

Constitution

Of

South African Funeral Practitioners Association

Presented at

2015 Nation Elective Conference

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BACKGROUND

The South African Funeral Practitioners Association (SAFPA) was formed in May 1999 when the first Constitution was adopted. SAFPA has built its reputation by assisting, coaching, and supporting industry players, existing and aspiring funeral undertakers towards well-functioning of compliant businesses. Currently SAFPA has a greater number of registered members in good standing in all nine provinces of South Africa.

PLEDGE

Funeral directing is an essential component of public service in all communities, as **Members** of SAFPA, we solemnly pledge to do our best to serve the community and to conduct business with **dignity, honour and respect.**

We agree to abide by the following Code of Ethics:

“To The Public We Pledge:

Vigilant support of public health and financial laws, and any related legislation and laws affecting our industry.

Proper legal regulations for the Members of our profession.

Devotion to high moral and service standards.

Honesty and integrity in all offerings of service and products, and in all business transactions.

To Those We Serve We Pledge:

Confidential business and professional relationships.

Cooperation with the customs of all religions and creeds.

High standards of competence and dignity in the conduct of all services.

Truthful representation of all services and products.

To Our Profession We Pledge:

Support of high educational standards and proper licensing laws.

Adherence to sound business practices.

Observance of all rules and fair competition.

Having received the honour of Membership in the South African Funeral Practitioners Association,

I accept the obligation of the professional creed.”

In dedication to our Code of Ethics, we decided to form this association and state, adopt and agree to be bound by this Constitution which shall from now and until amended or repealed, govern the affairs of SAFPA.

The name of our association is:

THE SOUTH AFRICAN FUNERAL PRACTITIONERS ASSOCIATION

hereafter referred to as (SAFPA).



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DEFINITIONS

AGM	ANNUAL GENERAL MEETING (AGM)
SAFPA	SOUTH AFRICAN FUNERAL PRACTITIONERS ASSOCIATION
MEMBER	Means a person (legal or natural) accepted as a SAFPA member and has paid subscription fees.in the case of a legal person, such entity will be represented by registered shareholder/member. In the case of a corporate, such will be represented by the CEO or a person occupying a similar position.
FUNERAL DIRECTOR	Means funeral undertaker
PEC	PROVINCIAL EXECUTIVE COMMITTEE
NGC	NATIONAL GENERAL COUNCIL
PGC	PROVINCIAL GENERAL COUNCIL
NEC	NATIONAL EXECUTIVE COMMITTEE
Affiliation Fee	Has the same meaning as Amount the provinces affiliate to the national organisation with

1. INTERPRETATION

- 1.1. Where the singular form of a word is used it shall be deemed to include the plural and vice versa.
- 1.2. Any reference to one gender shall include the other genders.
- 1.3. Any reference to a natural person shall include juristic persons and vice versa.
- 1.4. Notice will include any written document whether available in print, on plain paper or in electronic format.
- 1.5. To eliminate any doubt when calculating a period, we will exclude the first day but include the last day.

2. HEADQUARTERS

The AGM or NGC shall from time to time determine the headquarters of SAFPA.



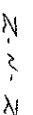
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3. JURISDICTION

- 3.1. This Constitution shall be governed, interpreted and implemented in accordance with the laws of the Republic of South Africa.
- 3.2. Where Members conduct funeral business with other countries, the Members will endeavour to comply with the laws of those countries.
- 3.3. SAFPA may participate by affiliation to the Funeral Federation of SA and participate in any other funeral industry forum nationally.

4. OBJECTIVES

- 4.1. The objectives of SAFPA are subject to the spirit, terms and conditions of this Constitution and are :
 - 4.1.1. to encourage the spirit of unity, brotherhood, sisterhood and co-operation among funeral directors throughout all areas of jurisdiction;
 - 4.1.2. to serve as the voice of the funeral industry with power to make representations to any authority on all matters generally affecting funeral services ;
 - 4.1.3. to protect and defend the interest of the funeral industry;
 - 4.1.4. to oppose any measure which directly or indirectly obstructs or frustrate the progress and commercial development of the funeral industry;
 - 4.1.5. to uplift and maintain a high standard of the funeral services through training and development;
 - 4.1.6. to collect knowledge, skills, information and distribute these amongst SAFPA Members and to that end, acquire, print, subsidise or publish newspapers, books, periodicals or leaflets;
 - 4.1.7. to promote bulk buying amongst SAFPA Members ;
 - 4.1.8. to promote the local industry, by promoting local procurement of coffins, wreaths and other funeral related items;
 - 4.1.9. to engage with anybody having similar objectives to those in this Constitution;
 - 4.1.10. to engage with associations similar to SAFPA on all subjects of commercial interest related to funeral services;
 - 4.1.11. to encourage the establishment of a funeral training academy geared toward professionalisation;



4.1.12. to protect the public and consumers from malpractice in the funeral industry;

5. THE CHARACTER OF SAFPA

- 5.1. SAFPA is a non-racial and non-sexist association and shall in its functioning be non-racial, anti-racist, non-sexist.
- 5.2. SAFPA shall respect the linguistic, cultural and religious diversity of its Members and that of the communities it serves.
- 5.3. SAFPA shall enforce fair treatment and equal opportunity for the physically challenged persons.
- 5.4. SAFPA policies are determined by the Membership and its leadership
- 5.5. SAFPA leadership is accountable to the Membership in terms of the procedures laid down in this Constitution.

6. POWERS OF SAFPA

- 6.1. In order to enable SAFPA to achieve its objectives, It will have all enabling necessary powers to:
 - 6.1.1. invest with recognised financial institutions;
 - 6.1.2. deal with any of its funds on such terms and conditions as approved by NGC in writing ; and
 - 6.1.3. Borrow funds, subject to such terms and conditions as approved by NGC in writing.
 - 6.1.4. to resolve all Members disputes and related matters through arbitration;
 - 6.1.5. to purchase, acquire, sell, develop, lease, mortgage immovable property;
 - 6.1.6. to manage any immovable property in the possession and control of SAFPA;
 - 6.1.7. SAFPA shall register Pty Ltd as non-organisation for subscription collection AND another company with business interest separately to be operated by the founder and former NEC with vision of the association;
 - 6.1.8. to engage with associations similar to SAFPA on all subjects of commercial interest related to funeral services;
 - 6.1.9. to operate banking and/or building society accounts, to invest and reinvest funds of SAFPA;

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- 6.1.10. to borrow or raise money from banks, building societies or any other financial institutions or companies;
- 6.1.11. to use SAFPA's property as security;
- 6.1.12. to cover travelling on subsistence expenses of SAFPA officers, delegates or employees in the performance of SAFPA work;
- 6.1.13. to determine SAFPA subscriptions amount from time to time;
- 6.1.14. to collect and enforce the payment of SAFPA subscriptions;

7. MEMBERSHIP OF THE NATIONAL BODY SHALL CONSIST OF THE FOLLOWING:

7.1. Affiliates:

- 7.1.1. SAFPA Eastern Cape
- 7.1.2. SAFPA Free State
- 7.1.3. SAFPA Gauteng
- 7.1.4. SAPA Kwa-Zulu Natal
- 7.1.5. SAFPA Limpopo
- 7.1.6. SAFPA Mpumalanga
- 7.1.7. SAFPA North West
- 7.1.8. SAFPA Northern Cape
- 7.1.9. SAFPA Western Cape

7.2. There shall be three categories of Membership

- 7.2.1. Full Member;**
- 7.2.2. Aspiring Member.**
- 7.2.3. Associate member**

7.3. Full member;

- 7.3.1. A Full Member may only be admitted if He/she satisfy the following criteria:
- 7.3.2. be in possession of all licenses required by law;
- 7.3.3. occupy premises of a permanent nature from where the funeral services business is conducted;



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7.4. **An Aspiring Member** is a member who has applied for full Membership but who has not fully satisfied the requirements of Full Membership.

7.4.1. Aspiring Members enjoy all benefits of full Members except that they are barred from participating in voting and standing or serving in leadership positions. They however have a vote on matters that directly affect them excluding elections

7.4.2. Aspiring Membership is limited to a 2 year period including 6 months of government law, by which time such Member should be a full member.

7.4.3. An Aspiring Member shall be subjected to a compliance program decided upon by the PEC and/or NGC.

7.5. An **Associate Member** may only be admitted if He/she is a :

7.5.1. Manufacturer or Distributor of funeral related goods;

7.5.2. Funeral director from overseas and / neighbouring states

7.5.3. An association or a representative of such funeral directors association from an overseas and / neighbouring states

7.5.4. Associate Membership shall be renewable annually with the approval of the National Executive Committee;

7.5.5. Any other business organisation

8. MEMBERSHIP FEES

8.1. SAFPA Members will pay a Membership fee .

8.1.1. The NGC will from time to time determine the affiliation fee for provinces.

8.1.2. The NGC will from time to time determine the annual subscription fee for the different categories of Membership.

8.1.3. An annual subscription fee must be payable in full on or before the end of February each year.

8.1.4. The AGM. or NGC shall by majority approve provision of extra funds for financing schemes or projects in the interest of association.

8.1.5. Each Provincial Office shall have the power to determine their own subscription fees based on their needs over and above the fees required by the National Office.

8.1.6. Membership cards and certificates will be issued to Members at the AGM.

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8.1.7. The fees referred to in sections 8.1, 8.2 and 8.3 shall be paid by Provincial Offices to the SAFPA Head Office on behalf of Members.

8.1.8. The National General Council will determine the affiliation/subscription fee for Associate Members from time to time.

9. ADMINISTRATION

9.1. The administration of the affairs of SAFPA shall vest in the following:

9.1.1. The National Executive Committee or the employees of SAFPA

9.1.2. The Provincial Executive Committee

9.1.3. Any other person/or body delegated by National Executive Committee

10. POLICY MAKING

The National General Council and the Annual General Meeting shall be the policy-making bodies

11. NATIONAL GENERAL COUNCIL

11.1. The NGC shall be the policy-making body. All such policies shall be submitted to the AGM for ratification.

11.2. The NGC shall comprise of two (2) Provincial elected councillors from each affiliate province for whom profiles would have to be submitted to the secretary general 6 months before AGM of an elective conference.

11.3. A Member's profile shall be submitted to the NGC. The submitted profiles will be circulated to provinces by the SG.

11.4. A Member shall have been a SAFPA Member for 5 years for eligibility to serve as councillor in the National body.

11.5. A person shall have been a member of SAFPA for at least 5 continuous years before he/she can be nominated to NEC

11.6. NGC Members shall from part of the PEC in order to submit reports. PEC has a discretion to send Chairperson and Secretary as Councillors

11.7. NGC has a right to appoint an acting office bearer in the event of a position in the NEC becoming vacant.

11.8. Such appointment will be an acting position.

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11.9. An appointment made in terms of 11.1.6. above shall be taken as a recommendation to the next AGM.

12. PROVINCIAL GENERAL COUNCIL

12.1. The PGC shall comprise of two (2) councillors from each REGION for whom profiles would have to been made available 6 months before the provincial AGM of an elective conference.

12.2. A member shall have been a SAFPA member for at least 3 years for eligibility to serve as a councillor in the province

12.3. A member shall have been a member of SAFPA for at least 3 continuous years before he/she can be nominated to PEC

13. THE NATIONAL EXECUTIVE COMMITTEE

13.1. The NEC comprises of the following Members elected by AGM:

13.1.1. The National President

13.1.2. The National Deputy President

13.1.3. The National Secretary General

13.1.4. The National Deputy Secretary

13.1.5. The National Treasurer

13.1.6. The Public Relations Officer

13.1.7. The National Chaplain

13.2. The NEC members may only be elected from the NGC councillors

13.3. Should the province from which an NEC member, wish to terminate his mandate as a councillor, it should follow the process below:

13.4. It shall gamer, at least, one third of the Provinces to requisition a Special General Meeting to move a vote of no confidence on the NEC member concerned;

13.5. On receipt of the complaint requisition, the Secretary General shall convene a Special General Meeting within one (1) month of receipt of such requisition, with the meeting notice specifying the purpose of the Special Meeting;



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13.6. The province concerned shall move the motion of no confidence and motive and the NEC member concerned shall be afforded an opportunity to make submissions, in response

13.7. The matter shall be put to a vote and the motion shall be passed by simple majority;

14. TERM OF OFFICE OF THE NATIONAL EXECUTIVE COMMITTEE

14.1. The National Executive Committee Members shall be elected for a period of 3 (three) years commencing from the date of their election

14.2. All Members of the Executive Committee may be re-elected when their term of office expires, but each Member shall serve only 2 (two) terms in one position.

14. POWERS AND FUNCTIONS OF THE NATIONAL EXECUTIVE COMMITTEE

14.1. To supervise projects and attend to matters affecting SAFFPA.

14.2. To promote professionalism amongst members

14.3. To promote skills development for members.

14.4. To establish and ensure a smooth run of the investment wing for SAFFPA.

14.5. To participate in forums that affect the funeral industry.

14.6. To strengthen unity and co operation in the funeral industry.

14.7. To carry on the mandate given by the AGM.

14.8. To administer SAFFPA business.

14.9. To organise the annual conference and all national functions.

14.10. To lobby society, Government, business and all stakeholders on behalf of SAFFPA

14.11. To administer the funds of SAFFPA.

14.12. To attend to urgent matters, and report action taken to the next National General council Meeting.

15. VACATION OF OFFICE

15.1. A member of the NEC vacates office if that member:

15.1.1. Is removed from office by the AGM



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- 15.1.2. Dies or the member's health does not allow the member to continue the executive work.
- 15.1.3. Resigns in a written notice
- 15.1.4. Is guilty of serious misconduct.
- 15.1.5. Is found guilty in a Court of Law without the option for a fine.
- 15.1.6. At the end of the term, in an elective conference.

16. THE PRESIDENT

- 16.1. The President shall preside over all National meetings of SAFPA and in addition to his vote, has a casting vote.
- 16.2. May delegate duties to the deputy or any other member of the NEC.
- 16.3. Such delegation must be clear and in writing save for the chairing of meetings
- 16.4. The President shall be responsible for functions that are generally associated with that position.

17. THE DEPUTY PRESIDENT

- 17.1. The Deputy Vice President shall assist and act in the absence of the President. When both are absent, an acting Chairperson shall be nominated by the President.
- 17.2. The Deputy President is the chairperson of the disciplinary committee
- 17.3. The Deputy president shall be responsible for functions that are generally associated with that position.

18. THE TREASURER

- 18.1. The Treasurer shall:
 - 18.1.1. keep and maintain all the books of account of SAFPA;
 - 18.1.2. present proper financial statement at the NGC and thereafter at the annual general meeting from which the financial position of SAFPA may be ascertained;



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- 18.1.3. deposit received money in the bank within seventy-two (72) hours of such receipt.
- 18.1.4. Be the primary signatory of all SAFPA bank accounts.
- 18.1.5. Chairs the finance committee meetings.
- 18.1.6. Treasurer shall be responsible for functions that are generally associated with that position
- 18.1.7. Present a duly audited balance sheet and other financial statements and reports at each Annual General Meeting.

19. THE SECRETARY GENERAL SHALL:

- 19.1. Be responsible for all correspondence, minutes and other records of SAFPA
- 19.2. The issuing of receipts when the Treasurer is absent;
- 19.3. Have the power to convene all meetings of SAFPA by notice indicating the venue and fixing the time for holding of such meetings;
- 19.4. Record the proceedings at all National association meetings held;
- 19.5. prepare and write annual secretary report and table it at the AGM.
- 19.6. file all annual provincial minutes and reports.
- 19.7. Collect the reports of the president , financial report, PRO report and the reports to be tabled at the AGM.
- 19.8. Secretary General shall be responsible for function that are generally associated with that position.

20. THE NATIONAL DEPUTY SECRETARY

- 20.1. He/she shall generally assist the Secretary and act as Secretary during the absence of the Secretary.
- 20.2. Shall be the recording secretary of the organisation.
- 20.3. Deputy secretary shall be responsible for functions that are generally associated with that position.



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21. THE PUBLIC RELATIONS OFFICER (PRO)

- 21.1. The PRO shall generally maintain and engage with the public regarding SAFPA's image and publicity.
- 21.2. The PRO shall also consider SAFPA's advertisements and business contracts.
- 21.3. Shall table the PRO reports to an AGM.
- 21.4. Shall chair the meetings of the conference organising committee and report to the NGC and NEC.
- 21.5. PRO shall be responsible for functions that are generally associated with that position.

22. THE CHAPLAIN

- 22.1. He/she shall maintain the spirituality of SAFPA and its members.
- 22.2. Chaplain shall be responsible for functions that are generally associate with that position.
- 22.3. Shall liaise with provincial chaplains about bereavements, disasters and the sick for visitation or any other method they deem fit

23. THE SUB-COMMITTEES

23.1. There shall be five (5) Sub-Committees:

23.1.1. The Disciplinary Committee:

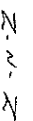
23.1.2. Shall be composed of five (5) Members from NGC and the deputy President shall be the Chairperson.

23.1.3. The Provinces shall have corresponding Disciplinary committees in order to deal with complaints and disputes arising within their respective Provinces. The complaints shall make use of the Provincial Disciplinary Committee before approaching National Disciplinary Committee;

23.1.4. The National Disciplinary Committee shall be a forum of first instance if the alleged misconduct is complicated, serious or involves a member of the NGC or NEC

23.2. Finance Committee:

23.2.1. Composed of three (3) Members of the NGC, and the Treasurer shall be the chairperson



23.2.2. SAFPA shall register an entity as non-profit organisation for subscription collection and another entity with business interests separately.

23.2.3. Shall be responsible for fundraising for the association

23.3. The Public Relations Committee:

23.3.1. Will be composed of all 9 (nine) provincial PROs, and the National PRO will chair all its meetings.

23.3.2. Shall composed of the PEC of the AGM or special conference hosting province and must be chaired by NATIONAL PRO.

23.4. Ethics Committee

Shall be chaired by skilled experience nominated NEC by NGC shall consist of nine members from member provinces with additional 5 members from NGC

23.5. The Secretariat Committee:

Composed of all 9 (nine) provincial secretaries, and the National Deputy Secretary will chair all its meetings

24. THE ANNUAL GENERAL MEETING

24.1. The Annual General Meetings shall be convened during the month of May or soon thereafter but not later than June each year and shall comprise of all Members of SAFPA.

24.2. The annual general meeting shall :

24.2.1. approve credentials of delegates;

24.2.2. confirm and adopt minutes of the preceding Annual General Meeting;

24.2.3. receive the presidential address;

24.2.4. consider and adopt the report of the NEC;

24.2.5. consider and adopt audited financial statements;

24.2.6. consider and adopt or reject proposed amendments to the Constitution;

24.2.7. consider any application for associate Membership;

24.2.8. welcome new Members;

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- 24.2.9. determine the schedule of fees for the ensuing year;
- 24.2.10. hold elections for the National Executive or for the filling of vacancies there on;
- 24.2.11. Consider general matters for which proper notice was given in writing.

25. MEETINGS

- 25.1. The National General Council shall meet at least a month before the Annual General Meeting.
- 25.2. All meetings shall be properly minuted and such minutes shall be referred to the Secretary General for filing. Copies of these minutes shall be sent to the Members.
- 25.3. NGC shall meet once a quarter or four (4) times a year.
- 25.4. All notices for the general meetings shall include the agenda and shall be in writing and despatched at least 30 (thirty) days prior to the meetings date, except in the case of emergency .
- 25.5. The NGC may convene a SAFPA general meeting and all such meetings shall be convened according to the procedure as provided in clause 25.4.
- 25.6. The NGC/ AGM may after due deliberation and consideration call a special general meeting the venue of such a meeting shall be Bloemfontein.
- 25.7. The President may sit in every SAFPA meeting due to powers vested in him.

26. VOTING AND QUORUM

- 26.1. Voting in all meetings shall be by show of hands except in the election of the Executive Committee in which event it shall be by secret ballot.
- 26.2. Every Member shall be entitled to one (1) vote and no voting by proxy shall be permitted.
- 26.3. In the event of a tie, the presiding officer shall have in addition to his vote, a casting vote.
- 26.4. Quorum of all meetings shall be one-third of the Membership.
- 26.5. If the quorum is not attained at a sitting, then the meeting will be adjourned for a later date.



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26.6. If the quorum is not attained for the second time, and a quorum of the members present at the last meeting is attained, the meeting shall continue and decisions taken shall be binding

26.7. The Constitution can only be amended by Two-third majority vote of the AGM or special general meeting.

27. ELECTIONS

27.1. Provincial executive committee

27.1.1. The election of Members of provincial Executive Committee shall be conducted by an officer seconded by the NEC after receiving notice from the province of the elective conference.

27.1.2. Only Full Members who have discharged all their obligations to SAFPA are eligible to vote.

27.1.3. Members of the provincial executive committee shall be nominated from the PGC.

27.1.4. Nomination shall be valid if :

27.1.5. It has been proposed by a full member and seconded by another full member, provided that the proposer and the seconder come from different regions; and it has been accepted by the proposed nominee for the specific position;

27.1.6. The nominated member has completed at least three (3) consecutive years as a full member.

27.1.7. All full Members shall have a single vote in respect of each position (one man one vote).

27.1.8. Voting shall be conducted by secret ballot.

27.1.9. A nominee with the highest number of votes shall be declared a winner for a specific position on the provincial executive committee.

27.1.10. In the event of a tie, the presiding officer shall have a casting vote All spoiled ballot papers shall not be counted.

27.2. NATIONAL EXECUTIVE COMMITTEE

27.2.1. The election of Members of National Executive Committee shall be conducted by an independent officer nominated at the NEC meeting.



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- 27.2.2. Only Full Member who have discharged all their obligations to SAFPA are eligible to vote.
- 27.2.3. Member of the National Executive committee shall be nominated from the NGC.
- 27.2.4. Nomination shall be valid if :
 - 27.2.5. If It has been proposed by a full member and seconded by another full member, provided that the proposer and the seconder come from different provinces and the nomination has been accepted by the proposed nominee for the specific position.
 - 27.2.6. The nominated member has completed at least five (5) consecutive years as a full member.
 - 27.2.7. All full Members shall have a single vote in respect of each position (one man one vote).
 - 27.2.8. Voting shall be conducted by secret ballot.
 - 27.2.9. A nominee with the highest number of votes shall be declared a winner for a specific position in the National Executive Committee.
 - 27.2.10. In the event of a tie, the presiding officer shall have a casting vote All spoiled ballot papers shall not be counted.
 - 27.2.11. All spoiled ballot papers shall not be counted.

28. FINANCE

- 28.1. The Treasurer shall as soon as possible, but not later than seventy two (72) hours offer receipt of any money, deposit it in a bank to be stipulated by SAFPA.
- 28.2. The Treasurer shall keep proper books of accounts, source documents and maintain receipts for all money received.
- 28.3. The banking account shall be operated by the signatures of the Deputy President, (General) Secretary and (National) Treasurer.
- 28.4. SAFPA's financial year end is the last day of February every year.
- 28.5. The Treasurer's Annual Financial Statement shall be audited and presented at the NGC thereafter at Annual General Meeting.



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29. TERMINATION OF THE MEMBERSHIP

- 29.1. Membership shall be terminated when a Member fails to meet the requirements of Members as set out in this Constitution.
- 29.2. Any Member may terminate his/her Membership by giving 30 days' notice to do so and submitting such termination letter to the Secretary of the province.
- 29.3. No termination of Membership will be accepted unless the Member has fully discharged his/her obligations to SAFPA.
- 29.4. In the event that SAFPA is liable for any debt or obligation in which a Member whose membership is considered for termination and such a member was responsible for SAFPA's indebtedness, such a member will be required to sign an acknowledgement of debt for a portion of their debt or obligation in their personal capacity before his/her membership is terminated.
- 29.5. When a Member dies

30. EXPRESSION OF VIEWS BY MEMBERS

- 30.1. All registered Members of SAFPA irrespective of position shall have a right to submit their comment, suggestions, complaints or recommendations on the affairs or running of SAFPA to the Secretary.
- 30.2. Such comments, suggestions, complaint or recommendations shall be submitted to the Secretary in writing and the secretary shall immediately attend to them after receipt (via the Provincial Secretary).
- 30.3. Such comments, suggestions, complaint or recommendations shall be tabled at the next NGC meeting for consideration and recommendation.

31. ACCOUNTS

- 31.1. The Executive Committee shall ensure that proper income and expenditure accounting books are kept and decide which accounting books shall be kept at Head Office.
- 31.2. The Executive Committee shall present a duly internally audited balance sheet and other financial statements and reports at each Annual General Meeting.
- 31.3. An internal auditor shall be appointed by the NGC



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32. NOTICES

- 32.1. Notices to any Members shall be by email or short message service (sms) . Service of such notice shall be deemed to be effected and properly mailed by emailing unless the contrary is proved, and shall be deemed to have delivered the following day of the date of emailing of such letter.
- 32.2. All notices convening a NGC, NEC and Annual General Meeting shall be given 30 (thirty) calendar days before the date of such meeting. Such notice shall specify the venue, date, hour and agenda of the meeting.
- 32.3. Every Member shall give the provincial Secretary with his/her email address and shall be obliged to notify the Secretary of any change of address and/or telephone number.

33. AMENDMENTS TO THE CONSTITUTION

- 33.1. The Constitution may be amended at a Special General Meeting or Annual General Meeting.
- 33.2. Notice of any proposed amendment must be received by the Secretary not later than ninety (90) days before the said meeting and bear the signatures of at least five (5) Members one of which shall be the secretary of the province the members are representing.
- 33.3. The Secretary shall give notice of the amendments to Members not later than sixty (60) days before the schedule Meeting.
- 33.4. Amendments to the constitution can only be effected with 2/3 majority vote of members present at the AGM or Special General Meeting provided the meeting forms a quorum.

34. DISSOLUTION

- 34.1. if upon the winding-up or dissolution of the association, there remains, after the satisfaction of all its debts and liabilities any assets, the same shall be given or transferred to any other association having similar aims and objectives and if no such association is identified then the assets will be transferred to any other bona fide education and or charitable organisation
- 34.2. The Annual General Meeting failing which, the last National Executive Committee to hold office shall determine to which organisation the assets of the association shall be transferred.



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35. REGULATIONS

- 35.1. It shall be an offence on the part of any Member of SAFPA to omit or acts in any manner contrary to the aims, objective of SAFPA and who:
- 35.2. behaves or acts in a manner incongruous to the funeral industry;
 - 35.2.1. displays disgraceful behaviour on receiving a deceased;
 - 35.2.2. displays disgraceful behaviour at a funeral being held by a another Member or colleague;
 - 35.2.3. utters inappropriate remarks regarding at a funeral conducted by another Member or colleague ;
 - 35.2.4. habitually uses to excess any intoxicants or drugs whilst dealing with family members of the deceased/customers or conducting/attending a funeral;
 - 35.2.5. conducts customer's funerals while under the influence of alcohol or drugs
 - 35.2.6. Discloses confidential information acquired in the course of his duties otherwise than in the discharge of such duties.
 - 35.2.7. Uses his/her positions to a further private, political aims or encourages noncompliance this Constitution.
 - 35.2.8. Solicit custom importunately including ambulance chasing and touring.
 - 35.2.9. Charges customers rates greater than those recommended by the association.

36. PROCEDURE WHERE MISCONDUCT IS ALLEGED

- 36.1. This section sets out the procedure to be followed in the event of alleged Member's noncompliance with this Constitution or misconduct
- 36.2. Such complaint should be addressed to the Secretary.
- 36.3. Whenever the National General Council/Provincial General receives a statements alleging misconduct by a member of the association, the National General Council/Provincial General Council shall appoint Five (5) Members from it's to look into the alleged misconduct. The disciplinary committee will report to the executive on the proceedings and outcome of the disciplinary proceedings.
- 36.4. Whenever the National Secretary General or Provincial Secretary receives a written complaint, He/she shall submit a report and evidence to the Chairperson or President who shall, if satisfied that there is a clear case forward the report and evidence to the Chairman of the disciplinary committee or dispose of the matter as may deem necessary.



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36.5. The Chairman of the disciplinary committee shall have the power to impose one or more of the following penalties:

36.5.1. Caution or reprimand the defendant.

36.5.2. Impose a fine on the transgressor Member not exceeding Ten Thousand Rand (R10 000.00).

36.5.2.1. Charge the transgressing Member if He/she is satisfied that the transgression of such a Member whether negligence or wilful has caused any damaged or financial less to SAFPA's property, image or reputation.

36.5.2.2. Order the transgressing Member repay all financial losses incurred by SAFPA because of the transgression and may over and above that impose a fine stated in 36.5.2 above. Suspension for a period not exceeding three (3) months.

36.5.2.3. Suspend the transgressing Member for a period not exceeding three (3) months.

36.5.2.4. Dismiss a member from the Association

36.5.3. The Chairman of the disciplinary committee shall record his finding in writing and furnish the full reason for his decision to the executive and inform the defendant verbally at the enquiry.

37. APPEAL BY DEFENDANT

37.1. An appeal shall be brought by lodging it in writing with the Secretary within thirty (30) days from date that the decision of the Disciplinary Committee is was communicated to the defendant.

37.2. The appeal notice shall be:

37.3. In duplicate;

37.4. supported by facts and evidence of the case;

37.4.1. supported by a receipt showing that the appellant had paid a conditional or non-refundable fee of R1000 (one thousand rands) to SAFPA; and

37.4.2. Dated and signed by the appellant.

38. THE APPEAL BOARD

38.3. The Appeal Board shall consists of not less than five (5) Members, The President being the Chairman and four (4) Members who are part of the National Council



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but did not form part of the disciplinary hearing that imposed the appealed decision;

38.4. The function of the Appeal Board shall be to hear appeals and its findings shall be binding and final.

38.5. The board shall keep full record of its proceedings and report them at the Annual General Meeting or Special General Meeting.

38.6. An appeal proceedings may conducted in camera where the appeal board is of satisfied that a good reason has been given for such action.

38.7. The defendant shall not make use any legally trained person, but may be assisted by any Member of SAFPA who is not legally trained.

39. SEVERABILITY

In the event that any provision of this Constitution is found to be invalid, unlawful or unenforceable, that provision will be severable from the remaining provisions, which will continue to be valid and enforceable.

40. GOOD FAITH

All Members will at all times observe the principles of good faith in their dealings with each other and in fulfilling the objectives of SAFPA.

41. RELAXATION

Any indulgence, leniency or extension of any period or provision that may be granted with regard to this Constitution may not mean that SAFPA waives its rights in terms of this Constitution, nor does it mean that it is setting a precedent, each matter will be assessed based on its merits.

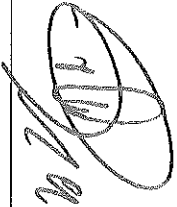

42. COSTS ASSOCIATED WITH MISCONDUCT OR APPEAL PROCEEDINGS

The chairperson has the right to determine apportioning costs associated with misconduct and appeal proceedings where such costs exceed a standard amount as will be determined by NEC

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43. ADOPTION

- 43.3. This Constitution once duly signed and adopted will supersede and replace any version of the Constitution before the date stated in 43.4 below.
- 43.4. This Constitution is adopted today on this 15 of AUGUST 2014 as the amended Constitution of South African Funeral Practitioners Association.
- 43.5. This Constitution has been duly adopted and signed by the following executive members:

Position	Name and surname	Signature
National President:	Yongama Gumma	
Secretary General	Zipho Zondi	



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