



FRIENDS OF PILANESBERG

REVIEW OF CONSTITUTION

Section 2. AREA OF OPERATIONS:



Removing Borakalalo as a park which FOPS assist with:

Original:

2.1 The Society's physical operating areas are the North West Province and in particular, the Pilanesberg & Borakalalo National Parks, and any other areas into which The Society may decide to expand its sphere of operation.

Reviewed:

The Society's physical operating areas are the North West Province and in particular, the Pilanesberg & ~~Borakalalo~~ National Parks, and any other areas into which The Society may decide to expand its sphere of operation.

Section 4. LEGAL POSITION OF THE SOCIETY:



a) Replace paragraph 4.1 with new wording:

Original:

4.1 The Society is not formed for the purpose of gain of any of its members except as provided for in 4.1.1 & 8.21

Reviewed:

4.1 The Society is a voluntary non-profit organisation with its own legal identity which is separate from its office bearers, committee members and ordinary members. The Society will continue to exist even if the members change.

b) Replace paragraph 4.1.1 with new wording:

Original

4.1.1 Any Society member whose expertise in a given subject is regarded as of a high enough standard to entitle that member to be used as a lecturer on The Society's official education and training course may be paid, subject to Committee's approval, an honorarium for his or her services.

Reviewed:

4.1.1 The Society shall be entitled to engage the services of any suitably qualified member in his professional capacity to provide a service or work for FOPS and be remunerated therefor subject to authorization by the Committee.

Section 4. LEGAL POSITION OF THE SOCIETY: (continue...)



c) Replace paragraph 4.2 with new wording:

Original:

4 .2 The Society is liable only for it's own debts and any assistance granted to any person or body, whether corporate or incorporate, shall not render it liable for the debts of such person or body.

Reviewed:

4.2 The Society shall be solely responsible for all its debts and no member or office bearer or Committee member shall in any way be personally responsible for the debts of the Society.

d) Introduce new paragraph:

4.3 Any assistance given by the Society, whether financial or otherwise, to any other organisation, company or entity of any kind whatsoever, shall not render the Society liable for the liabilities of such organization, body corporate or entity

Section 4. LEGAL POSITION OF THE SOCIETY: (continue...)



e) 4.3 becomes 4.4 and reworded

Original:

- 4.3 The Chairman or Acting Chairman may sue or be sued on behalf of The Society in any Court of Law. All processes of law, notices or the like shall be regarded as sufficiently served when served on the Chairman or Acting Chairman. Such Chairman or Acting Chairman shall not be personally liable over and above his liability as a member of the Society for any loss suffered by the Society as a result of any judgement against The Society in any court of law.

Reviewed:

- 4.4 The Chairman or Acting Chairman may sue or be sued on behalf of The Society in any Court of Law. All processes of law, notices or the like shall be regarded as sufficiently served when served on the Chairman or Acting Chairman. Such Chairman or Acting Chairman shall not be personally liable over and above his liability as a member of the Society for any loss suffered by the Society or its members as a result of any judgement against The Society in any court of law.

f) 4.4 becomes 4.5 and reworded:

Original:

- 4.4 No Officer Bearer. Committee member, member, agent or servant of the Society, shall be liable or indemnified out of its funds, against any liability incurred by him or her in the conduct of The Society's business, and no such person shall be liable for any loss incurred by The Society upon any ground whatsoever.

Reviewed:

- 4.5 Members and office-bearers have no rights in the property or other assets of the Society solely by virtue of their being members or office-bearers.

Section 4. LEGAL POSITION OF THE SOCIETY: (continue...)



g) Paragraphs 4.6/ 4.7 & 4.8 replacing old 4.5:

- Original Paragraph:
- 4.5 No members shall be liable for the debts of The Society except to the extent of that member's unpaid membership fees.

New paragraphs:

- 4.6 The income and property of the Society shall be used solely for the promotion of its stated objectives and shall not be paid or distributed directly or indirectly to any person, or to any member of the Association or office-bearers except as reasonable compensation for services actually rendered to the Society or reimbursement of actual costs or expenses reasonably incurred on behalf of the Society.

- 4.7 Subject to the provisions of any relevant law, members, office-bearers or appointed delegates of the Society shall be indemnified by the Society for all acts done by them in good faith on its behalf.
- 4.8 Subject to the provisions of any relevant law, no member of the Society or appointed delegates shall be liable for the acts, neglects or defaults of any other member or office bearer, or for any loss, damage or expense suffered by the Society, which occurs in the execution of the duties of his or her office, unless it arises as a result of his or her dishonesty, or failure to exercise the degree of care, diligence and skill required by law.

Section 6. MEMBERSHIP



Original:

- Section 6.2.2 Family – is open to a husband and wife and their children up to and including the age of 17 years. Family membership carries a one vote entitlement.

Reviewed:

- Family – is open to a husband and wife (or a couple living together as a family unit) and their children under the age of 18, or children older than 18, who are still financially dependent on the family and can provide proof of registration at a tertiary institution, i.e. can provide confirmation on a letterhead of the tertiary institution at which the child is registered, or has a valid student card (children should be 16 years and older to join work parties at Pilanesberg National Park). ~~up to and including the age of 17 years~~. Family membership ~~carries~~ are considered to consist of two primary members who are each entitled to one vote each. Subsidiary members do not carry any votes. ~~a one vote entitlement~~.

Section 7. COMMITTEE and OFFICE BEARERS



New sentence:

7.2.4 Should a Committee Member cease to stand before the next AGM, the Committee has the right to appoint an interim member until the next AGM.

Section 8. MANAGEMENT OF THE SOCIETY BY THE COMMITTEE

Original:

8.17 So far as is reasonably convenient, all payments on behalf of The Society shall be made by cheque upon one of The Society's bank accounts and signed as required in 8.14.

Reviewed:

8.17 So far as is reasonably convenient, all payments on behalf of The Society shall be made by cheque **or electronic funds transfer (EFT)** upon one of The Society's bank accounts and signed/ **captured and approved** as required in 8.14.

Section 7. COMMITTEE and OFFICE BEARERS



Section 7.1 Structure

Section 7.2 ELECTION PROCEDURE

Original:

7.1.1 The Committee shall consist of a minimum of eight and a maximum of twelve Members. Including in this number shall be the following: Office Bearers – Chairman; a Secretary & Treasurer elected at the AGM.

Review:

The Committee shall consist of a minimum of **six** ~~eight~~ and a maximum of twelve Members. Including in this number shall be the following: Office Bearers – Chairman; a Secretary & Treasurer elected at the AGM.

Original:

7.2.1 The Committee shall be elected by ballot at an AGM or SGM, and ballot papers shall be counted by a nominated representative. Only persons selected from the floor by the said representative may assist in the vote count.

Reviewed:

7.2.1 The Committee shall be elected by ballot **or** ~~or~~ **show of hands** at an AGM or SGM, and ~~ballot papers~~ **the votes** shall be counted by a nominated representative. Only persons selected from the floor by the said representative may assist in the vote count.