



**NATIONAL
PROPERTY
FORUM**

CONSTITUTION

1. **NAME**

The name of organisation is the **National Property Forum** and shall also be known as **NPF**. The Forum is a non-profit organisation and a non-racial, non-sexist entity with a primary focus on previously disadvantaged real estate practitioners

2. **LOCATION AND OPERATION**

National Property Forum is situated at 601 Old Poyntons building 171 church street Tshwane and shall operate within the prescribed borders of South Africa.

3. **OBJECTS**

The objects of the National Property Forum shall be -

- 3.1 Facilitation and support of access to land and use of land for housing and Infrastructure development in order to promote land reform and land distribution programmes.
- 3.2 Facilitates training and support for emerging micro enterprises in real estate sector to improve their capacity to develop, manage their businesses and growth in the sector.
- 3.3 Provide free training to unemployed previously disadvantaged persons and place them in jobs within the real estate sector with an intend to increase skills and increasing of previously disadvantaged persons in the sector.
- 3.4 To provide accommodation and transport for learners during their training period and their in-service training period.
- 3.5 To regulate relations between real estate agents and principal estate agents and promotion of the interests of members.
- 3.6 to represent members in all institutions engaged in the sector including all spheres of government and participate in the affairs of any international property practitioners organisation
- 3.7 to establish and administer funds for the benefit of its members.
- 3.8 to do such lawful things as may appear to be in the interest of the organisation and its members and which are not inconsistent with the objects or any matter specifically provided for in this Constitution;
- 3.9 to establish a business entity that will borrow, invest, lend, subscribe or donate money for the furtherance of the objects of the organisation; and

4. **AUTONOMY**

- 4.1 This forum shall be an independent body, free from the control by or interferences from any organization or other organizations professing the principles .The forum shall manage its

own affairs.

- 4.2 The organization's continued existence shall be dependent upon purposes and principles adhered to irrespective of change in membership and the board members or their termination of services in the National Property Forum.
- 4.3 The organization shall on its own name sue anybody or organization that violates its constitution defamation its character and or purpose, such a body or organization may also sue the forum for any action distinct from the board; trustees and members of the forum.
- 4.4 National Property Forum shall on its own continue to exist.

5. **MEMBERSHIP**

- 5.1 Any Real Estate practitioner in the Republic of South Africa shall be eligible for membership of the organisation as long as they subscribe to the values and objectives of this organisation with respect to the genuine transformation of the industry, provided that such members may not be affiliated with any other similar organisation.
- 5.2 Applications for admission or readmission to membership together with the yearly membership fee shall be lodged in writing with the secretary of the organisation.
- 5.3 Every application for membership shall be considered by the executive committee within 2 (two) calendar weeks of receipt thereof by the secretary.
- 5.4 An applicant to whom admission to membership is refused shall be provided with reasons for such refusal and shall be entitled to a refund of the membership fee paid.
- 5.5 If admission to membership is refused by the executive committee the applicant concerned shall have a right of appeal to the next general meeting of the organisation which shall have the power to confirm or reverse the decision of the executive committee. Such an appeal shall be in writing and shall be submitted to the secretary at least 2 (two) calendar weeks before the general meeting of the organisation. The general meeting's decision shall be final.
- 5.6 Every member shall notify the secretary, in writing, of his/her postal address and any change thereof within four weeks of the date on which the change occurred.
- 5.7 An employer who has resigned or been expelled from the organisation may be re-admitted to membership on such conditions as the executive committee may determine.

6. **DISCIPLINE**

- 6.1 A member may be suspended, fined or expelled as may be determined by the executive committee

- (a) if he/she fails within 14 (fourteen) calendar days of demand, in writing, by the secretary to pay membership fees, fines or levies which are more than 3 (three) months in arrears;
- (b) if he/she infringes any of the terms of this Constitution or acts in a manner which is detrimental to the interests of the organisation:

Provided that there shall be a right of appeal against suspension, the imposition of a fine or expulsion to the first ensuing general meeting. Notice of any such appeal shall be given to the secretary in writing within 14 (fourteen) calendar days of the date on which the decision of the executive committee was communicated to the member concerned.

- 6.2 No member may be suspended, fined or expelled unless he/she has been afforded an opportunity to state his/her case personally at a meeting of the executive committee, of which he/she has received not less than 14 (fourteen) calendar days' notice in writing from the secretary. The matter with which the member is charged shall be set out in such notice.
- 6.3 A member who has appeared before the executive committee in accordance with sub clause (2) shall, if he/she is dissatisfied with the decision of the committee and has lodged an appeal in the manner herein provided, have the right to restate his/her case personally to the general meeting which shall consider the matter.
- 6.4 A member shall be entitled to call witnesses in support of his/her case when attending a meeting of the executive committee or a general meeting in terms of sub clause (2) or (3), as the case may be.
- 6.5 Any decision taken by the executive committee in terms of this clause (2) shall, when an appeal has been lodged, be subject to ratification or otherwise by a general meeting.
- 6.6 Upon expulsion of a member, all moneys due to the organisation by such member shall become payable. If payment thereof is not made within 14 (fourteen) calendar days the executive committee may take such steps as it deems necessary to secure a settlement.
- 6.7 A member shall cease to be entitled to any of the benefits of membership, including the right to vote -
 - (a) if the membership fees or other charges due by him/her to the organisation are more than 3 (three) calendar months in arrears;
 - (b) during any period while he/she is under suspension in terms of this Constitution.

7. TERMINATION OF MEMBERSHIP

- 7.1 A member may resign by giving 14 (fourteen) calendar days' notice in writing to the secretary, provided that no resignation shall take effect until all moneys due to the organisation by the member concerned have been paid.
- 7.2 A member whose membership fees are more than 3 (three) months in arrear shall automatically cease to be a member of the organisation. Such person shall, however, be liable for all moneys due to the organisation as at the date on which he/she ceases to be a member of the organisation

8. MEMBERSHIP FEES

8.1 A membership fee prescribed by the executive per year shall be payable by each member of the organisation. The fee shall be paid yearly in advance to the secretary or such other person as may be authorised by the organisation to receive it.

8.2 In addition to the membership fee a member shall also be liable for the payment in the same manner of such other fees as may be prescribed in terms of the rules governing any fund established in terms of clause 3.9.

9. MEETINGS

9.1 A general meeting of the organisation shall ordinarily be held once every 12 (twelve) months. Special general meetings shall be called whenever desired by a majority of the executive committee or upon a requisition signed by not less than 66% members of the organisation.

9.2 Notices of general meetings showing the business to be transacted thereat shall be given to members in writing by the secretary not less than 14 (fourteen) calendar days before the date of such meetings: Provided that in the case of special general meetings such short written notice as may be decided by the chairperson may be given, such short notice being not less than 24 hours.

9.4 All matters on which this Constitution is silent shall be decided on motion by a majority vote of the members present at a general meeting.

9.5 The executive committee shall ordinarily meet at least once every month on a date to be fixed by the chairperson. Special meetings of the executive committee shall be called by the chairperson whenever he/she deems it advisable or upon a requisition signed by not less than 66% members of the committee, in which event the meeting shall be called within 14 calendar days of receipt of the requisition by the chairperson.

- 9.6 Members of the executive committee shall be notified in writing of the time and place of meetings of the committee by the secretary at least 7 (seven) calendar days before the dates of such meetings: Provided that shorter notice, being not less than 24 hours, may, in the discretion of the chairperson, be given in respect of special meetings. To every notice of meeting an agenda shall be attached. All matters for consideration by the executive committee shall be decided on motion duly seconded and voted upon by show of hands.
- 9.7 The quorum for any general meeting shall be 50% of the members and the quorum for executive committee meetings shall be a majority of the members of the committee. If within 30 (thirty) minutes of the time fixed for any meeting a quorum is not present, the meeting shall stand adjourned to the same day in the week following (and if that day is a public holiday then to the next succeeding working day) at the same time and place. At such adjourned meeting, of which written notice shall be given, the members present shall form a quorum. Each member or his/her representative shall have one vote only at general meetings or in ballots conducted by the organisation.
- 9.8 If between meetings of the executive committee any question arises which is of extreme urgency and can be answered by a simple “yes” or “no”, the chairperson may authorise a vote of the members of the organisation or of the executive committee to be taken by mail and shall take action according to the decision of the members who have voted.
- 9.9 At every general meeting the minutes of the last preceding meeting shall be read by the secretary and signed by the presiding officer after confirmation. Minutes of meetings of the executive committee shall be similarly dealt with by that body.
- 9.10 The proceedings of any meeting shall not be invalidated by reason of the non-receipt by any member of the notice of meeting.
- 9.11 The secretary of the organisation or a person appointed by him/her shall keep minutes of all meetings of the executive committee and of all other meetings of the organisation.

10. **EXECUTIVE COMMITTEE**

- 10.1 The management of the affairs of the organisation between general meetings shall be vested in an executive committee consisting of the chairperson, the vice-chairperson and the other members of the organisation who shall be elected at the annual general meeting of the organisation on nomination duly seconded and voted upon by ballot. They shall hold office for a period of (3) three years, and be eligible for re-election on termination of their period of office. The chairperson and vice-chairperson of the executive committee shall *ipso facto* be chairperson and vice-chairperson of the organisation.

- 10.2 Vacancies occurring on the executive committee shall be filled at the first ensuing general meeting on nomination duly voted upon by ballot. Where a vacancy occurs subsequent to the date on which the notice of that meeting was issued it shall be filled at the next ensuing general meeting. A member elected to fill a vacancy shall hold office for the unexpired portion of the period of office of his/her predecessor.
- 10.3 Nominations for membership of the executive committee shall be lodged in writing with the secretary at least 2 calendar (two) weeks before the date of the annual general meeting.
- 10.4 A member of the executive committee shall vacate his/her seat in any one of the following circumstances:
- (a) On resignation, suspension or expulsion from membership of the organisation;
 - (b) on absenting himself/herself, without the permission of the executive committee, from three consecutive general meetings or meetings of the committee;
 - (c) on resigning as a member of the committee by giving 2 calendar(two) weeks' written notice to the secretary; and
 - (d) on ceasing to be engaged in the sector mentioned in clause 5.1.
- 10.5 The executive committee shall, subject to the general direction and control of general meetings, and to the provisions of this Constitution, have power -
- (a) to appoint from time to time such subcommittees as it may deem fit for the purpose of investigating and reporting on any matter referred to them by the executive committee;
 - (b) to admit or refuse to admit property practitioners to membership of the organisation, to fix the conditions under which former members of the organisation may be readmitted to membership, and to suspend, fine or expel a member for cause appearing sufficient to a majority of the executive committee;
 - (c) to institute legal proceedings on behalf of or to defend proceedings against the organisation;
 - (d) to acquire, either by purchase, lease or otherwise, any movable or immovable property on behalf of the organisation and to sell, let, mortgage or otherwise deal with or dispose of any movable or immovable property belonging to the organisation: Provided that no immovable property shall be acquired or sold or mortgaged or let or leased for a period longer than five years unless at least 30 days written notice of intention to do so has been given to each member of the organisation by the secretary; if during this period not less than 50% members demand in writing that a ballot be taken on the proposed action, such ballot shall be taken;

- (e) to deal with disputes between property practitioners and their employees or trade unions and to endeavour to settle disputes;
- (f) to make and enforce by-laws relating to procedural, administrative and disciplinary matters which are not inconsistent with the provisions of this Constitution, the Labour Relations Act, 1995, or any other law;
- (g) to engage and dismiss a secretary and other employees of the organisation and to fix their conditions of employment and define their duties;
- (h) to institute legal proceedings on behalf of, or to provide legal assistance to, members on matters affecting the relationship between themselves and their employees or trade unions and to institute legal proceedings against individual members;
- (i) To engage with national and international partners and to do such other lawful things as, in the opinion of the executive committee, appear to be in the interest of the organisation and which are not inconsistent with the objects set out in clause 3 or any matter specifically provided for in this Constitution.

11. **OFFICE-BEARERS AND OFFICIALS**

The office-bearers and officials and their duties shall be as follows:

(a) **Chairperson**

The chairperson shall preside at all meetings at which he/she is present, enforce observance of the Constitution of the organisation, sign minutes of meetings after confirmation, endorse all accounts for payment after approval by the executive committee and generally exercise supervision over the affairs of the organisation and perform such other duties as by usage and custom pertain to the office. He/she shall not have a deliberative vote, but shall, in the event of equality of voting, have a casting vote.

The vice-chairperson if so appointed shall exercise the powers and perform the duties of the chairperson in the absence of the latter.

(b) **Secretary**

- (i) The secretary may resign on giving 1 (one) calendar month notice in writing to the executive committee and his/her services may be terminated by the

committee after a like period of notice has been given to him/her. The contract of service of the secretary shall be in writing.

- (ii) The secretary shall keep proper books of record in such form as may be prescribed by the executive committee; receive requisitions for meetings; issue notices of meetings; conduct all correspondence of the organisation; keep originals of letters received and copies of those dispatched and at each meeting of the executive committee report on the correspondence which has taken place since the previous meeting; attend all meetings and record minutes of the proceedings; keep a register of members, record therein *inter alia* every member's address and date of enrolment.

(c) **Vice-Secretary**

The executive committee may appoint an vice secretary who shall assist the secretary in the execution of his/her duties. Should the secretary temporarily be unable to perform his/her duties the vice secretary shall act as secretary until such time he/she is able to assume his/her duties. The provisions of paragraph (d) (i) above shall *mutatis mutandis* apply to the vice secretary.

(d) **Organisers**

The executive committee may appoint an organiser or organisers. The main duties of the organiser(s) will be to enrol members; to investigate complaints from members; to represent the organisation or its members at the Commission for Conciliation, Mediation and Arbitration and to perform such other duties as the executive committee may direct. The provisions of paragraph (d) (i) above shall *mutatis mutandis* apply to organisers.

Treasurer

The treasurer shall keep proper books of account in such form as may be prescribed by the executive committee and in accordance with general accepted (GAAP) accounting principles. He/she will be required to collect membership fees and any levies and fines paid by such members; collect membership fees, fines and levies; issue official receipts for all moneys received; bank all moneys within 3 (three) calendar days of receipt; submit reports in regard to the financial position of the organisation to the executive committee not less than once every three months; prepare the balance sheet and statement of income and expenditure; and perform such other duties as the executive committee or a general meeting may direct.

12 REMOVAL OF OFFICE-BEARERS AND OFFICIALS

12.1 An office-bearer or official may be removed from office-

- (a) if he/she infringes any of the provisions of this Constitution; or
- (b) if he/she acts in a manner which is detrimental to the interests of the organisation.

12.2 No office-bearer or official may be removed from office unless he/she has been afforded a chance to state his/her case personally at a meeting of executive

committee.

- 12.3 An office-bearer or official who has appeared before the executive committee and who is dissatisfied with the decision of the committee shall have the right to appeal to the first ensuing general meeting of the organisation. Notice of appeal shall be given to the secretary, in writing, within 14 (fourteen) calendar days of the date on which the decision of the executive committee was communicated to the person concerned. The general meeting may confirm or reverse the decision of the executive committee and the decision of the general meeting shall be final.

13 POWERS OF THE ORGANIZATION

13.1 The executive may take on the powers and authority that it believes it needs to be able to achieve the objectives that are stated in clause 3 of this constitution. Its activities must abide by the law.

13.2 The executive has the power and authority to raise funds or to invite and receive contributions.

13.3 The executive does, however has the power to buy, hire or exchange for any property that it needs to achieve its objectives and to develop policies and or by-laws to manage its properties.

13.4 The executive has the right to make by-laws for proper management, including code discipline application, approval and termination of membership.

13.5 The National Property Forum shall own movable and immovable properties.

14. ORGANIZATION PROPERTY

14.1 All property, which the organization may acquire, whether movable or immovable shall be held and administered solely for the furtherance of its objectives and principles.

Members and office bearers of organization have no rights over the assets and income belonging to the organization by virtue of them being members or office bearers of National Property Forum. All assets and income of the organization may not be distributed to office bearers and members of the organization

14.2 All immovable property owned by the organization and thereafter acquired by the organization shall be registered in the name of the organization .The executive will have the power to lease or sell immovable property.

14.3 The executive and/or the members may not derive any benefit from the funds or income of the organization and /or organization other than what has been formally decided upon inclusive of the normal salaries payable in respect of services rendered.

15. FINANCE

15.1 A banking account shall be opened in the name of National Property Forum at a registered banking institution and all amounts due to or collected on behalf of the organisation shall be deposited by the treasurer in such bank account of the organization within 3 (three) days of receipt thereof.

- 15.2 The funds of the organisation shall be applied to the payment of expenses, to the acquisition of property, towards the attainment of the objects specified in clause 3 and for such other lawful purposes as may be decided upon by the executive committee or by members voting by ballot for the attainment of the said objects.
- 15.3 Payments shall require the prior approval of the executive committee and shall be made by cheque signed by the chairperson and the treasurer, except when the amount in question is less than R500, when payment may be made from petty cash. In the absence of the chairperson or the treasurer cheques shall in his/her stead be signed by a member of the executive committee appointed by it for that purpose.
- 15.4 A member who resigns or is expelled from membership shall have no claim on the funds of the organisation as from the date on which the resignation or expulsion takes place.
- 15.5 Statements of income and expenditure and the financial position of the organisation shall be prepared quarterly by the treasurer and submitted to the executive committee.
- 15.6 In accordance with the provisions the Labour Relations Act, 1995, the treasure shall prepare a statement of income and expenditure and a balance sheet in respect of each financial year ending on the 31st of December. Such statements and balance sheets shall be audited and within 30 days of receipt thereof the treasurer shall provide the registrar with a certified copy of the auditor's report and the financial statements.
- 15.7 The executive committee shall, subject to the direction of a general meeting, have the power to invest surplus moneys in such a manner that the organisation stands to benefit from such investments.
- 15.8 The executive may determine fair and reasonable remuneration for services rendered to be paid to employees of the Organization, and may, in addition authorize the reimbursement to any person of any expenses actually incurred and necessarily their capabilities as members of the Executive or employees of the organization whilst performing duties for and on behalf of the organization.
- 15.9 Every member of the executive may, at the discretion of the executive, be indemnified by this organization against expenses actually, necessary and reasonably incurred by such a person is made party, provided that;
- 15.9.1 Such action, suit or proceeding arises out of the performance and is within the scope of such person's employment by this organization.
- 15.9.2 Such action, suit or proceeding arises out of the performance and is within the scope of such a person's employment by the organization.
- 15.9.3 The executive may require that legal costs arising out of such action suit, or

proceeding be taxed by the appropriate authority prior to payment thereof, the organization may pay in addition, the costs of such taxation.

16 **ANNUAL GENERAL MEETING**

Annual general meeting shall be held within four months after the financial year – end of the organization ,which shall be 28 February each year .At such a meeting the executive shall submit a report on the following items

Chairperson’s report

Secretary’s report

Treasurer’s report

Amendments to the constitution and that members may want to make

Elect new office bearers

General

Close meeting

A person with a thorough knowledge of accountancy shall draw up the financial statement.

The financial statements shall be available to its members two weeks before the intended annual general meeting for their perusal.

17. **CHANGES OF THE CONSTITUTION**

17.1 This constitution or any clause therein may be changed by a resolution of annual general meeting or a special general meeting convened for this purpose. The resolution shall be passed by not less than two thirds majority of the members voting at the annual general meeting or special general meeting.

17.2 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. The notice must indicate the proposed changes to the constitution that will be discussed at the meeting.

17.3 Two thirds of the members shall be present at a meeting before a decision to change the constitution is taken. Any annual general meeting may vote upon such a notion, if the details of the changes are set out in the notice referred in 17.2.

18. **WINDING-UP**

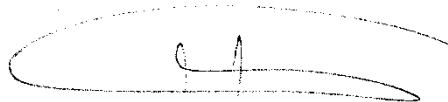
- 18.1 The organisation shall be wound up if at a ballot conducted in the manner prescribed in the Constitution not less than three-fourths of the total number of members of the organisation vote in favour of a resolution that the organisation be wound up.
- 18.2 If a resolution for the winding-up of the organisation has been passed for the organization at any time ceasing to exist, all the property owned by it and all the rights to the property which may have been vested in or been acquired by it at such time shall be given to an public benefit organization that is prohibiting like-minded principles .The executive shall be responsible for the legal arraying out of dissolution.
- 18.3 National Property Forum shall be deemed to have ceased to exist should the principles of the hereto organization no longer be adhered to .Should the National Property Forum cease to exist as an organization for any reason whatsoever or be dissolved ,then all the moveable property shall be given and transferred to another organization with the same objectives within the Republic of South Africa also qualifies for the exemption from payment of income tax and donations tax ,registered under non-profit organizations act.
- 18.4 National Property Forum shall dissolve if the executive deems fit to do so .A general meeting shall be called 14 days prior and decision shall be taken by two thirds of the majority .These meeting shall be valid if members present form quorum.
- 18.5 On dissolution of National Property Forum the remaining assets of the organization shall be transferred to a public benefit organization that will be decided on in a general meeting.

19. ADOPTION

National Property Forum Constitution was approved and accepted by its members and signed at Pretoria on the 19 of March 2014



CHAIRPERSON



SECRETARY