

**DISABLED PEOPLE SOUTH AFRICA  
(DPSA)**

**CONSTITUTION  
AS AMENDED – 27 October 2012**  
Finally signed off at National Council meeting  
Held on **8-9 June 2013**

**FIRST DRAFT ..... 1984**  
**AMENDED .....1995**  
**AMENDED .....1997**  
**AMENDED .....2001**  
**AMENDED.....2006**  
**AMENDED.....2012**

## DISABLED PEOPLE SOUTH AFRICA

### CONSTITUTION

#### PREAMBLE

WHEREAS universal social justice can be established only if it is based upon human dignity, the advancement of **fundamental** human rights **on an equal basis with others**, the achievement of equality, non-racialism and non-sexism; and

WHEREAS large numbers of disabled people with physical, sensory and mental impairments live in conditions of injustice, indignity, hardship and privation; and

WHEREAS all such disabled people have the right to full and equal participation on an equal basis with others in the social life of the community and to enjoy living conditions equal to those of **non disabled** citizens, including an equal share in the improvement in the standard of living resulting from social and economic development; and

WHEREAS disability has too long been viewed as a problem of the individual without consideration to the relationship between an individual and his/her environment and between impairment, as the functional limitation within the individual, caused by a physical, mental or sensory condition, whether visible or invisible, on the one hand, and disability as the loss or limitation of opportunities to take part in the life of society on an equal level with others, due to physical and social barriers and prejudice confronting a person with an impairment, on the other; and

WHEREAS rehabilitation should be regarded as a process of restoring the physical, mental and social level of functioning in order to provide that person with the ability and the tools to direct his/her own life, achieve independent living and benefit from available services; and

WHEREAS all systems of society must be open to disabled people so as to ensure their full inclusion and equal participation in all aspects of social, political and economic life, it is asserted that:

- (a) There are many barriers to full participation by disabled people in the life of society;
- (b) Removing these barriers will require changes in the structure of our society;
- (c) There is an obligation on the part of the state and the community at large to take all necessary measures to ensure that the physical environment, housing and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational facilities, are completely accessible to all;
- (d) The government has a duty to ensure that the benefits of reform and development programme in every field also reach disabled citizens;
- (e) Special measures to effect this should be incorporated into the government's planning processes and administrative structures; and

- (f) The social and economic conditions of disabled people are recognised as meriting special and urgent attention,

DISABLED PEOPLE, moved by sentiments of justice, humanity and peace, and with a view to attaining the objectives set forth in this preamble, agree to the following CONSTITUTION OF DISABLED PEOPLE SOUTH AFRICA.

## 1. NAME

The name of the organisation is DISABLED PEOPLE SOUTH AFRICA (abbreviated as DPSA).

## 2. DEFINITIONS

### 2.1 In this Constitution:

- (a) **“Director of Nonprofit Organizations”** means the Director of Nonprofit Organisations appointed in terms of the Nonprofit Organisations Act No. 71 of 1997;
- (b) **“Disability”**: Is a social construct (and not a description of a medical condition in the individual), that represents the outcome of the interaction between impairments and the negative environmental impacts on the individual, in recognition that society is constructed, both through the characteristic of its built environment and functioning, on the one hand and the prevailing attitudes and assumptions on the other, which result in restricted opportunities for disabled people to participate on equal basis, and failure of society to adapt to and accommodate their needs; and the term “disabled” has a corresponding meaning.
- (c) **“Financial year”** means the period from 1 April in any year to 31 March in the following year;
- (d) **“Focus group”** means a group of members of DPSA who constitute a structure recognized as such by DPSA, aimed at advancing particular issues, interests or programmes;
- (e) **“Impairment”**, means the functional limitation within the individual, caused by a physical, mental or sensory condition, whether visible or invisible;
- (f) **“Nonprofit Organisations Act”** means the Nonprofit Organisations Act No. 71 of 1997;
- (g) **“Organisation of disabled people”** means any organisation of which the majority of members are disabled, and of which the majority of committee members are disabled;

- (h) "Single disability national federation" means a national federation of all organisations representing people with a single disability such as blindness, deafness or any other organization recognized as such by the DPSA Council; **and**
  - (i) "Youth" means any person with a disability between the ages defined in the current Youth Act.
- 2.2 The geographical borders of a Province shall be as defined in the Constitution of the Republic of South Africa;
- 2.3 Unless inconsistent with the context, words signifying the singular number include the plural.

### 3. LEGAL PERSONA

DISABLED PEOPLE SOUTH AFRICA is a body corporate with perpetual succession, capable of suing and being sued in its own name, and of performing such acts as are necessary for, or incidental to, the achievement of its objectives and the exercise of its powers or the performance of its functions and duties under this constitution or under any statute of the Republic of South Africa.

### 4. AREA

In furthering the objectives **set out in clause 5**, the area of fund-raising **shall be in the Republic of South Africa and internationally** and **operationally it shall be the Republic of South Africa**.

### 5. OBJECTIVES

The objectives of DPSA are:

- (a) To promote and advance the human rights of all disabled people in the Republic of South Africa;
- (b) To work with any organisation whether involved in the disability field or not should this be in the interest or serve to advance the human rights of disabled people in the Republic of South Africa and beyond;
- (c) To consider and pass comment on actual or impending legislation in the Republic of South Africa affecting the human rights of disabled persons and to apply for, petition for, or promote any act of Parliament or other legislative enactment desirable for the betterment of the lives and enhancement of the full participation of disabled people

- (d) To promote and where possible and appropriate, conduct research into disability matters and to provide members with information on developments in the disability field inside and outside the Republic of South Africa;
- (e) To provide opportunities for exchange of views among members;
- (f) To provide leadership so as to enable disabled people, as far as it is practicable, to speak with one voice on matters of national or international importance affecting disabled people;
- (g) To develop strategies and programmes designed to inform the general public about disability and the human rights of disabled people and to present a proper appreciation of the problems experienced by and aspirations of disabled people;
- (h) To affiliate or co-operate with, national and international bodies representing the interests of disabled people;
- (i) To establish, support, administer, or aid in the establishment, support or administration of associations, funds and trusts calculated to economically and otherwise, empower or support disabled persons, including members of DPISA or their family members and generally to promote their inclusion in the development processes of society at large;
- (j) Generally to do or undertake or advise on anything which may be expedient in the advancement of the human rights of and in the interest of disabled people in general or members of DPISA in particular and the general public in relation to matters of concern to disabled people; and
- (k) Generally to do such other things as may be incidental or conducive to the attainment of the above objectives.

## 6. MEMBERSHIP

6.1 The organization has four (4) classes of members, namely:

- (a) **Ordinary members who are disabled individuals committed to the objectives of DPISA and individuals representing disabled individuals who are unable to represent themselves;**
- (b) Corporate members, which are organizations of disabled people as defined under clause 2(1)(g);
- (c) Corporate associate members, which are organizations (other than organizations of disabled people) interested in promoting the objectives of DPISA.

- (d) Associate members who are individuals who are not disabled but who are interested in promoting the objectives of DPSA

6.2 Corporate members must comply with the following membership criteria:

- (a) The majority of members of the organisation as well as the Executive Committee must consist of disabled people;
- (b) The organisation must lodge a copy of its Constitution or its terms of reference with the Provincial General Assembly;
- (c) Each year, the organization must pay its DPSA membership fee and submit to the Provincial Council:
  - (i) the minutes of its Annual General Meeting;
  - (ii) the names and addresses of its Executive Committee members;
  - (iii) the names, addresses and telephone numbers of its delegates to the Provincial General Assembly, at least one of whom shall be a disabled woman; and
  - (iv) its programme of action for the year.

6.3 All members of DPSA, must support, promote and assist in the attainment of the objectives of DPSA and comply with the provisions of this Constitution.

6.4 A committee (BEC/REC/PEC/NEC) member who fails to attend three (3) consecutive meetings of any Constitutional structure of DPSA to which he/she belongs, may, if such a structure so decides, lose his or her membership or position on that structure.

6.5 DPSA may initiate disciplinary action against any of its members who violates its Constitution or through her or his conduct, brings the organisation into disrepute, in accordance with its internal disciplinary procedures.

## 7. FEES AND SUBSCRIPTIONS

7.1 Each member of DPSA shall pay an annual subscription fee at such time, of such amount and on such conditions as may from time to time be determined by the National Council.

7.2 Any member who is in arrears with his/her annual subscription or any contribution or charge for a period of three (3) months from the date when the same became due, will result in its membership lapsing and will be reinstated once membership fees have been paid. Such a member is nevertheless still liable to pay the amount of such year's subscription or any other arrears of subscriptions, other contributions or charges due by him/her to DPSA. Three (3) Council may, at its discretion, re-instate any member whose membership has ceased i terms of sub-clause (2) after receiving a new application for membership.



## **8. ORGANISATIONAL STRUCTURE**

DPSA is composed of all its members and constituted by the following organizational structures:

- (a) The National General Assembly;
- (b) The National Council;  
The National Executive Committee; Provincial General Assemblies;
- (c) The Provincial Councils;
- (d) The Provincial Executive Committees;
- (e) Regional Council (upon such being established)
- (f) Regional Executive Committee (upon such being established)
- (g) Branches
- (h) Branch Executive Committees ;
- (i) Focus groups, recognized as part of DPSA (upon such being established).

## **9. ESTABLISHMENT OF BRANCHES**

- 9.1 Ordinary members and associate members are free to join or form a branch, which is the basic organizational structure in which such members are able to exercise their democratic rights within and actively participate in the life of DPSA.
- 9.2 A branch is duly constituted when it is made up of at least 20 ordinary members and is duly recognized as such by the Provincial Council of the province in which the branch belongs.
- 9.3 A Branch meets at least once quarterly to provide a platform for discussion on disability issues and to plan and execute activities in pursuit of the objectives of DPSA.
- 9.4 A Branch must elect a Branch Executive Committee once every two years, which meets at least once a month, is responsible for the day-to-day management of the affairs of the Branch and consists of a Chairperson, Deputy Chairperson, Secretary, Treasurer and at least two, but no more than five (5) additional members.
- 9.5 A branch may open a bank account, purchase goods and services and raise funds, under the auspices and directives of the Provincial Council, but subject to the overall control of the National Council.

- 9.6 A Branch must submit regular reports and financial statements to the Provincial Executive Committee as may, from time to time, be directed.

## **10. ESTABLISHMENT OF REGIONAL EXECUTIVE COMMITTEES**

- 10.1 For the better co-ordination of branches, their establishment and activities, the Provincial Council may establish and delegate such powers to Regional Executive Committees as it may deem necessary for the proper and effective execution of their responsibilities.
- 10.2 A Regional Executive Committee may open a bank account, purchase goods and services and raise funds, under the auspices and directives of the Provincial Council, but subject to the overall control of the National Council.

## **11 FOCUS GROUPS**

- 11.1 Disabled Women Development Programme (Disabled Women South Africa), Disabled Youth South Africa and Disabled Children's Action Group (hereinafter referred to as: DWDP (DWSA), DYSA and DICAG, respectively), are recognized as focus groups. They may each launch as organization that may function autonomously from DPSA with its own constitutions but in full recognition of DPSA as its mother body. The constitutions of such organizations will not contradict or be in conflict with that of their mother body. DPSA may establish other focus groups that enjoy representation on the constitutional structures of DPSA, whether such focus groups are or become autonomous legal entities or not.
- 11.2 Members of a focus group that is not or has not become a separate legal entity from DPSA enjoy full membership of DPSA for as long as they comply with all membership requirements, including the payment of subscription fees to DPSA, and need not belong to a branch.

## **12 PROVINCIAL GENERAL ASSEMBLIES;**

- 12.1 Provincial General Assembly comprises of:
- (a) At least one, but not more than 3 delegates per branch of DPSA, in accordance with the general principle of proportional representation, as the Provincial Council may from time to time determine;
  - (b) The chairperson and Secretary of each Regional Executive Committee;
  - (c) The Provincial Chairpersons of DICAG, DWDP (DWSA), DYSA and any other focus group (where such has been constituted at provincial level in that province); and



- (d) At least one, but not more than 3 delegates per corporate member or corporate associate member, whose operations are confined to that province or are nationally based, but the organisation has a provincial organizational structure in that province.
- 12.2 Provincial General Assemblies enjoy and exercise such powers as are necessary for the performance of their roles in terms of this Constitution: provided that decisions of the Provincial General Assemblies have effect only in their respective provinces.
- 12.3 The term of office of members of Provincial General Assemblies, any committees, including the Provincial Councils and Provincial Executive Committees, and office-bearers appointed by them, commences at the end of the last Provincial General Assembly meeting held prior to DPSA National General Assembly and terminates at the same times, four (4) years (at the next PGA) thereafter.
- 12.4 The meeting mentioned under sub-clause (3) shall be held no later than one month prior to the DPSA National General Assembly.
- 12.5 Quorum at meetings of the Provincial General Assembly shall be 50% plus 1 of the voting delegates to the Provincial General Assembly.
- 12.6 The Provincial Secretary shall issue a notice of the Provincial General Assembly meeting fourteen (14) days prior to the date of the meeting.

### **13 PROVINCIAL COUNCILS**

- 13.1 A Provincial General Assembly shall elect the Provincial Executive Committee and the Provincial Council. The Provincial Council shall consist of no less than fifteen (15) and not more than twenty (20) members elected by the Provincial General Assembly. The Provincial General Assembly shall elect members of the Provincial Executive Committee as set-out in clause 14 (1). Provincial Staff members in the DPSA administration shall have non-voting status at the Provincial General Assembly. The senior official employed by the Provincial Office on the Status of Disabled Persons may be co-opted to serve *ex-officio* on the Provincial Council.
- 13.2 The Provincial Council shall as far as is practicable, consist of equal numbers of women and men and shall reflect the cross-disability character of DPSA: provided that the quorum at a meeting of the Provincial Council shall be 50% plus 1 member present and entitled to vote.
- 13.3 The Chairperson and Secretary of the Provincial Council may not serve for more than two consecutive terms of office.

13.4 The functions of the Provincial Council are to:

- (a) co-ordinate the implementation of DPSA objectives, policies and programmes in their respective province;
- (b) develop, adopt, implement and monitor provincial policies and programmes: provided that such policies and programmes do not conflict with national DPSA policies and programmes
- (c) consider and approve applications for membership and monitor compliance with DPSA membership criteria: Provided that in the case of corporate members and corporate associate members, the Provincial Council will only deal with members whose operations are confined to that province.

## **14 PROVINCIAL EXECUTIVE COMMITTEES**

14.1 A Provincial Executive Committee consists of: (1) a Provincial Chairperson, (2) a Provincial Deputy Chairperson (?), (3) a Deputy Chairperson: Human Rights, (4) a Deputy Chairperson: Development, (5) a Provincial Secretary who shall serve as the Secretary of the Provincial General Assembly, the Provincial Council and the Provincial Executive Committee, (6) a Treasurer, (7) Deputy Chair Women: (who shall be the Provincial Chairperson of DWDP (DWSA), (8) Deputy Chair: Children (who shall be the Provincial Chairperson of DICAG, and (9) Deputy Chair: Youth (who shall be the Provincial Chairperson of DYSA) and such other office-bearers as the Provincial Council deems appropriate for the efficient day-to-day management of the affairs of DPSA in the Province.

14.2 In event that a member of a lower constitutional structure is elected on to a higher structure such as a PEC member elected on to the NEC or Provincial Council member get elected as a National Council member, such a member will considered to have resigned from the lower structure.

14.3 Provincial Executive Committees are responsible to:

- (a) Oversee the recruitment performance and management of staff;
- (b) Safeguard DPSA provincial assets in accordance with DPSA policies;
- (c) Appoint and determine the terms of reference of committees to perform specified tasks under the delegated authority of the Provincial Council;
- (d) Co-ordinate the representation of DPSA in structures at the provincial level;

- (e) Engage the provincial government on disability issues; and
- (f) Raise funds in support of provincial programmes and activities, which funds shall be held and controlled in terms of policies and procedures determined by the National Council from time to time.

14.4 A casual vacancy occurring in the membership in respect of the:

14.5 The position of Deputy Chair: Women who was Chairperson of DWDP (DWSA) in the Province, shall be filled by the leadership of DWDP (DWSA) in the Province;

14.6 The position of Deputy Chair: Children who was Chairperson of DICAG in the Province, shall be filled by the leadership of DICAG in the Province;

14.7 Member who was Chairperson of DYSA in the province, by DYSA in the province; and

14.8 Other positions not mentioned under paragraphs (a) to (c), by the Provincial council

## 15. NATIONAL GENERAL ASSEMBLY

15.1 A National General Assembly of DPSA shall be held at least once every four (4) years.

15.2 Twenty-one (21) days notice of a general assembly, specifying the place, date and time of the meeting and business to be dealt with, shall be sent by post to each Provincial General Assembly at its registered address.

15.3 The National General Assembly comprises of:

- a) At least one, but not more than 3 delegates per branch of DPSA, in accordance with the general principle of proportional representation, as the National Council may from time to time determine;
- b) The chairperson and Secretary of each Provincial General Assembly and Regional Executive Committee;
- c) The Provincial Chairpersons of DICAG, DWDP (DWSA), DYSA and any other focus group (where such has been constituted at National); and
- d) At least one, but not more than 3 delegates per corporate member or corporate associate member, whose operations are nationally based.

- 15.4 The quorum at a National general assembly shall be 50% plus 1 members personally present who are entitled to vote. Should 50% plus one voting members not be personally present at the time appointed for the meeting the proceedings shall be subject to confirmation by the subsequent National general assembly.
- 15.5 Questions arising at a National general assembly, other than constitutional amendments or a resolution to dissolve the organisation, shall be decided by a majority of votes
- 15.6 The National General Assembly shall, in conducting its business ordinarily:
- (a) be constituted in terms of clause 15(3);
  - (b) consider the audited financial statements and quadrennial report for adoption;
  - (c) appoint auditors; and
  - (d) consider proposed amendments to the Constitution.
- (e) elects the National Executive Committee comprising of National Chairperson, National Deputy Chairperson Development, National Deputy Chairperson Human Rights, Secretary-General, Deputy Secretary-General, National Treasurer
- (f) The National General Assembly also elects a minimum of 5 and a maximum of 10 additional members to constitute the core of the directly elected members of the National Council.

## 16. NATIONAL COUNCIL

- 16.1 The affairs of DPSA shall be managed, governed and controlled by the National Council constituted in terms of sub-clause (2), each member of which must have either a physical, mental or sensory impairment, or be a guardian, custodian or care-giver of such a person.
- 16.2 The National Council comprises of
- (a) The Chairperson and Secretary of each Provincial General Assembly;
  - (b) The National Chairpersons of DICAG, DWDP (DWSA), DYSA and any other focus group (where such has been established);
  - (c) One delegate per corporate member representing a single disability interest at a national level;

- (d) The National Executive Committee as elected in accordance with clause 15 (6)(e)
- (e) No less than five and no more than 10 additional members, elected from amongst the delegates to the National General Assembly as per clause 15 (f); and
- (f) In addition to the National Council members elected in terms of subparagraphs (a) to (f), four additional members to be co-opted by the National Council so as to achieve cross- disability representation and the introduction of expertise regarding specific issues and the inclusion of public representatives.

16.3 Members elected in terms of clause 16 (2)(f) do not have voting rights.

16.4 Each member holds office from closure of the National General Assembly at which he or she was elected until the closure of the next National General Assembly: Provided that all members of Council are eligible for re-election, but may not serve for more than two consecutive terms.

16.5 A casual vacancy occurring in the membership of the National Council shall be filled in the following way:

- (a) In respect of a member elected in terms of sub-clause (16)(2)(a), by the Provincial General Assembly or Provincial Council from which the member derives;
- (b) In respect of a member elected in terms of sub-clause (16) (2)(b), by DICAG or DWDP (DWSA), DYSA.
- (c) In respect of a member elected in terms of sub-clause (16)(2)(c), by the relevant corporate member representing a single disability organization;
- (d) In respect of members elected in accordance with clause 15 (6) (e) by the National Council
- (e) In respect of members elected in accordance with clause 15 (6)(f) by the National Council
- (f) In respect of a member co-opted in terms of sub-clause (2)(e), by a member co-opted by the Council.

16.6 Notwithstanding the provisions of sub-clause (4), the election or co-option of a member of Council terminates, *ipso facto* and he or she vacates his/her office in the event of:

- (a) He/she ceasing to be a member of DPSA;
- (b) He/she resigning his/her office by notice, in writing, to Council;
- (c) He/she ceasing to hold office in the structure from which he/she derived at the time of the constitution of Council;
- (d) He/she being absent for more than two consecutive meetings of Council without leave;
- (e) He/she being declared by a court to be of unsound mind, or incapable of managing his/her affairs;
- (f) He/she being convicted in the Republic of South Africa or elsewhere of any criminal offence, which in the opinion of Council, is of a disgraceful or dishonorable nature;
- (g) He/she ceasing to be resident in the Republic of South Africa; and
- (h) A motion of no confidence being passed by the Council against him/her.

## **17. POWERS OF NATIONAL COUNCIL**

- 17.1 In managing the affairs of DPSA, the Council is entitled to exercise all powers conferred on DPSA, except such powers as are expressly reserved by this constitution for the National General Assembly.
- 17.2 Without in any way limiting the scope of its powers provided for under sub-clause (1) and in addition to the powers conferred to it elsewhere in this constitution, Council exercises power in the name of, and on behalf of DPSA to:
  - (a) Receive and accept donations, grants and other monies: provided that all donations to the organisation are irrevocable and subject to the terms and conditions of this constitution;
  - (b) Purchase or otherwise acquire, take on lease or hire, exchange, improve, sell, mortgage, pledge, let, dispose of, or otherwise deal in property of any description whatsoever: provided that the power to pledge or enter into suretyship shall only be exercised in respect of a beneficiary;



- (c) Raise, borrow or secure any sum of money, or the performance of any obligation in such manner and upon such terms and conditions as it deems fit and, in particular, by the execution of mortgage or notarial bonds for the issue of debentures or debenture stock charged upon all or any of the property of DPSA;
- (d) Invest the funds of DPSA, or any portion thereof, in such securities, and in such manner, as Council may from time to time determine: Provided that such investment be with registered financial institutions (Investment of Funds) Act, 1984, and in securities listed on a licensed stock exchange as defined in the Stock Exchanges Control Act, 1985 (No 1 of 1985);
- (e) Open and operate banking accounts and savings accounts with registered banking institutions and registered building societies;
- (f) Apply and use the funds and income of DPSA to promote the objectives of DPSA;
- (g) Institute and defend legal proceedings on behalf of DPSA;
- (h) Appoint and remove any person as an officer or an employee of DPSA and to determine his designation, duties, salary and other terms and conditions of employment;
- (i) Pay reasonable travelling, subsistence and other expenses incurred in connection with the affairs of DPSA by any members of DPSA or of its National Council or any officer or employee of DPSA;
- (j) Enter into contracts and to authorize the settling of the terms of and the signature of any contract or any other document;
- (k) Interpret any clause of this Constitution, if any dispute arises as to its meaning: provided that such interpretations shall be binding on all members of DPSA if accepted by a two-thirds majority of the members of National Council;
- (l) Determine the instrument for the appointment of a proxy;
- (m) Generally do whatever National Council deems necessary to enable it to carry out the objectives of DPSA and to exercise the powers, and to perform the functions, and discharge the duties given to or imposed upon it in terms of this constitution;
- (n) Effect any registration of DPSA required by law; and
- (o) Grant loans: provided that loans shall only be made to a beneficiary.

- 17.3 The National Council may develop codes of conduct, disciplinary procedures and guidelines and issue directives as it may deem necessary for the effective enforcement of good conduct upon members of DPSA and may determine the appropriate structures and appropriate levels within the organisation, for the enforcement of such conduct, through disciplinary action or any other appropriate means.
- 17.4 The organisation may not carry on any business including the letting of property unless it is in line with this Constitution.
- 17.5 DPSA has no power to carry on any business, including, *inter alia*, ordinary trading operations in the commercial sense, speculative transactions, dividend stripping activities as well as the letting of property on a systematic or regular basis.
- 17.6 The National Council may appoint persons as patrons and honorary presidents: provided that they are disabled or active in the disability rights movement.

## **18. MEETINGS OF THE NATIONAL COUNCIL**

- 18.1 The National Council shall meet at least twice a year at such time and places as it may determine.
- 18.2 The normal business of an ordinary meeting of the National Council shall be to review the work and programmes of DPSA, approve new programmes and establish policy which shall be binding on all members, structures and staff of DPSA.
- 18.3 The quorum for meetings of the National Council shall be one more than half the members of the National Council (50% plus 1).
- 18.4 Questions arising at a meeting of the National Council are decided by a majority of votes of members of Council: provided that the Chairperson shall have a casting vote in addition to his/her deliberative vote.
- 18.5 A resolution in writing, signed by all members of the National Council or, in the absence or inability of a member to act, by his/her alternate, is as valid and effective as if it had been passed at a meeting of the National Council duly convened and constituted.
- 18.6 The National Council shall cause proper minutes to be kept in separate bound minute books of all:

- (a) Meetings of the National Council;
- (b) Meetings of the National Executive Committee appointed in terms of clause 11; and
- (c) General meetings of members of DPSA.

## 19. NATIONAL EXECUTIVE COMMITTEE

- 19.1 National General Assembly shall elect the National Executive Committee and the National Council which is responsible for the efficient day to day management of the affairs of DPSA, operating under delegated authority of the Council.
- 19.2 Members elected to the National Executive Committee in terms of sub-clause (1) may not serve for more than two consecutive terms.
- 19.3 The National Executive Committee shall consists of:
- (a) National Chairperson
  - (b) Deputy Chairperson Development
  - (c) Deputy Chair Human Rights
  - (d) National Treasurer
  - (e) Secretary- General who shall:
    - i. be full time, pending availability of funds as determined by the NEC.
    - ii. fulfill the function of secretary on the National General Assembly, The National Council and the National Executive Committee;
    - iii. facilitate communication between DPSA, other structures and the public; and
    - iv. facilitate DPSA's involvement in international structures.
  - (f) Deputy Secretary- General
  - (g) Deputy Chair: Women (who is the National Chairperson of DWDP contemplated in clause 16(2)(b);
  - (h) Deputy Chair: Youth (who is the National Chairperson of DYSA; and
  - (i) Deputy Chair: Children (who is the Chairperson of DICAG;

- 19.4 The ordinary business of the Executive Committee includes the adoption of the annual budget, the authorisation of extra-budgetary expenditure, the authorisation of capital purchases, the monitoring of DPSA's investments, the appointment and appraisal of staff, and the ratification of contractual agreements between DPSA and other parties and the monitoring of compliance with the terms and conditions of such agreements.

## **20. OTHER COMMITTEES**

- 20.1 The National Council may appoint other committees to assist it in the performance of its functions and duties and may appoint such of its members and such persons who are not members of the National Council or DPSA as it may deem fit, to be members of any such committee.
- 20.2 One of the members of a committee may be designated by Council as chairperson of that committee and should Council not so designate a member or should the member so designated not be present or be unable to act at any particular meeting, the committee shall elect a chairperson.
- 20.3 Council may determine a quorum for meetings of a committee, and if not so determined, the quorum shall be fixed by the committee.
- 20.4 Any committee so formed shall comply with any instructions given by Council and shall keep minutes of its meetings if so directed.
- 20.5 Council may assign to a committee so established, such of its powers as it may deem fit, but shall not be divested of any power which it may have assigned to a committee and may amend or revoke any decision of such committee. A committee to whom the foregoing powers, if any, have been assigned shall continue to act and retain the powers so assigned until its appointment is revoked by Council.

## **21. CHAIRPERSON OF MEETINGS**

- 21.1 The National Chairperson of DPSA, or in his/her absence, one of the Deputy Chairpersons presides at all meetings of the National General Assembly, the National Council and the National Executive Committee.
- 21.2 In the absence of the National Chairperson and Deputy Chairpersons, the members present at the meeting shall elect from their number a chairperson for that meeting.

- 21.3 The Provincial Chairperson of DPSA, or in his/her absence, one of the Deputy Chairpersons presides at all meetings of the Provincial General Assembly, Provincial Council and the Provincial Executive Committee.
- 21.4 In the absence of the Provincial Chairperson and Provincial Deputy Chairpersons, the members present at the meeting shall elect from their number a chairperson for that meeting.
- 21.5 The Chairperson of a Regional Executive Committee or Branch meeting or Branch Executive Committee presides at all meetings of the Regional Executive Committee, Branch and Branch Executive Committee, respectively and in his/her absence, the Deputy Chairperson shall presides over such meeting, failing which, the members meeting shall elect from their number a chairperson for that meeting.

## **22. HEAD OFFICE AND ADMINISTRATION**

- 22.1 The Head Office of DPSA is determined by the National Council.
- 22.2 The head of the administration of DPSA shall be employed by the National Council for such duration and under such terms and conditions as it may deem fit.

## **23. FUNDS OF DPSA**

- 23.1 DPSA shall, subject to the provisions of this Constitution, apply its funds and income in promoting the objectives of DPSA;
- 23.2 DPSA shall not pay any dividends to its members;
- 23.3 Should DPSA be dissolved, a person who has ceased to be a member of DPSA, or the executors, administrators, heirs or assigns of such person, shall in no circumstances have any claim to or against DPSA by reason only of such previous membership;
- 23.4 Should DPSA be dissolved, its funds shall be dealt with in accordance with the provisions of this Constitution;
- 23.5 All cheques shall be signed by at least two signatories as designated from time to time by the National Executive Committee.

## **24. FINANCIAL YEAR**

The financial year of DPSA terminates on 31 March of every year.

## **25. FINANCIAL STATEMENTS AND AUDIT**

Council shall cause -

- (a) Records to be properly kept of all financial transactions undertaken in the name of DPSA;
- (b) An annual report and financial statements shall be prepared and circulated to members: provided that such statements shall be audited by a registered public accountant and auditor.
- (c) At least 75% of the net revenue of the organisation shall be expended in the furtherance of its objects within a period of twelve months from the end of the financial year during which it accrued: provided that, where funds are to be accumulated for a specific capital project, the permission of the Receiver of Revenue (to which the organisation submits its annual income tax returns) shall be obtained.

## **26. INDEMNITIES**

Every member of the National Council, or of any committee appointed by it, and any officer and employee of DPSA shall be indemnified by DPSA against claims made against him/her and any losses and expenses incurred by him/her in or about the execution of his/her duties, except claims, losses or expenses arising from his/her own fraud or willful default.

## **27. LIMITATIONS AND LIABILITY**

- 27.1 A member of DPSA shall not have any liability for any commitments undertaken by DPSA and all persons shall be deemed to contract or deal with DPSA on this basis.
- 27.2 The liability of a member is limited to the payment to DPSA of any outstanding fees, subscriptions and contributions and settlement of any other debts to DPSA which he/she may have incurred.

## **28. AMENDMENT OF CONSTITUTION**

This constitution may from time to time be amended provided that such amendments are approved by not less than two-thirds of the voting delegates who are present in person or by proxy at the National General Assembly of which the requisite notice has been given with full particulars of the proposed amendments. Any amendments to the constitution shall be submitted to the Commissioner for Inland Revenue and the Director of Nonprofit Organisations.



## 29. DISSOLUTION OF DPSA

- 29.1 DPSA may be wound up in terms of the provisions of this constitution, by a resolution of not less than two-thirds of the voting delegates who are present in person or by proxy at a duly convened and constituted National General Assembly.
- 29.2 Upon a resolution to dissolve DPSA having been passed in terms of the constitution, the National Council shall, by simple majority vote, appoint a liquidator or liquidators, and may give such directions as to the winding up as they think fit.
- 29.3 If upon dissolution of DPSA there remain any assets whatsoever after the satisfaction of all its debts and liabilities, such assets shall not be paid or distributed among its members, but shall be given to such registered welfare organisations, preferably those having similar objectives, as may be decided either by the voting delegates, at a general assembly at which it was decided to dissolve DPSA or, in default of such decision, as may be decided by the Director of Nonprofit Organisations: provided that, any organisation(s) which benefit on dissolution in terms of this clause shall be within the Republic of South Africa and shall themselves be exempt from income tax, donations tax and estate duty.
- 29.4 In order that the organisation may qualify for registration as an Association not for gain for the purposes of the Value-Added Tax Act of 1991, any property or income of the organisation shall be utilized solely in the furtherance of its aims and objectives and it shall be prohibited from transferring any portion thereof directly or indirectly in any manner whatsoever so as to profit any person other than by way of the payment in good faith of reasonable remuneration to any officer or employee of the organisation for any services actually rendered to it.

SIGNED AT GAUTENG ON THIS THE 9<sup>th</sup> DAY OF  
JUNE MONTH OF THE YEAR 2013



ANDREW MADELLA  
SECRETARY GENERAL



ROBERT MASAMBO  
NATIONAL CHAIRPERSON