

# **KWAZULU-NATAL TOURIST GUIDES ASSOCIATION**

## **CONSTITUTION**

### **MISSION STATEMENT**

To improve the recognition of and respect for tourist guides and to further their education, skills and networking to the benefit of everyone involved in tourism as well as to engender a climate of dedication, care and professionalism.

### **ARTICLE 1: NAME**

1. The name of the Association shall be the KwaZulu-Natal Tourist Guides Association-Ethekwini, hereinafter referred to as "the Association". The letters KZNTGAE will be recognised as an abbreviation of the Association's name.

### **ARTICLE 2: OBJECTIVES**

2.1 To promote and maintain the highest standards of professionalism among members of the Association and to accept the Department of Environmental Affairs and Tourism's (DEAT's) Code of Conduct and Ethics.

2.2 To organise or arrange educational courses, lectures and excursions and to distribute pertinent information to members.

2.3 To promote and support positive legislative or other measures or oppose negative legislative or other measures, which affect its members.

2.4 To protect, promote and develop the interests of its members and to represent them in dealing with government departments, Authorities, tour and travel related operators and agents, and the public.

2.5 To seek affiliation with bodies of similar interests.

### **ARTICLE 3: MEMBERSHIP OF THE ASSOCIATION**

Application for membership shall be in the manner and form as determined by the Committee.

Membership shall comprise Full members, Trainee members, Honorary members and Associate members.

The qualifications for membership shall be:

#### **3.1 Full Membership**

3.1.1 A person who is registered as a Tourist Guide in terms of the Tourism Act No 72 of 1993 as amended, and actively pursuing the function of a Tourist Guide.

## 3.2 Trainee Membership

3.2.1 Any person who is registered with a THETA-accredited training provider may be granted Trainee Membership by the Committee of the Association.

## 3.3 Honorary Membership

3.3.1 The Committee may grant Honorary membership for one year to persons who, in their opinion, have contributed to furthering the objectives of the Association.

## 3.4 Associate Membership

3.4.1 Corporates, firms, and other such legal organisations who subscribe to the objectives of the Association, may be awarded membership at the discretion of the Committee.

## 3.5 Termination of membership

3.5.1 Membership shall be suspended if fees are outstanding for three months after the AGM. Membership may be reinstated upon payment of all outstanding and current amounts due.

3.5.2 Membership shall be terminated in the event of misconduct by a member as outlined in Article 9 of this Constitution.

## **ARTICLE 4: THE COMMITTEE**

### 4.1 Powers or Functions of the Committee

4.1.1 To perform an executive, managerial and supervisory function.

4.1.2 To ensure that the objectives of the Association are fulfilled.

4.1.3 To hold hearings on disciplinary matters, appeals and other matters as stipulated in Article 9.

4.1.4 To make representations to Government and other bodies.

4.1.5 To liaise with tour-and travel-related operators and agents.

4.1.6 To determine membership fees from time to time, and notify members thereof, and to collect fees due. Membership fees shall be due at the AGM.

4.1.7 To issue an official receipt to members in respect of membership fees which have been paid.

4.1.8 To organise or arrange developmental activities appropriate to the needs of its members.

4.1.9 To be accountable for funds administered and to produce a budget at the Annual General Meeting, and

4.1.10 The Committee shall accept applications and decline or award Full Membership to Registered Tourist Guides.

#### 4.2 Special Powers of the Committee

4.2.1 To invest and dispose of the funds and other assets of the Association, and to open and operate the necessary banking accounts. Details of such actions to be submitted on a monthly basis.

4.2.2 To enter into and sign any contracts or documents in the name of the Association and to deal with any legal proceedings by or against the Association.

4.2.3 To appoint such sub-committees as shall be necessary for the purpose of delegating special work, subject always to control by the Committee,  
Each sub-committee shall elect its own Chairperson.

4.2.4 To deal with all matters not specifically provided for in this Constitution in such manner as it may determine.

4.2.5 Only the Chairman or Vice Chairman may give statements on behalf of the Association to the Media.

### **ARTICLE 5: RULES OF COMMITTEE**

#### 5.1 Composition, election and term of office

5.1.1 Members of a Committee shall retire each year but shall be eligible for re-election. The Chairman shall be elected for a maximum of two years.

5.1.2 The committee shall consist of a minimum of five members and a maximum of twelve. The committee members shall be elected at the Annual General Meeting by those members eligible to vote either in person or by proxy. At the Annual General Meeting the committee shall have the power to co-opt additional members as deemed necessary. The co-option shall be ratified at the next AGM.

5.1.3 The committee members shall elect the office bearers from amongst themselves.

5.1.4 A Committee shall meet every two months. A quorum shall consist of 50% of the elected members of the Committee.

5.1.5 In the event of vacancies occurring on the Committee the remaining members shall have the power to fill any such vacancies with any member of the Association who may hold office until the next Annual General Meeting.

## **ARTICLE 6: MEETINGS**

6.1 There shall be an Annual General Meeting which shall take place within two months of the close of the financial year. The financial year shall be from the first day of July to the last day of June the following year.

6.2 The Committee may convene special and Extraordinary General Meetings by giving not less than fourteen days notice of such a meeting.

6.3 The Committee and sub-committees must record minutes of their proceedings within fourteen days such minutes, when confirmed at the next meeting, shall be signed by the Chairman of the meeting as evidence of their correctness.

6.4 Non-members of the Association may attend Annual General Meetings.

## **ARTICLE 7: QUORUM AND VOTING**

7.1 Each member of the Association eligible to vote, shall be entitled to one vote at any meetings, and voting shall be by a simple majority, by show of hands/secret ballot. The Chairman shall have a casting vote in the event of a deadlock.

7.2 A quorum at an Annual, Special or Extraordinary General Meeting shall consist of one third of those members eligible to vote either in person or in proxy. If there is no quorum the meeting shall stand adjourned, and reconvene fourteen days later.

7.3 Elections of office bearers and voting on other matters shall be either by secret ballot or by show of hands as determined by the meeting.

7.4 Members eligible to vote may do so by proxy. Such proxy shall be on an official form provided by the Association.

7.5 Annual, Special or Extraordinary General Meetings shall be chaired by the Chairman or, if not available, by the Vice-Chairman or, if not available, a Chairman shall be elected by a simple majority of those members eligible to vote either in person or by proxy.

7.6 Full members shall have full voting rights.

7.7 Trainee members shall have no voting rights.

7.8 Honorary members shall have no voting rights.

7.9 Associate Members shall have no voting rights.

7.10 Non-members shall have no voting rights.

## **ARTICLE 8: NOTICES**

8.1 For the purpose of properly constituting an Annual, Special or Extraordinary General Meeting, not less than fourteen days written notice calculated from the date of the mailing, shall be given to all members of the Association.

8.2 Any notice of such meetings sent by the Association to a member, may be delivered by hand, posted to the member at the address recorded against their name in the Register or transmitted electronically.

8.3 The notice convening an Annual, Special or Extraordinary General Meeting shall include an agenda of matters for discussion as well as the necessary proxy forms and, as applicable, nomination forms, and the minutes of the previous Annual General Meeting.

## **ARTICLE 9: DISCIPLINARY HEARINGS**

9.1 All matters concerning complaints at disciplinary hearings shall be strictly confidential.

9.2 If a complaint is received in writing by the Committee about a member then the Committee should hold a meeting to decide on a hearing may hold a hearing at which the member concerned shall be given the opportunity to state his/her case within fourteen days.

9.3 However, if the Committee at such a hearing decides by simple majority that the member has behaved in a manner prejudicial to the objectives of the Association, whether by commission or without intent then such member may either be given a warning of possible termination of membership, or membership may be terminated. This shall be confirmed in writing to the member within seven days of decision days.

9.4 Moreover, if termination of membership is decided, then a two-thirds majority of the Committee is required.

9.5 Appeals against the committee findings on any matters may be made within thirty days of such notice by the member concerned to the Provincial Committee whose decision shall be final.

## **ARTICLE 10: AMENDMENT OF CONSTITUTION**

10.1 A notice of motion for the amendment of this constitution shall be supported in writing by no fewer than two Full members of the Association and shall be received by the Secretary at least thirty days before the date at which such motion is to be considered by the members eligible to vote.

10.2 The text of any such motion which is to be tabled for consideration by the membership at an Extraordinary General Meeting shall be included with the notice of such meeting sent to members.

10.3 Amendments to this Constitution may only be adopted with the approval of two thirds of those members eligible to vote either in person or by proxy.

#### **ARTICLE 11: LIMITED LIABILITY**

11.1 The Association is not formed for any purpose of gain, and no member shall be liable for any debts or obligations of the Association, save only to the extent of any unpaid fees.

#### **ARTICLE 12: WINDING UP AND DISSOLUTION**

12.1 If the continued existence of the Association is for any reason considered to be no longer justified, then a decision shall be taken at an Annual or Extraordinary General Meeting convened for that purpose.

12.2 If a decision of dissolution was agreed to, the meeting shall decide by simple majority vote as to the disposal of assets of the Association.