

# THE HOPE OF AFRICA

CONSTITUTION

## **THE HOPE OF AFRICA CONSTITUTION**

### **1. PREAMBLE**

**1.1.** The organization subscribes to the Constitution of the Republic of South Africa which sees to it that all the people of South Africa have rights to adequate living.

### **2. NAME OF THE ORGANISATION**

**2.1.** The organization shall be The Hope of Africa.

### **3. AREA OF OPERATION**

**3.1.** The organization shall operate within the Gauteng Province, stretching its wings to reach all the needy communities within the Republic of South Africa and other countries within the Continent of Africa.

### **4. AIMS AND OBJECTIVES**

- The objectives of the organization shall be to promote and protect the interest, well-being, development and other vulnerable groups within the context of community, due to constant rise in crime, unemployment, drug abuse and other related alleviation programs to promote safe-guard the rights of human being.
- To promote cooperation and spirit of friendliness, forgiveness among communities at large protecting the against unnecessary fights, harm, acts which deteriorates our communities caused by family problems and trauma
- The organization shall focus mainly but not limited to helping on trauma and family problems in general problems and ex-convict while coming back to face community members and find a way to be accepted within their communities towards the problems they have cussed. Other form of problem deemed to affect the community at large.
- Within our organization mandate the organization shall address community concern s in relation to and other problems caused by trauma and family matters to create healthy living environment between communities.

***In order to achieve such objectives the organization shall inter alia:***

- 4.1.** Remain non-governmental and independent;
- 4.2.** Render social development programs and schemes such as Craft Making, Seed Planting, and Needle Work in community cantered services for the protection and welfare of community members and other vulnerable groups.
- 4.3.** Confirm its belief in the dignity, diversity, equality and worth of all people to employment needs analysis;
- 4.4.** See to it that African street kids, orphans and vulnerable needy community members are taken care of and all their needs are met and addressed through supporting community policing forum initiatives to empower the through Craft Making, Seed Planting, Needle Work,
- 4.5.** Create public awareness of the needs and rights of children, the youth, and community responsibility to environmental degradation environment for them;
- 4.6.** Advocate, promote and support legislative and other measures designed to meet the needs and protect the rights of children, youth and the community as a whole;
- 4.7.** Emphasize preventative, promotive and development approaches in the planning to do away with xenophobia and implementation of its services;
- 4.8.** Create awareness within the communities and lessen the community members and orphanage created by the plight of HIV / AIDS, Alcohol, TB Drug Abuse;
- 4.9.** Identify, investigate, assess and undertake research in respect of social and other conditions, deficiencies in services and legislation relevant to the organization and the recipients of its services;
- 4.10.** Meet the basic trainings in Craft Making, Seed Planting, Needle Work, needs of children, youth and adults and to provide programmers and structures for their personal reconstruction and social re-integration;
- 4.11.** Provide Craft Making, Seed Planting, Needle Work projects through training people to live together and planned recreation;
- 4.12.** Take steps to bring about the removal of conditions detrimental to the emotional health and physical well-being of children, families and the communities through Craft Making, Seed Planting, Needle Work,.
- 4.13.** Provide appropriate and relevant services in the form and language which is accessible and acceptable to all the people in its area of operation;
- 4.14.** Seek, create and liaise and / or collaborate and develop networks with government and other organizations.

- 4.15. Compile statistical data to facilitate the organizations own planning and service rendering;
- 4.16. Ensure that proper standards of care and developments are maintained in the community;
- 4.17. Involve families and communities including other stakeholders in preventative and development activities; and crime prevention amongst communities and African brothers.
- 4.18. Take all such other actions as may be necessary to the achievement of its objectives.

## **5. MEMBERSHIP**

### ***Membership to the organization shall be as follows:***

#### **5.1. Ordinary members**

- 5.1.1. Any person aged eighteen (18) years and above shall be eligible for membership and be entitled to exercise without discrimination based on race, gender, marital status, language, culture, religion, disability, conscience, color, sexual orientation, belief, ethnic and social origin.
- 5.1.2. Members should be citizens or permanent residents of the Republic of South Africa and in possession of the necessary identification documents or permits.
- 5.1.3. Vacancies will be advertised and prospective members should apply in writing.
- 5.1.4. Members of the organization shall have to pay R200.00 as joining fee which will change from time to time.
- 5.1.5. Before being formally allowed into the structured programs of the organization, individuals who qualify for membership will be screened by appropriate members of a professional multi-disciplinary team to verify and assess their situation and specific needs to design suitable reconstruction programs or to refer them elsewhere when necessary.
- 5.1.6. Members of the organization shall be provided with a membership card.
- 5.1.7. While acting in good faith, performing functions for or on behalf of the organization; members of the organization are not personally liable for any loss suffered by any person as a result of an act or omission which occurs.

#### **5.2. Honorary members**

- 5.2.1. Any person (s) duly elected by members of the organization at an Annual General Meeting (AGM), provided that two-thirds majority of the members present at a duly constituted AGM vote for the election of such honorary member(s).

#### **5.3. Co-opted members**

- 5.3.1. The Management Committee may on the proposal of one of its members at any time co-opt any person, provided that two-thirds majority of its members present at a duly constituted meeting vote in favor of the co-option of such a person.
- 5.3.2. The number of co-opted members on the Management Committee may at no time exceed four (03).
- 5.3.3. When co-option is considered, the Management Committee shall have regard to creating a situation on gender, racial and geographical balances for as reasonably possible on the Management Committee.
- 5.3.4. Such co-opted members shall have full voting powers when decisions are made.
- 5.3.5. The member(s) duly co-opted shall so serve until the next AGM.

#### **5.4. Advisory members**

- 5.4.1. The Management Committee may invite persons for their personal interest, knowledge and experience to serve in any general or specific branch of the organization's work in advisory capacity, but shall have no votes.

## **6. FORFEITURE OF MEMBERSHIP**

- 6.1. The organization may terminate the membership of any person including its office-bearers if such a person has not been active for three (03) months, or for any other reason.
- 6.2. The ending of a person's membership shall be affected by the Management Committee, provided that 75% of the members of the Management Committee agree.
- 6.3. The person whose membership is about to be ended by the Management Committee has the right to be heard by the Committee.

## **7. THE ORGANISATION AS A BODY CORPORATE**

- 7.1.** The organization shall exist on its own separately from its members.
- 7.2.** The organization shall continue to function even when its membership is changed or terminated.
- 7.3.** The organization shall be able to network with other established organizations around the globe.
- 7.4.** The organization shall be able to enter into contracts and other relationships as a corporate body.
- 7.5.** The organization shall be able to invest in capital investments and property.
- 7.6.** The organization shall have full legal status and, therefore, the capacity to acquire rights and incur obligations, the capacity to conclude any juristic act to sue or be sued in its own name.
- 7.7.** The organization shall have the right to challenge any infringement or threat to any inalienable right of the community in general in a competent Court of Law. The organization may apply to this Court of Law for appropriate relief, which may include a declaration of rights.

## **8. POWERS OF THE ORGANISATION**

- 8.1.** The organization shall see to it that the rules and regulations stipulated are followed and adhered to by all members of the organization.
- 8.2.** The organization shall strive to seek new development strategies that will help the organization, its members, and the communities to develop and venture into new (modern) ways of development towards better life for all.
- 8.3.** The organization shall monitor and supervise project activities. It will continue to see to it that it prospers according to the goals and objectives of the project.
- 8.4.** The organization shall strive to maintain good order and training, as well as disciplining members who contravene the sections of the Constitution.
- 8.5.** The organization shall affiliate to other organizations or bodies that have similar vision, mission, aims, objectives and activities.

## **9. INCOME AND PROPERTY**

- 9.1.** The organization shall have its own bank account in order to put all its funds in a safer mode.
- 9.2.** All records and vouchers including overdraft facility shall be kept within budget time and limit.
- 9.3.** Members or office-bearers of the organization do not have any right over things that belong to the organization.
- 9.4.** Assets, investment and property of the organization are to be registered under the status of this very organization.
- 9.5.** No member of the Management Committee shall have any direct interest or derive any gain from contracts the Management Committee shall conclude with any company.
- 9.6.** No staff or executive member shall be given or receive any property or money, unless it is a salary given according to the legal means by which members are compensated. Members of the organization will be compensated only when funds allocated for that purpose are available.
- 9.7.** Members of the organization shall not use their own money when executing organizational duties without prior approval from the Executive Committee. Expenses incurred by a member with Committee approval will be paid in full by the organization.
- 9.8.** No member of the Executive Committee shall be liable for any of the obligations and liabilities of the organization solely by virtue of his / her status as a member of the Executive / Management Committee of the organization.
- 9.9.** The property of the organization shall be given to another organization that has similar goals and objectives when this organization ceases to exist.

## **10. FINANCE**

**10.1.** The organization shall have and maintain its own bank account.

**10.2.** All monies related to the organization will be banked in the name of the organization.

**10.3.** The organization has a freedom to seek financial advice from any registered financial institution of its choice.

**10.4.** Funds available to the organization will only be invested with financial institutions registered in terms of the Financial Act of 1984.

**10.5.** Stock Exchanges around the world will play part in matters related to investment. The organization's accounting records and reports will be handed over to the Directorate of Non-Profit Organizations within six (06) months after the end of the organization's financial year.

**10.6.** The organization's financial year ends on the 31<sup>st</sup> of March each year.

## **11. MANAGEMENT COMMITTEE**

**11.1.** Members of the Executive Committee will be elected during a general meeting.

**11.2.** Elected Management Committee of four (03) members will manage the organization.

**11.3.** Office-bearers will stand in office for two years and be re-elected should the need arise due to their previous performance.

**11.4.** Quorums in meetings should be met and if a member does not appear for any other reason his / her position will be questioned or result in expulsion.

**11.5.** The Management Committee shall meet once every month.

**11.6.** The Management Committee shall raise funds for the fulfillment of the organization's aims and objectives.

**11.7.** The Management Committee shall administer proper banking and investment in the name of the organization or brand and shall delegate the signing powers to the Project Manager, Chief Administrator and Finance Manager.

**11.8.** The Management Committee shall have the power on behalf of the organization in matters of finance:

**11.8.1.** To collect and receive monies from the Government, Provinces, Public and Private Sources, and when the services of an out-sourced Fundraiser is utilized to raise funds for the organization, the costs (remuneration, commission included) shall not be more than 40% of the total funds raised.

**11.8.2.** To make investments, both short and long terms, to realize any investments, to change the same and re-invest money. It shall be in their direction as to the nature of any loans or investments made and the security to be taken, if any.

**11.8.3.** To acquire by purchase, loan or otherwise, movable or immovable property and to mortgage, sell, let or otherwise deal with or dispose of same.

## **12. MANAGEMENT COMMITTEE STRUCTURE**

**12.1.** Chairperson

**12.2.** Secretary

**12.3.** Treasurer

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

**13.1.** *The Management Committee of the organization shall be constituted by:*

#### **Chairperson**

**13.2.** *The Chairperson*

- Officer shall perform the following duties that will form a set of her / his role within the organization:

**13.2.1.1.** Shall provide leadership within the organization.

**13.2.1.2.** Shall manage the Human Resource department of the organization on a more professional manner. The Human Resource department covers areas such as:

- Recruitment of new staff members for the organization.
- Staff performance review from time to time.
- Facilitate the development of job descriptions and performance management instruments.
- Facilitation of staff meetings.
- Policy development and implementation.

**13.2.1.3.** Fundraising for the organization rests on the shoulders of the Project Manager.

**13.2.1.4.** Networking with other stakeholders to give the organization a directive move.

**13.2.1.5.** Shall attend meetings on behalf of the organization and must report back.

**13.2.1.6.** Shall see to it that continuous planning is done in respect of the objectives of the organization.

**13.2.1.7.** Shall on behalf of the organization monitor the progress of the workers within the organization?

**13.2.1.8.** Shall have to write and submit reports of the organization at all times.

**13.2.1.9.** Shall have to report to the Board of Directors or Advisory Committee at all times.

#### **13.1.1 Governance**

##### ➤ **Secretary**

**13.3.** The Secretary shall perform the following duties that will form a set of her / his role within the organization:

**13.3.1.1.** Shall coordinate all work done by members of the organization.

**13.3.1.2.** Shall be the link between the organization and other institutions of responsibility and accountability.

**13.3.1.3.** Shall allocate sites and clients to field workers of the organization.

**13.3.1.4.** Shall map the area of operation for field workers.

**13.3.1.5.** Shall have to capacitate all field workers of the organization.

**13.3.1.6.** Shall have to make sure that field workers have work plans.

**13.3.1.7.** Shall monitor field workers on behalf of the organization.

**13.3.1.8.** Shall on behalf of the organization assess and review the performance of field workers.

**13.3.1.9.** Shall on behalf of field workers ensure that the service rendered by field workers is according to the organization's needs.

**13.3.1.10.** Must be initiative and consolidate reports of field workers.

##### ➤ **Treasurer**

❖ The Treasure shall perform the following duties that will form a set of her / his role within the organization:

**13.3.1.11.** Shall have to develop and cost operational plan for the organization.

**13.3.1.12.** Shall see to it that the budget versus expenditure is effectively managed.

**13.3.1.13.** Shall have to ensure that asset register is available and updated.

**13.3.1.14.** Shall control the petty cash system of the organisation.

**13.3.1.15.** Shall on behalf of the organization and on a monthly basis reconcile CRB / CPB versus bank statements.

**13.3.1.16.** Shall have to update commitment register on behalf of the organization.

**13.3.1.17.** Shall have to ensure that all documents regarding finance and financial information are properly filed.

**13.3.1.18.** Shall as a result have to consolidate monthly, quarterly and annually financial reports.

**13.4.1.1.** Shall be responsible for the establishment and smooth running of all projects within the organization in order to make its aims and objectives a reality.

**13.4.1.2.** Shall be the overseer of all projects committees' activities within the organization.

**1.1.1.1.** Shall be responsible for the establishment and smooth running of all projects within the organization in order to make its aims and objectives a reality. Shall be the overseer of all projects committees' and coordination activities within the organization

**1.1.2. Governance**

**2. MEETINGS AND PROCEDURES OF THE COMMITTEE**

**2.1. General meetings**

**2.1.1.** Minutes of all meetings shall be kept safely and always are in hand for members to consult.

**2.1.2.** The 51% quorum should be reached for the meeting to sail on.

**2.1.3.** If after thirty (30) minutes of the scheduled time of the meeting no quorum is present, the meeting will be postponed to a day within the following ten (10) days. Time and place (venue) will be decided by the present members.

**2.1.4.** If at the following meeting no quorum is present within thirty (30) minutes of the scheduled time, the members present will form a quorum with full power to proceed with the agenda.

**2.1.5.** At any general meeting, a resolution put to a vote at such a meeting shall be decided by show of hands, unless the rules and regulations prescribed or the meeting decides otherwise.

**2.1.6.** Members may vote in person only, no proxies or other form of representation shall be permitted.

**2.1.7.** Notice of the meeting shall be given in advance, including the detailed agenda of the meeting.

**2.1.8.** Each member present at the meeting has one (01) vote, whilst the Chairperson, as the case may be, has both an ordinary and a casting vote in the event of a draw.

**2.2. Annual General Meeting (AGM)**

**2.2.1.** An AGM of the organization shall be simultaneously with the end of the organization's financial year end.

**2.2.2.** The organization's financial year ends on the 31<sup>st</sup> of March each year.

**2.2.3.** The Chief Administrator / Secretary shall give at least twenty-one (21) days written notice of the venue and date of the AGM to every member of the organization.

**2.2.4.** Audited financial reports of the Chief Financial Officer and those other reports of the Project Manager and Secretary will be presented and adopted if sufficient consensus is reached.

**2.2.5.** The Chief Executive Officer shall preside over the AGM as Chairperson of the meeting.

**2.2.6.** In his / her absence the House shall appoint a Chairperson to preside over such a meeting.

**2.2.7.** At each AGM an Auditor for the ensuing year shall be appointed or re-appointed.

**2.2.8.** The organization may elect one or more Patron(s) with prior notice having been given to members of the organization. The member(s) duly elected as Patron shall be entitled to attend any meeting of the organization and participate in deliberations, but shall not vote.

**2.3. Special meetings**

**2.3.1.** A special hearing shall be summoned on request of the said quorum.

**2.3.2.** The hearing shall consider only business raised at the request giving rise to the meeting.

**2.3.3.** Votes will play part, and if equal the Chairperson has either a second or deciding franchise.

**3. DISCIPLINE**

**3.1.** Discipline shall be strictly considered in order to make this Constitution a reality.

**3.2.** Members of the organization must be punctual and maintain confidentiality at all times.

**3.3.** All members of the organization must adhere to the principles of the Constitution and will be subjected to the disciplinary hearing whenever they contravene the sections of the Constitution.

**4. DISCIPLINARY HEARING AND APPEAL**

**4.1.** The Disciplinary Committee of the organization shall be comprised of members from the Management and Advisory Committees.

**4.2.** Every member of the organization has the right to a fair trial, and the DC should not be biased.

**4.3.** Any member of the organization has the right to appeal for any judgement passed by the DC.

4.4. When the hearing takes place, the person concerned may bring another person who is not a member of the organization's Management / Executive Committee to support him / her in the following conditions:

4.4.1. The Management Committee must be informed of the attendance of the other member at least three (03) days before the hearing.

4.4.2. That conditions with regard to the role of this member will play during the hearing proceedings, be negotiated between the Management Committee and the person referred to in Clause 16.4, bearing in mind that this other member will have no voting rights.

#### 5. WOUNDING-UP AND DISSOLUTION

5.1. The purpose of dissolution should be supported by two-thirds majority, and are fundamentally in favor of the dissolution.

5.2. Such dissolution should be handed over to not less than twenty-one (21) days of notice and should indicate the disposal of assets.

5.3. When the organization closes down it has to pay off all its debts. After doing this, if there is property or money left over, it should be given in some way to another Non-Governmental Organization that has similar objectives. The organization's general meeting can decide what organization this should be. If it cannot reach a decision, the Department of Welfare's Directorate for Non-Profit Organizations will decide.

5.4. No amendments may be made which would have the effect of making the organization cease to exist.

#### 6. CHANGES TO THE CONSTITUTION

6.1. The constitution can be changed by a resolution. The resolution has to be agreed upon and passed by not less than two-thirds majority of the members who are at the annual general meeting or special general meeting.

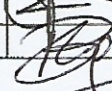
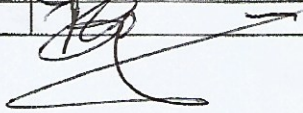
6.2. Members must vote at this meeting to change the constitution and no proxies shall be accepted.

6.3. Two-thirds of the members shall be present at the meeting before a decision to change a constitution is taken. Any member present at the annual general meeting may vote upon such a notion if the details of the changes are set out in the notice referred to in the previous paragraph.

6.4. A written notice must go out not less than fourteen (14) days before the meeting at which the changes to the constitution are going to be proposed. Such notice must indicate the proposed changes to the constitution that will be discussed at the meeting.

#### 7. AMENDMENT AND ADOPTION

7.1. The Constitution was amended and adopted as a legal document that will steer towards its goals, aims and objectives on the 08<sup>th</sup> of April 2019 by members of the Management Committee of The Hope of Africa.

| Name and Surname        | ID Number     | Designation | Signature                                                                             |
|-------------------------|---------------|-------------|---------------------------------------------------------------------------------------|
| Ezekiel Kenny Mphochela | 6101185209185 | Chairperson |  |
| Keren Ileen Wise        | 6307040827084 | Secretary   |  |
| Leon Bryan Knynauw      | 5906045058081 | Treasury    |  |