



**SALGA**

*South African Local Government Association*

**THE CONSTITUTION OF  
THE SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION**

AS ADOPTED ON NOVEMBER 1997 AND RECOGNISED IN TERMS OF  
SECTION 2 (1) (A) OF THE ORGANISED LOCAL GOVERNMENT ACT,  
1997 (ACT NO. 52);

AND AS AMENDED BY THE SALGA NATIONAL CONFERENCE OF 24-27  
APRIL 2007

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## **PART I – PREAMBLE AND INTERPRETATION**

### **1. PREAMBLE**

We, the representatives of Local Government:

- 1.1 Declare that we will respect and uphold the Constitution of our country;
- 1.2 Appreciate that the text of the Constitution of the Republic of South Africa, 1996, as amended, and in particular, section 40 thereof constitutes government as national, provincial and local spheres of government which are distinctive, independent and interrelated;
- 1.3 Commit ourselves to deepening democracy, promote racial, gender and all other forms of equality, and the empowerment of the people of our country through local government;
- 1.4. Recognise that the local government elections held during the years 1995,1996 and 2000 represent the beginning of democracy for local government which needs to be both strengthened and deepened; and
- 1.5. Consider it necessary for local government to be able to speak with a single authoritative voice.

Now therefore resolve to establish the South African Local Government Association (“SALGA”) as mandated in terms of section 163 of the Constitution of the Republic of South Africa Act No. 108 of 1996, as amended.

## 2. **INTERPRETATION AND PRELIMINARY**

The headings to the clauses in this constitution are for the purpose of convenience and reference only and shall not be used in the interpretation of nor modify nor amplify the terms of this constitution nor any clause hereof. Unless a contrary intention clearly appears -

2.1. Words importing any one gender include the other genders, the singular include the plural and *vice versa*, and natural persons include created entities (corporate or unincorporated) and *vice versa*;

2.2. The following terms shall have the meanings assigned to them hereunder and cognate expressions shall have a corresponding meaning, namely –

2.2.1. “Act” means the Organised Local Government Act, Act 52 of 1997;

2.2.2. “administration” means the day to day administration of the affairs of SALGA from time to time;

2.2.3. “Associate member” means an organisation which is not a municipality or a provincial association, but is strongly concerned with or involved in local government matters and complies with such criteria as may be determined by the National Executive Committee from time to time;

2.2.4. “head of administration” means the head of administration duly appointed by the National Executive Committee;

2.2.5. “member” means any member of SALGA recognised in terms of clause 5 of this constitution;

2.2.6. “Minister” means the Minister for Provincial and Local Government or his successor in title;

2.2.7. “National Conference” means a duly constituted National Conference of SALGA as provided herein;

2.2.8. “National Members Assembly ” means a duly constituted National Members Assembly of SALGA;

2.2.9. “National Executive Committee” means a duly elected and constituted National Executive Committee of SALGA;

2.2.10. “office bearer/s” means the Chairperson and 3 Deputy chairpersons of SALGA duly elected by the National Conference in terms of clause 11.1 hereof;

- 2.2.11. "organisation" means SALGA;
- 2.2.12. "provincial association" means any provincial local government association which has constituted itself in terms of this constitution;
- 2.2.13. "provincial member" means any provincial association which is affiliated to SALGA;
- 2.2.14. "SALGA" means the South African Local Government Association recognised by the Minister in terms of section 2(1)(a) of the Act.
- 2.2.15. **"Working Groups" means the governance structure established to develop policies, strategies and programmes to address critical local government issues; to facilitate co-operative governance between the spheres of government as mandated by the National Executive Committee or the Provincial Executive Committee respectively and facilitate consultation, co-ordination and participative decision-making between SALGA and its provincial and municipal members; chaired by a person duly appointed by the National Executive Committee or the Provincial Executive Committee from amongst the additional and/or co-opted members.**
- 2.3. Any reference to an enactment is to that enactment as at the date of signature hereof and as amended or re-enacted from time to time;
- 2.4. if any provision in a definition is a substantive provision conferring rights or imposing obligations on any party, notwithstanding that it is only in the definition clause, effect shall be given to it as if it were a substantive provision in the body of the constitution;
- 2.5. when any number of days is prescribed in this constitution, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday;
- 2.6. where figures are referred to in numerals and in words, if there is any conflict between the two, the words shall prevail;
- 2.7. expressions defined in this constitution shall bear the same meaning **as** in **the** schedules or annexures to this constitution which do not themselves contain their own definitions;
- 2.8. where any term is defined within the context of any particular clause in this constitution, the term so defined, unless it is clear from the clause in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this constitution, notwithstanding that that term has not been defined in this interpretation clause.



## **PART II – NAME, OBJECTIVES AND PROCEDURES OF SALGA**

### **3. NAME AND STATUS**

- 3.1. The name of this association shall be the South African Local Government Association, hereinafter referred to as SALGA.
- 3.2. SALGA is an association not for gain. **It is a juristic person recognised in terms of Section 2(1)(4) of the Organised Local Government Act 1997 (Act No. 52) with the power to** own property, sue and be sued in its own name.
- 3.3. The liability of the members, **where applicable, in view of clause 8.1 below,** shall be limited to the payment of membership fees and levies as determined by the National Executive Committee from time to time in terms of this constitution.

### **4. OBJECTIVES**

The objectives of SALGA are to:

- 4.1. Represent, promote and protect, the interests of local government;
- 4.2. Transform local government to enable it to fulfil its developmental role;
- 4.3. Enhance the role and status of its members as provincial representatives and consultative bodies of local government;
- 4.4. Enhance the role and status of municipalities;
- 4.5. Be recognised by national and provincial governments to be the representative and consultative body in respect of all matters concerning local government and to make representations to both provincial and national governments in respect of any matter concerning local government;
- 4.6. Ensure the full participation of women in organised local government;
- 4.7. Be the National Employers' Association representing all municipal members and, by agreement, associate members;
- 4.8. Regulate the relationship between its members and their employees within the meaning of section 213 of the Labour Relations Act 66 of 1995, as amended;
- 4.9. Provide legal assistance to its members, in its discretion;

- 4.10. Encourage the settlement of disputes among **its** members and between them and their employees or trade unions through co-operative governance or labour law principles;
- 4.11. Affiliate with and participate in the affairs of any international organisation, that will serve the interests of the members;
- 4.12. Do such lawful things as may appear to be in the interest of the organisation and its members which are not inconsistent with the objects or any matter specifically provided for in this constitution; and
- 4.13. Borrow, invest, lend, subscribe or donate money for the furtherance of the objectives of the organisation.

5. **MEMBERSHIP**

- 5.1 SALGA shall have the following categories of members:
  - 5.1.1 Municipalities established in terms of the Municipal Structures Act, Act 117 of 1998;
  - 5.1.2 Provincial associations; and
  - 5.1.3 Associate members
- 5.2 Any application, whether for admission or readmission to membership of SALGA shall be lodged in writing with the chairperson or a person duly delegated by the chairperson for consideration by the National Executive Committee together with the yearly membership fee, **where applicable.**
- 5.3 The National Executive Committee shall consider every application for membership within a period of 6 (six) weeks of receipt thereof by the chairperson or a person duly delegated by the chairperson and shall accordingly advise each applicant of the outcome of its application.
- 5.4 An applicant to whom admission to membership is refused shall be provided with reasons for such refusal and shall be entitled to a refund of the membership fee paid.
- 5.5 In the event of such refusal, the applicant concerned shall have a right of appeal to the next National Members Assembly or National Conference (whichever occurs first), which shall have the power to confirm or reverse the decision of the National Executive Committee. Such an appeal shall be in writing and shall be submitted to the chairperson or a person duly delegated by the chairperson 4 (four) weeks before the National Members Assembly or National Conference (whichever occurs first). The decision of the National Conference shall be final and binding on the applicant.
- 5.6 Every member shall notify the chairperson or a person duly delegated by the chairperson, in writing, of its postal address and any change thereof within 4 (four) weeks of the date on which the change occurred.

- 5.7 Any member who has resigned or been expelled from SALGA may be readmitted to membership on such terms and conditions as the National Executive Committee may deem fit.

6. **DISCIPLINE**

- 6.1. A member may be suspended or expelled from SALGA as may be determined by the National Executive Committee if:
- 6.1.1. it fails to pay membership fees, fines or levies and remains in arrears for a period of 30 (thirty) days from the date of demand in writing by the head of administration; or
  - 6.1.2. it infringes any of the terms of this constitution; or
  - 6.1.3. it acts in such a manner which is detrimental to the interests of the organisation; or
  - 6.1.4. it infringes any of the provisions of **this constitution** or the Constitution of the Republic of South Africa, Act 108 of 1996, as amended.
- 6.2. No member may be suspended or expelled unless it has been afforded an opportunity to state its case before the National Executive Committee at a meeting of which it has received not less than 7 (seven) days' notice in writing from the chairperson or a person duly delegated by the chairperson setting out the nature of the charges against it. A member shall be entitled to call witness (es) in support of its case when appearing before the National Executive Committee.
- 6.3. Any member, **who** has been suspended or expelled by the National Executive Committee, shall have a right to appeal against such suspension or expulsion to the National Members Assembly or National Conference (whichever occurs first). The member concerned shall lodge notice of any such appeal with the chairperson or a person duly delegated by the chairperson in writing within 14 (fourteen) days of the date on which the decision of the National Executive Committee was communicated to it.
- 6.4. The member concerned shall not less than 7 (seven) days before the National Members Assembly or National Conference (whichever occurs first) submit to the chairperson or a person duly delegated by the chairperson the ground/s upon which its appeal is founded.
- 6.5. The National Members Assembly or National Conference (whichever occurs first) shall appoint a committee to consider the appeal. The committee so appointed shall submit a recommendation to the National Members Assembly or National Conference (whichever occurs first). The decision of the National Members Assembly or National Conference (whichever occurs first) shall be final and binding on the member concerned.
- 6.6. Upon the expulsion of a member, all money due and owing by such member to SALGA shall become payable within a period of 30 (thirty) days of such expulsion. If a member in question

fails to make such payment to SALGA within the period contemplated herein, the National Executive Committee may take such steps **as** it deems necessary to recover such money.

6.7. A member shall cease to be entitled to any benefits of membership, including but not limited to the right to vote during meetings in the period in which it is under suspension in terms of this constitution.

7. **TERMINATION OF MEMBERSHIP**

A member may resign by giving not less than 3 (three) months' written notice to the chairperson or a person duly delegated by the chairperson, provided that no resignation shall take effect until all money due by the member concerned to SALGA has been paid in full.

8. **MEMBERSHIP FEES AND LEVIES**

8.1. Each member, except a provincial association, shall be liable to pay an annual membership fee and/or levies, which shall be determined by the National Conference from time to time.

8.2. Membership fees and levies determined in terms of clause 8.1 above shall be due and payable by members on **1 April but before 1 July of that calendar year** and shall be payable to SALGA at its national office. **Any levy payments not received within this period will be subject to interest in terms of the relevant legislation.**

8.3. **A member shall cease to be entitled to any benefits of membership, including but not limited to the right to vote during meetings in the period in which membership fees or other charges due by it to SALGA are in arrears.**

8.4. In addition to membership fee or levy payable in terms of clause 8.1 above, a member shall also be liable for the payment of such other fees as may be prescribed in terms of the rules governing any fund.

8.5. All money received by SALGA from membership fees, levies and other sources shall be used in pursuance of its objectives as set out in clause 4 above.

9. **GOVERNANCE STRUCTURE**

The governance of SALGA is **vested and** executed by:

1. National Conference;
2. National Members Assembly; and
3. National Executive Committee.

9.1 **NATIONAL CONFERENCE**

9.1.1 The ultimate authority of SALGA shall reside in its National Conference.

9.1.2 SALGA shall within a period of **90 (ninety) days** after every **general local government elections** hold a meeting of members to be known and described in the notice calling such meeting as the National Conference.

9.1.3 The National Conference shall :

9.1.3.1 Elect **the members of the National Executive Committee;**

9.1.3.2 Establish and review SALGA's oversight bodies as may be required by law; and

9.1.3.3 **Consider audited financial statements in respect of the previous year, approve the programme of action, business plan and the budget of SALGA as approved by the National Executive Committee in respect of the ensuing year and review SALGA's financial performance.**

9.1.4 Every National Conference shall be held at a venue as resolved by the National Executive Committee.

9.1.5 The proceedings of the National Conference shall be regulated in terms of the procedure laid down in annexure "A" hereto.

## 9.2 **NATIONAL MEMBERS ASSEMBLY**

9.2.1 SALGA shall **at least annually, save for the year in which the National Conference is due,** hold a meeting of members to be known and described in the notice calling such meeting as the National Members Assembly.

9.2.2 The National Members Assembly shall, except for the provisions in **9.1.3.1 and 9.1.3.2** above, exercise the authority of SALGA between National Conferences.

9.2.3 The National Members Assembly shall:-

9.2.3.1 act in accordance with the directions of the National Conference;

9.2.3.2 consider audited financial statements in respect of the previous year;

9.2.3.3 adopt the SALGA's programme of action, business plan and the budget of SALGA as approved by the National Executive Committee;

9.2.3.4 review SALGA's financial performance;

9.2.3.5 consider reports from the working groups and oversight bodies; and

9.2.3.6 deal with any other issues emanating from the provisions of this constitution.

9.2.4 Notwithstanding anything contained in clause 9.2.1. above, the chairperson shall call a National Members Assembly :-

9.2.4.1 at the written request of the National Executive Committee; or

9.2.4.2 on receipt of a written request signed by the majority of the members containing the reasons for such a request and setting out the matters to be discussed at the proposed meeting; or

9.2.4.3 if the majority of office bearers resolve that there are special circumstances which require a National Members Assembly .

9.2.5 Every National Members Assembly shall be held at a venue as resolved by the National Executive Committee.

9.2.6 The proceedings of the National Members Assembly shall be regulated in terms of the procedure laid down in annexure “A” hereto.

### 9.3 **THE NATIONAL EXECUTIVE COMMITTEE**

9.3.1 The National Executive Committee shall exercise the authority of SALGA between National Conferences and National Members Assemblies.

9.3.2 The National Executive Committee shall consist of:

9.3.2.1 the chairperson of SALGA; 3 deputy chairpersons and 6 additional Members **who shall be elected separately by the National Conference;**

9.3.2.2 Provincial Chairpersons of SALGA **who shall be ex-officio members of the National Executive Committee;** and

9.3.2.3 The head of the administration.

9.3.3 The National Executive Committee may co-opt no more than 3 (three) further additional members.

9.3.4 The National Executive Committee shall:

9.3.4.1 Meet at least **once every two months and when the need arises;**

9.3.4.2 Exercise day-to-day executive authority;

9.3.4.3 Act in accordance with the directions of the National Conference or National Members Assembly;

9.3.4.4 Submit a report of its activities during the previous financial year to the National Conference or National Members Assembly, whichever occurs first; and

9.3.4.5 Develop, review **and adopt** SALGA’s administrative policies.

9.3.5 The National Executive Committee shall have the power from time to time to:

9.3.5.1 acquire and control property;

9.3.5.2 open any banking account;

9.3.5.3 invest money;

- 9.3.5.4 appoint the head of administration, who will also act as a secretary in terms of section 95 of the Labour Relations Act No. 66 of 1995, as amended;
  - 9.3.5.5 make representations to both the provincial and national governments;
  - 9.3.5.6 develop the criteria for associate membership;
  - 9.3.5.7 do all such things as are necessary for the exercise of the power and authority described in clause 9.3.7.;
  - 9.3.5.8 determine the signatories required for the operation of any banking account;
  - 9.3.5.9 recruit, appoint, promote and discharge employees;
  - 9.3.5.10 take disciplinary action against any employee;
  - 9.3.5.11 establish and maintain any non-contributory or contributory pension, superannuation, provident and benefit funds for the benefit of employees of SALGA;
  - 9.3.5.12 give pensions, gratuities and allowances to and make payments for or towards the insurance of any persons who are employees or ex-employees of SALGA and the wives, widows, families and dependants of such persons;
  - 9.3.5.13 establish and review the Working Groups as deemed necessary;
  - 9.3.5.14 appoint the Chairpersons of the Working Groups from amongst the additional and/or co-opted members;
  - 9.3.5.15 stipulate that the holder of an office from amongst the office bearers shall attend exclusively to the business of SALGA, during such period, or for a minimum amount of time during a period and on such conditions as to payment or otherwise as may be determined by it from time to time; and
  - 9.3.5.16 **exclusively determine representation of SALGA in all Intergovernmental structures and other forums. Such representatives shall table reports to the National Executive Committee at least quarterly.**
- 9.3.6 The National Executive Committee may from time to time entrust to and confer upon the head of administration such of the powers vested in it as it may think fit, and may confer such powers for such time and to be exercised for such objects and upon such terms and with such restrictions as it may think expedient; and it may confer such powers either collaterally or to the exclusion of, and in substitution for, all or any of its powers, and may from time to time revoke or vary all or any of such powers. A head of administration granted powers pursuant to the provisions hereof

shall not be regarded as an agent or delegate of the National Executive Committee and after powers have been conferred upon him by **the National Executive Committee** in terms hereof he shall be deemed to derive such powers directly from this clause.

- 9.3.7 The National Executive Committee shall have the power from time to time to delegate or allocate to any one of its members, whether in the Republic or not, such of the powers as are vested in it pursuant to this constitution as it may deem fit.
- 9.3.8 The National Executive Committee may delegate or allocate any of its powers to committees consisting of such member or members of its body as it thinks fit; any committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed on it by the National Executive Committee. Save as aforesaid, the meetings and proceedings of a committee consisting of more than 1 (one) member shall be governed by the provisions of this constitution regulating the meetings and proceedings of the National Executive Committee.
- 9.3.9 Every member of the National Executive Committee shall be indemnified by SALGA against all liability incurred in his capacity as such, in defending any proceedings, whether civil or criminal, in which judgment is given in his favour, or in which he is acquitted.
- 9.3.10 The proceedings of the national executive committee shall be regulated in accordance with the procedure laid down in annexure "B" hereto.

## 10. **VOTES OF MEMBERS**

- 10.1 Each municipal and provincial member shall have 1 (one) vote only at the National Conference or National Members Assembly;
- 10.2 Each member shall be entitled through its representatives to participate in sessions of the National Conference or National Members Assembly by speaking, expressing its opinions and submitting proposals;
- 10.3 Associate members shall enjoy no voting rights in the National Conference and the National Members Assembly.

## 11. **ELECTION OF NATIONAL EXECUTIVE COMMITTEE**

- 11.1 Every National Conference shall elect the following **members of the National Executive Committee**, who shall be councillors:-
- 11.1.1 the chairperson;
  - 11.1.2 3 (three) deputy-chairpersons; and
  - 11.1.3 6 additional Members.
- 11.2 The **National Executive Committee** shall serve until the close of business at the next ensuing National Conference. **National Executive Committee members re-elected as councillors following a general local government election, even in the absence of a quorum, shall act as interim Executive Committee with functions and powers in terms of this constitution until election of a new National Executive Committee.**
- 11.3 Any vacancy, which occurs in the office of any of the office bearers **and/or additional members** between National Conferences, shall be filled by the National Executive Committee.

## 12. **DUTIES OF OFFICE-BEARERS**

The duties of the office-bearers are as follows:

### 12.1. **CHAIRPERSON**

The chairperson shall: -

- 12.1.1 preside at all meetings of the National Conference, National Members Assembly and National Executive Committee;
- 12.1.2 be the custodian of the decisions taken by the National Conference, National Members Assembly and National Executive Committee;
- 12.1.3 enforce observance of this constitution by the members, delegates and office bearers;
- 12.1.4 sign minutes of the meetings;
- 12.1.5 delegate such other functions as are necessary to the deputy chairpersons;
- 12.1.6 perform such other duties as may be associated with this office;
- 12.1.7 represent SALGA at all formal or ceremonial occasions; and
- 12.1.8 perform such other functions as may be delegated by the National Executive Committee from time to time.

### 12.2. **DEPUTY CHAIRPERSONS**

The deputy-chairpersons shall:-

- 12.2.1 carry out such functions as are delegated to them by the Chairperson in terms of 12.1.5 above; and
- 12.2.2 represent the Chairperson in carrying out such of the Chairperson's duties as may be required by him or her from time to time.

13. **DISQUALIFICATION AND PRIVILEGES OF NATIONAL EXECUTIVE COMMITTEE MEMBERS**

- 13.1 A **member of the National Executive Committee** shall cease to hold office as such if –
- 13.1.1 he is medically certified to be lunatic or of unsound mind; or
  - 13.1.2 if he infringes any of the provisions of this constitution; or
  - 13.1.3 he acts in a manner that is detrimental to the interests of SALGA; or
  - 13.1.4 he is removed from office by a resolution of the National Executive Committee; or
  - 13.1.5 he resigns his office by not less than 30 (thirty) days' written notice to the chairperson or a person duly delegated by the chairperson; or
  - 13.1.6 **he ceases to be a councillor**; or
  - 13.1.7 he fails to attend 3 (three) consecutive meetings of the National Executive Committee without leave of absence from the National Executive Committee; or
  - 13.1.8 a notice removing him from office is signed by members who hold not less than 51% (fifty one per cent) of the total voting rights of all the members of the National Conference who are at that time entitled so to attend and vote and is delivered to SALGA or lodged at its registered office.
  - 13.1.9 He ceases to be a Councillor either voluntarily or has been removed from office or through other factors.
- 13.2 Notwithstanding anything contained in clause 13.1 above, no **member of the National Executive Committee** may be removed from office unless he has been afforded an opportunity to state his case before the National Executive Committee. Such **member of the National Executive Committee** shall be entitled to call witness (es) in support of his case when appearing before the National Executive Committee.
- 13.3 A **member of the National Executive Committee** who has appeared before the National Executive Committee in terms of clause 13.3. above and is dissatisfied with its decision shall have a right to appeal against such decision to the National Conference or National Members Assembly (whichever occurs first). Notice of any such appeal shall be lodged by the **member** concerned with the chairperson or a person duly delegated by the chairperson, in writing within 14 (fourteen) days of the date on which the decision of the National Executive Committee was communicated to him.
- 13.4 The **member of the National Executive Committee** concerned shall within 7 (seven) days before the National Conference or National Members Assembly (whichever occurs first) submit to the chairperson or a person duly delegated by the chairperson the ground upon which his appeal is founded.

13.5 The National Conference or National Members Assembly (whichever occurs first) shall appoint a committee to consider the appeal. The committee so appointed shall recommend its decision to the National Conference or National Members Assembly (whichever occurs first). The decision of the National Conference or National Members Assembly (whichever occurs first) shall be final and binding on the office bearer or additional member concerned.

## **PROVISIONS APPLICABLE TO PROVINCIAL MEMBERS**

### **14. MEMBERSHIP**

Municipal members of SALGA shall *ipso facto* be members of the provincial association for the province in which they are situated.

### **15. PROVINCIAL GOVERNANCE STRUCTURE**

The governance of Provincial Members is vested and executed by:

1. Provincial Conference;
2. Provincial Members Assembly; and
3. Provincial Executive Committee.

#### **15.1 PROVINCIAL CONFERENCE**

15.1.1 The ultimate authority of the provincial member shall reside in its Provincial Conference.

15.1.2 The provincial members shall within a period of **60 (sixty)** days after every general local government elections hold a meeting of members to be known and described in the notice calling such meeting as the Provincial Conference. Such Provincial Conference shall be held **at least 30 (thirty) days before** the National Conference.

15.1.3 The provisions of clauses 9.1.3.1, 9.1.3.2, 9.1.4, 9.1.5, 10.1, 10.2, 10.3, 11.1, 11.2, 11.3, and Annexure "C" shall apply *mutatis mutandis* to provincial members.

#### **15.2 PROVINCIAL MEMBERS ASSEMBLY**

15.2.1 A provincial member shall, at least once a year, hold a meeting of members to be known and described in the notice calling such meeting as the Provincial Members Assembly. **Such meeting must be held at least 30 (thirty) days before the National Members Assembly.**

15.2.2 The provisions of clauses 9.2.2, 9.2.3.1, 9.2.3.3, 9.2.3.5, 9.2.3.6, 9.2.4, 9.2.5, 9.2.6, 10.1, 10.2, 10.3 and Annexure "C" shall apply *mutatis mutandis* to provincial members.

#### **15.3 PROVINCIAL EXECUTIVE COMMITTEE**

15.3.1 The Provincial Executive Committee shall exercise the authority of the Provincial member between Provincial Conferences and Provincial Members Assemblies.

15.3.2 **The Provincial Executive Committee shall consist of:**

15.3.2.1 **the chairperson;**

15.3.2.2 **3 deputy chairpersons and**

15.3.2.3 **6 additional members.**

15.3.3 **Provincial Executive Committee shall cause reports of activities in the province to be tabled quarterly at the National Executive Committee.**

15.3.4 The provisions of clauses 9.3.3, 9.3.4, 9.3.5.5, 9.3.5.7, 9.3.5.13, 9.3.5.14, 9.3.5.15, 9.3.6, 9.3.7, 9.3.8, 9.3.9, 9.3.10, 11.3, 12.1, 12.2, 13 and Annexure "C" shall apply *mutatis mutandis* to provincial members.

16. **RIGHT OF MEMBERS TO INSPECT BOOKS OF SALGA**

The books of account and other books and documents of SALGA shall be kept at the registered office of SALGA and, subject to the reasonableness as to the time and manner of inspecting same that may be imposed by a resolution of the National Executive Committee, shall be open to inspection of the members during the hours of business.

17. **NOTICES**

17.1 A notice by SALGA to any member shall be regarded as validly given, if sent by **prepaid** post or transmitted by telegram, telex or telefax to its registered address.

17.2 Any notice, if given by registered post, shall be deemed to have been served on the day following that to which the letter or envelope containing such notice is posted.

18. **COPIES OF CONSTITUTION AND INSPECTION THEREOF**

A copy of this constitution and of every amendment thereto or any amended constitution, shall at all times during normal business hours be available for inspection by SALGA members at its registered office.

Any member shall be entitled to receive from SALGA a copy of this constitution and of every amended constitution thereto on making request **thereof** to SALGA, and on payment to SALGA of a sum as determined by the National Executive Committee from time to time.

19. **AMENDMENT OF CONSTITUTION**

19.1 This constitution may be amended by the national conference only if :-

19.1.1. 21 (twenty one) days written notice of the proposed amendment or amendments is given to all members; and

19.1.2. approved by two thirds of the delegates (including office bearers **and additional members**) entitled to be present and vote at the National Conference.

19.2 No amendment shall be of any force or effect until certified in terms of subsection (3) of section 101 of the Labour Relations Act. 66 of 1995, as amended.

20. **DISSOLUTION OR WINDING UP OF SALGA**

20.1 SALGA may only be dissolved or wound up for whatever reason by a resolution passed by at least two thirds of the delegates (including office bearers) entitled to be present and vote at the National Conference.

20.2 The chairperson or if there is no such chairperson, a deputy chairperson or if there is no such deputy chairperson, any office bearer shall within 7 (seven) days from the date of the dissolution or winding up submit to the Labour Court a resolution approving the dissolution or winding up of SALGA and request the Labour Court to grant an order in terms of section 103 of the Labour Relations Act 66 of 1995, as amended.

20.3 The chairperson or if there is no such chairperson, a deputy chairperson or if there is no such deputy chairperson, any office bearer shall within 7 (seven) days from the date of the appointment of a liquidator by the Labour Court in terms of section 103(3) of the Labour Relations Act 66 of 1995, as amended, deliver to the said liquidator:-

20.3.1 all books of accounts of SALGA showing the assets and liabilities together with the register of members showing, for the 12 (twelve) months prior to the date on which the resolution for the dissolution or winding-up was passed, the membership fees paid by each member and its last known registered address; and

19.3.2. all unexpended funds, assets and all other documents of SALGA.

20.4 The liquidator may divide amongst the members the whole or any part of the assets of SALGA (whether they shall consist of property of the same kind or not) and may, for such purpose, set such values as he deems fair upon any property to be divided as aforesaid and may determine how such division shall be carried out as between the members.

20.5 After the payment of all the liabilities of SALGA any assets that cannot be disposed of in accordance with the provisions of clause 20.4 above shall be realised by the liquidator and the proceeds shall, in the sole discretion of the liquidator, either be paid to the Commission for Conciliation Mediation and Arbitration in accordance with section 103(5) of the Labour Relations Act 66 of 1995, as amended, or to any entity with similar objects to SALGA or to both.

20.6 The liability of each member shall be limited to the amount of subscription fees and levies due by it to SALGA in terms of this constitution as at the date of dissolution or winding up.



20.7 Notwithstanding anything contained in clause 20.6 above, if the assets of SALGA are on dissolution or winding up insufficient to cover all money due to its employees, each member shall be liable to contribute a proportionate share of whatever deficit existing.

**ANNEXURE A - PROCEEDINGS AT THE NATIONAL CONFERENCE AND NATIONAL MEMBERS  
ASSEMBLY**

1. In this annexure, the "constitution" means the constitution of SALGA.
2. Every National Conference and National Members Assembly shall be called by 21 (twenty one) clear days' notice in writing at the least setting out the agenda for the meeting. The accidental omission to give notice of a National Conference or National Members Assembly to, or the non-receipt of notice of such a meeting by, any member entitled to receive notice shall not invalidate the proceedings of that meeting.
3. Any additional matter not appearing in the notice calling for the National Conference or National Members Assembly contemplated in clause 2 above may be placed on the agenda of a National Conference or National Members Assembly on 7 (seven) days' written notice to all members on the written request of any member, which request shall have been received by the chairperson or a the person duly delegated within a period of 14 (fourteen) days before the date of the meeting.
4. A matter which has not been placed on the agenda of the National Conference or National Members Assembly may be discussed by that meeting only if the majority of members consent thereto.
5. Each member shall be entitled to so many delegates at the National Conference as determined by the National Executive Conference from time to time and 1 delegate at the National Members Assembly.
6. All delegates appointed by municipal members or provincial members to attend a National Conference or National Members Assembly shall be municipal councillors.
7. The quorum at the national conference or National Members Assembly shall be a majority of delegates entitled to attend and vote at the meeting.

8. If within the time period as may be determined by the National Executive Committee from the appointed time for the meeting a quorum is **not achieved**, the meeting, in case of a National Members Assembly convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next month, at the same time and place, or, if that day be a public holiday, to the next succeeding day other than a public holiday, and if at such adjourned meeting a quorum is not present within the time period determined by the National Executive Committee from the time appointed for the meeting then the members present shall be a quorum.
9. The chairperson shall preside as chairperson at every National Conference or National Members Assembly. If there is no such chairperson, or if at any National Conference or National Members Assembly **the chairperson** is not present within the time period determined by the National Executive Committee after the time appointed for holding the meeting or is unwilling **or unable** to act as **such**, the deputy chairperson shall act as the chairperson of the meeting or if he is also not present within the time period determined by the National Executive Committee or is unwilling to act as chairperson, the members present shall choose any delegate present to be chairperson of the meeting.
10. The chairperson may, with the consent of any National Conference or National Members Assembly at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. It shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.
11. At any National Conference or National Members Assembly a resolution put to the vote of the meeting shall be decided on a show of hands, unless before or on the declaration of the result of the show of hands a poll shall be demanded by any member [delegate] or office bearer entitled to vote at the meeting and, unless a poll is so demanded, a declaration by the chairperson that a resolution has, on a show of hands been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the minute book of SALGA, shall be conclusive evidence of the fact, without proof of the number of the votes recorded in favour of, or against, such resolution. No objection shall be raised as to the admissibility of any vote except at the meeting or adjourned meeting at which the vote objected to is or may be given or tendered and every vote not disallowed at such meeting shall be valid for all purposes. Any such objection shall be referred to the chairperson of the meeting, whose decision shall be final and conclusive.
12. If a poll is duly demanded it shall be taken in accordance with the procedure laid down in annexure "C" hereto, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.
13. In the case of an equality of votes, whether on a show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place, or at which the poll is demanded, shall be entitled to a second or casting vote.



14. A poll shall be taken forthwith. The demand for a poll shall not prevent the continuation of a meeting for the transaction of any business other than the question upon which the poll has been demanded. The demand for a poll may be withdrawn.
  
15. Notwithstanding anything contained in this annexure, the head of administration shall act as the chairperson of the meeting at the National Conference during the election of office bearers but shall have no vote.



## **ANNEXURE B -PROCEEDINGS OF THE NATIONAL EXECUTIVE COMMITTEE**

1. In this annexure, the “constitution” means the constitution of SALGA.
2. The chairperson on the requisition of any member of the National Executive Committee shall, at any time summon a meeting of the National Executive Committee.
3. The National Executive Committee may meet together for the despatch of business, adjourn and otherwise regulate its meetings as it thinks fit.
4. Unless otherwise resolved by the National Executive Committee, all its meetings shall be held at SALGA’s registered office.
5. The chairperson shall have a second or casting vote at the meeting of the National Executive Committee.
6. The head of administration shall have no vote in the proceedings or decisions of the National Executive Committee.
7. The National Executive Committee may determine what period of notice shall be given of its meetings and may determine the means of giving such notice, which may include telephone, telegram, telex or telefax. It shall not be necessary to give notice of a meeting of the National Executive Committee to any of its members for the time being absent from the Republic.
8. A quorum of the National Executive Committee shall consist of the majority of the members constituting it.
9. Subject to this constitution-
  - 9.1. a resolution in writing, including through the medium of telefax, signed by the members of the National Executive Committee for the time being present in the Republic and being not less than are sufficient to form a quorum shall be as valid and effectual as if it had been passed at a meeting of the National Executive Committee duly called and constituted; and
  - 9.2. in the case of matters requiring an urgent resolution or, if for any reason it is impracticable to meet as contemplated herein or pass a resolution as contemplated in clause 9.1 hereof, proceedings may be conducted by utilising conference telephone facilities, provided that the required quorum is met. A resolution agreed to during the course of such proceedings shall be as valid and effectual as if it had been passed at a meeting of the National Executive Committee duly called and constituted. The chairperson shall as soon as is reasonably possible after such meeting has been held, be notified thereof by the relevant parties to the meeting, and the chairperson shall prepare a written minute thereof.
  - 9.3. No member unable to attend a National Executive Committee’s meeting shall be entitled to appoint a proxy in his stead.

- 9.4. If at any meeting of the National Executive Committee the chairperson is not present within the time period as may be determined by the National Executive Committee in the circumstances after the time appointed for holding it, the deputy chairperson shall act as the chairperson of the meeting or if he is also not present within the time period determined by the National Executive Committee, the members present may choose one of their number to be chairperson of the meeting.

**ANNEXURE C - REQUIREMENTS FOR A BALLOT**

1. In this annexure, the “constitution” means the constitution of SALGA.
  
2. In addition to those cases in respect of which the taking of a ballot is demanded by a member or delegate, a ballot on any question shall be taken if the National Executive Committee so decides.
  - 2.1. A ballot shall be conducted in the following manner:-
    - 2.1.1. Notice of a ballot shall be given to each member or delegate in writing by the chairperson or a person duly delegated at least 3 (three) days before the ballot is to be taken, provided that a ballot may be taken without notice at any National Conference or National Members Assembly on the decision of a majority of the members or delegates present.
    - 2.1.2. 2 (two) scrutineers shall be appointed by the National Executive Committee to supervise any ballot and to declare the results thereof and their decision, which shall be given to the chairperson of the meeting, shall be deemed to be the decision of the ballot.
    - 2.1.3. Except in the case of postal ballots and ballots taken at National Conference or National Members Assembly on the decision of a majority of the members present, ballots shall be conducted at such other places as may be specified in the notice referred to in paragraph 2.1.1 on the date and during the hours specified in the said notice.
    - 2.1.4. Ballot papers shall be supplied by the head of administration. The issue to be voted upon shall be set forth clearly on the ballot papers and such papers shall not contain any information by means of which it will be possible to identify the voter.
    - 2.1.5. Ballot boxes shall be inspected by the scrutineers and sealed by the head of administration in their presence prior to the issuing of ballot papers.
    - 2.1.6. One ballot paper only shall be issued on demand at the place and during the hours fixed for the taking of the ballot to each member who is entitled to vote.
    - 2.1.7. Each voter shall, in the presence of the scrutineers, be issued with one ballot paper that he shall thereupon complete, fold and deposit in a ballot box provided for the purpose.
    - 2.1.8. Ballot papers shall not be singed or marked in any way apart from the mark required to be made by a member in recording his vote. Papers bearing any other marks shall be regarded as spoiled and shall not be counted.

- 2.1.9. On completion of a ballot or as soon as possible thereafter, the result thereof shall be ascertained by the scrutinisers in the presence of the head of administration and made known to the National Executive Committee.
    - 2.1.10. Ballot papers, including spoilt papers, shall be placed in a container that shall be sealed after they have been counted and retained by the head of administration for not less than 3 (three) years.
  3. The National Executive Committee may decide that a postal ballot of members shall be taken, in which event the ballot shall be conducted in the following manner:
    - 3.1. The head of administration shall send by registered post to each member a ballot paper and a stamped and addressed envelope marked "Ballot". The ballot paper shall on completion be inserted in the envelope provided for the purpose, shall be sealed and posted so as to reach the head of administration who shall immediately place such envelopes in a sealed ballot box.
    - 3.2. Two scrutineers shall be appointed by the National Executive Committee to ascertain the result of the ballot. The ballot box shall be opened and the ballot papers counted by the scrutineers in the presence of the head of administration, who shall immediately advise the National Executive Committee of the result of the ballot.
    - 3.3. The same procedure shall *mutatis mutandis* apply to a postal ballot confined to members of the National Executive Committee of SALGA.
4. In any ballot conducted in connection with any election of office bearers, the candidates, up to the required number, receiving the highest number or votes shall be declared elected.
5. The National Executive Committee shall be bound to take action according to the decision of a majority of the members or delegates voting in a ballot.