
- 7.4.4 The notices for all meetings must indicate the reasons for the meeting and the agenda of matters that will be discussed in the meeting
- 7.4.5 For confirmation of delivery, all notices sent to members by the latest known contact details shall be deemed to have been duly served on members, unless it can be proven otherwise
- 7.4.6 All members present in person at a meeting shall be deemed to have received notice of such meeting

7.5 Quorums

- 7.5.1 Quorums for all meetings of the organisation shall be a simple majority (50%+1) of relevant members who are expected to attend
- 7.5.2 However, for the purpose considering changes to the constitution, of the organisation, then two thirds of the members shall be present a meeting to make a quorum before a decision to change the constitution is taken
- 7.5.3 All meetings of the organisation must reach a quorum before they can start
- 7.5.4 If, however, a quorum is not present within fifteen minutes of the appointed time of the meeting the meeting must be adjourned or postponed to another date, within fourteen days thereafter
- 7.5.5 In no quorum is present at the reconvened meeting within fifteen minutes of the appointed time, the members present shall be regarded as to make a quorum for that meeting and the meeting will continue as if a quorum is present



CERTIFIED AS A TRUE COPY

08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

✓

SW

7.6 Procedure at meetings

The Board may regulate its meetings and proceedings as it deems fit, subject to the following:

- That the Chairperson shall chair all meetings of the organisation, including the Board
- That, if the Chairperson is not present the Vice Chairperson shall chair such a meeting.
- In the event both are absent, the Board members present shall elect a chairperson for that meeting

7.7 Making decisions at meetings

- 7.7.1 Where possible, the decisions of the organisations shall be taken by consensus. However, if there is no consensus, then members will discuss options for a while and then call for a vote
- 7.7.2 All votes shall be counted and the majority votes on an issue shall be regarded as the decision of the meeting
- 7.7.3 However, if opposing votes are equal on an issue, then the chairperson in that meeting has either a second or a deciding vote
- 7.7.4 All members must abide by the majority decision.
- 7.7.5 Decisions concerning changes to the constitution, or of dissolution and closing down of the organisation shall only be dealt with in terms of Clauses 9 and 10 of this constitution.

7.8 Records of meetings

- 7.8.1 Proper minutes and attendance records must be kept for all meetings of the organisation
- 7.8.2 The minutes shall be confirmed as a true record of proceedings by the next meeting of the Board, or of general members as the case may be, and shall thereafter be signed by the Chairperson
- 7.8.3 Minutes shall thereafter be kept safely and always be on hand for members to consult

8 Income and Property

- 8.1 The organisation will keep a formal record of everything it owns in a manner which is compliant to accounting regulations for organisations of the like.
- 8.2 The organisation may not give any of its money or property to its members or the Board, The only time it can do this is when it pays

CERTIFIED AS A TRUE COPY

08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT



08 Nov 2023

for work that an Office Bearer or member has done for the organisation. The payment must be a reasonable amount for the work that has been done

- 8.3 The Board or members of the organisation can only get money back from the organisation for expenses that she or he has paid for or on behalf of the organisation, and for which authorization has been granted
- 8.4 The Board or members of the organisation do not have rights over things that belong to the organisation

9 Finances and Reports

- 9.1 **Bank Account:** The Board must open a bank account in the name of the organisation with a registered Bank
- 9.2 **Signing:** Cheques and other documents requiring a signature on behalf of the organisation shall be signed by at least two persons authorised by the Board. Whenever funds are taken out of the bank account, the chairperson and at least two other members of the organisation must sign the withdrawal or cheque. In the event of electronic banking, the chairperson must have the final approval to effect a transaction.
- 9.3 **Financial year end:** The financial year end of the Organisation shall be the end of March each year
- 9.4 **Financial Report:**
Compliant accounting records and books of the account will be kept by an independent registered Accounting Officer and will reflect the affairs of the organisation. Financial statements for the past year will be made available within six months of its financial year end stating whether or not the financial statements of the organisation are consistent with its accounting policies
- 9.5 The Treasurer is responsible for making sure that the money of the organisation is accurately accounted for
- 9.6 The Treasurer must also make regular reports to the Board on the finances of the organisation, which should include all Incomes, expenditures, and balances, according to accounting practises of the organisation
- 9.7 If the organisation has funds invested, the funds may only be invested with registered financial institutions. These institutions are listed in Section 1 of the Financial Institutions Act of 1984, or as shall be amended. Or the organisation can get securities that are listed on a licensed stock exchange as set out in the Stock Exchange Control Act of 198S (as amended). The organisation can go to different banks to seek advice on the best way to look after its funds.

CERTIFIED AS A TRUE COPY

08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT



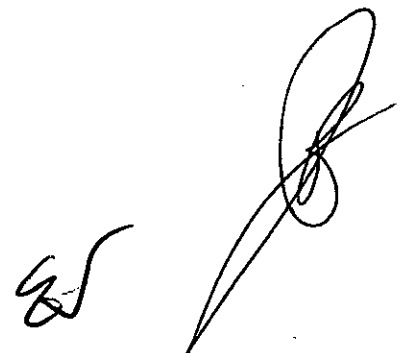
08 Nov 2023

10 Amendments to the Constitution

- 10.1 The Constitution can only be changed by a resolution. The resolution has to be agreed upon and passed by not less than two-thirds of the members who are at the annual general meeting or special meeting. Members must vote at the meeting to change the constitution.
- 10.2 For the purpose of considering changes to this constitution, two-thirds of the members shall be present at the meeting to make a quorum before a decision to change the constitution is taken. Any annual general meeting may vote upon such motion, if the details of the changes are set out in the notice referred to in clause 7 of this constitution
- 10.3 As provided for in clause 7, written notices must go out not less than fourteen days before the meeting at which the changes to the constitution are going to be proposed. The notice must indicate the proposed changes to the constitution that will be discussed at the meeting
- 10.4 No amendments may be made which would cause the organisation to close down or stop to function or fade in existence.


11 Dissolution/Closing down

- 11.1 The organisation may dissolve or close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.
- 11.2 When the organisation closes down it has to pay off all its debts, After doing this, if there is property or money left over it should not be paid or given to members of the organisation. it should be donated to another non-profit organisation that has similar objectives. The organisation's general meeting will decide what organisation this should be.



CERTIFIED AS A TRUE COPY

08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT



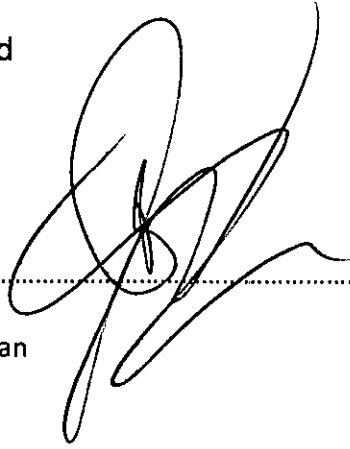
08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

This Constitution was approved and accepted by members of the Seekoei Estuary Forum at a general meeting held on 19 April 2023

Signed



Chairman



Secretary

Date 29 April 2023

Attendance register

Name	Address	Email	Telephone #
Koffie Jacobs	Aston Bay	koffie@silverbullet.co.za	074 886 0908
Ockie Le Roux	Paradise Beach	ockie le roux@me.com	079 495 9922
Eugene Brown	Aston Bay	erbinsd@gmail.com	083 336 7838
Kobus Mulder	Aston Bay	kobus.mulder@truewan.co.za	082 894 1637



CERTIFIED AS A TRUE COPY

08 Nov 2023



CHIEF DIRECTORATE NON-PROFIT ORGANISATIONS
DEPT OF SOCIAL DEVELOPMENT

2507 111 25