



СРЦОС

# 2006 CONSTITUTION

## **1. NAME, OFFICE AND AREA OF OPERATION**

- 1.1 The name shall be  
**The East Rand Chamber of Commerce and Industry** abbreviated to **ERCOC**  
(Herein after referred to as ERCOC)
- 1.2 The principle office of ERCOC shall be situated at  
**ERCOC Place, Le-Martel Estate, 2 Station Road, Nigel.**
- 1.3 The Area of operation shall be the **East Rand and other areas if membership applications are received**

## **2. DEFINITION**

In this Constitution, unless the context otherwise requires:

- 2.1 “Committee” means a committee established as set out in Clause 16.
- 2.2 “Executive Committee” means the Executive Committee as set out in Clause 7.
- 2.3 The Financial Year shall be from 1 March to 28 February
- 2.4 “Financial Statement” means balance sheet, and an income statement in conformity with generally accepted accounting practice.
- 2.5 “General Meeting” means a meeting at which all members are entitled to be present and vote and which has been convened in accordance with the Constitution, and “Annual General Meeting” and “Special General Meeting” shall have a corresponding meaning.
- 2.6 “Member” shall mean a member in terms of Clause 4 read with Clauses 5 and 6.
- 2.7 “Object” means the object as specified in Clause 3.
- 2.8 “Office Bearers” means the Office Bearers referred to in Clause 7.

## **3. OBJECTS**

The objects of ERCOC are to:

- 3.1 Maintain and promote the image of members nationally and internationally, thereby creating business opportunities for the members.
- 3.2 Obtaining subsidies abroad and from local government departments and applying it in such a manner that the broad spectrum of the economy may benefit from such funds.
- 3.3 Promote and develop the legal compliance of members according to the required statutes of law more especially “Occupational Health and Safety training”, BEE, Access of Information manuals, Medical aids and Pension / Provident funds.

- 3.4 Assist in the settlement of disputes by arbitration or otherwise
- 3.5 Collect and disseminate information relating to any of the objects that may be of benefit to members and making it available on the internet.
- 3.6 Promote the conduct of the members in accordance with accepted ethical and moral standards;
- 3.7 generally assist the members and promote their interests;
- 3.8 raise funds and attract subsidies by subscription or any other lawful means;
- 3.9 Participate in, and promoting activities of the Chamber.

#### **4. MEMBERSHIP**

- 4.1 All applicants shall become members when they partake in ERCOC's subsidized services, or alternatively they may apply in writing and the Executive Committee whose decision shall be final, shall consider all such applications. If any application for membership is declined, the Executive Committee need not provide reasons for its decision.
- 4.2 All members shall be deemed to be bound by the provisions of this Constitution.
- 4.3 The Executive Committee shall have the power to elect as Honorary Members of ERCOC any person whom, in its opinion, shall merit such election. Honorary members shall enjoy all the privileges of Membership, except that such persons will not be entitled to vote nor be required to pay any subscription.
- 4.4 Past Presidents shall ipso facto be honorary members of CCI.

#### **5. TERMINATION OF MEMBERSHIP**

ERCOC membership shall or may be terminated in any of the following ways:

- 5.1 By written 30 day notice of resignation to ERCOC
- 5.2 By failure to pay membership subscriptions or other amounts owing to ERCOC within three months of the due date;
- 5.3 By a simple majority decision of the Executive Committee, based on good reason. The Executive Committee needs not provide reasons for its decision.

#### **6. SUBSCRIPTIONS**

- 6.1 All membership subscriptions and other amounts payable to ERCOC shall be determined by the Executive Committee and shall, unless otherwise determined, be payable monthly in advance and shall not be refunded if membership is terminated. Outstanding subscriptions may, at the discretion of the Executive Committee, be handed over to a legal representative for collections and all costs plus interest will be borne by the defaulting member.

6.2 ERCOC is affiliated to the AHI. In terms of that affiliation, the ERCOC is subject to the payment of affiliation fees as determined by the AHI Articles of Agreement. This levy shall be included in the monthly subscription levied in terms of Clause 6.1.

7. **EXECUTIVE COMMITTEE – Office Bearers**

7.1 The Executive Committee shall consist of the following persons:

7.1.1 A President, who shall, unless otherwise determined at the meeting concerned, also be Chairman at any general Meeting or Executive Committee Meeting. The President shall not remain in office for a period in excess of two consecutive years;

7.1.2 A First Vice-President, who shall, in the absence of the President, be the Chairman at any General Meeting or Executive Committee Meeting.

7.1.3 The immediate Past President of ERCOC.

7.1.4 Treasurer/Secretary.

7.2 The members of the Executive Committee, with the exception of the immediate past president, shall be elected by ballot at each Annual General Meeting. Nominations shall be in writing by members of good standing signed by the proposer and the seconder and accepted by the nominee. Such nominations should be in the hands of the Secretary at least forty-eight hours before the Annual General meeting.

7.3 The members of the Executive Committee elected as per Clause 7.2 shall, immediately after the Annual General Meeting, elect the President, Vice-President and Secretary/Treasurer.

7.4 The remaining members as may be necessary may fill any vacancy on the Executive Committee. (Require a simple majority).

8. **POWERS AND DUTIES OF EXECUTIVE COMMITTEE**

The powers and duties of the Executive Committee shall be to:

8.1 implement and generally give effect to the objects, decision and policies of the ERCOC and of the AHI;

8.2 determine any other business that may be considered at the Annual General Meeting or other general meetings;

8.3 prepare the Financial Statements of the affairs of the ERCOC for submission to Members at the Annual General Meeting;

8.4 With the approval of the Executive Committee to

8.4.1 Open and operate an account or accounts with a registered bank.

8.4.2 Invest, dispose of or otherwise deal with any of CCI's assets including movable, immovable, corporeal and incorporeal, cash and other assets, inclusive, without limitation to the generality of the afore-going, the utilization of any such assets by way

of security, or the exchange, sale or leasing thereof;

- 8.4.3 Engage and dismiss staff and determine conditions of service of staff;
- 8.4.4 Transact the business of ERCOC
- 8.4.5 Incur and settle debts and other obligations, in its own name and issue legal process;
- 8.4.6 Do all other things as it may deem in the interest of ERCOC or any of its Members with due regard being paid to ERCOC's objects;
- 8.5 Appoint the auditors of ERCOC and fix their remuneration;

## **9. PROCEEDINGS OF MEETINGS**

- 9.1 Unless otherwise specified herein or otherwise determined by the meeting concerned, all proceedings at meetings Including General Meetings and Executive Committee Meetings shall be conducted in accordance with the operations manual.
- 9.2 All motions shall be proposed and seconded.
- 9.3 Voting, unless any members demand a ballot, shall be a show of hands and a simple majority shall carry motions, and each member shall be entitled to one vote only on each motion.
- 9.4 Should there be an equality of votes; a motion shall not be carried save that in Executive Committee proceedings the Chairman shall have a casting vote.

## **10. LIABILITY OF MEMBERS**

- 10.1 The liability of all Members shall be limited to unpaid subscriptions.
- 10.2 An individual member is also liable for any outstanding amounts owed by that member to ERCOC

## **11. CONVENING OF MEETINGS**

### **11.1 Executive Committee**

The Executive Committee shall meet at least **three** times per year at such times and venues as it or the President or, failing him, the Vice-President, may determine

### **11.2 Annual General Meeting**

The Annual General Meeting shall be held within one month of the end of ERCOC's financial year and shall be at such time and venue as the President, failing whom the Vice-President or, failing both, the simple majority of remaining executive members, may determine.

- 11.3 A General Meeting may be called at any time by the President or, in his absence, by the Vice-President, or by the Executive Committee or on a requisition in writing signed by

not fewer than 6 Members specifying the purpose of such meeting, which shall be the only business permitted to be conducted at such meetings.

## **12. BUSINESS TO BE TRANSACTED AT ANNUAL GENERAL MEETING**

Annual General Meetings shall consider, inter alia, the following:

- 12.1 The annual report and financial statements of ERCOC
- 12.2 The election of the Executive Committee
- 12.2.1 All motions properly proposed and seconded and other business that may arise

## **13. NOTICE OF MEETINGS**

### **13.1 Executive Committee**

At least seven days written notice or such shorter period as the President may determine shall be given for any Executive Committee Meeting

### **13.2 General Meetings**

At least seven days written notice or such shorter period as the President may determine, shall be given for any General Meeting.

### **13.3 Other Meetings**

At least seven days written notice or such shorter period as the President may determine, shall be given for any General Meeting.

- 13.4 Due notice shall for all purposes be deemed to have been given immediately upon delivery thereof which, in the event of delivery by postage, shall be deemed to be the day of posting of the notice.

## **14. MOTIONS AT GENERAL MEETINGS**

- 14.1 Each member may propose motions by delivering written notice thereof to ERCOC at least fourteen days prior to the meeting or, if there is short notice thereof, such lesser period as the President (failing whom the Vice-President) or the Chairman of the meeting may determine.
- 14.2 A motion that has been defeated at a General Meeting may not be reintroduced for a period of two years without the leave of the Executive Committee.

## **15. QUORUM**

- 15.1 A quorum at a General meeting shall be twenty percent of paid-up Members entitled to vote thereat, or represented by written proxies.

- 15.2 A quorum at Executive Committee Meetings shall be at least three Executive Committee members.
- 15.3 A quorum at other committee meetings shall be at least three committee members or so many members as constitute not less than fifty percent of the members of the committee concerned, whichever is the lesser.
- 15.4 In the absence of a quorum at any meeting, within fifteen minutes of that meeting's scheduled starting time, the meeting shall automatically be adjourned to the same day, time and place in the following week (provided that if that day be a public holiday, to the next business day) and those members present at the adjourned meeting shall constitute a quorum.

## **16. STANDING AND SUB-COMMITTEES**

A General Meeting of the Executive Committee may at any time appoint such committees with such terms of reference as may be considered desirable.

## **17. AMENDMENT OF CONSTITUTION**

Any amendment of this Constitution may be determined by a majority vote at a General Meeting in respect of which due notice of any proposed amendment has been given, provided that the provisions of Clauses 1, 3, 8 and 18 may only be amended by a special resolution passed by a two-thirds majority of all persons present and entitled to vote at a General Meeting, and in respect of which not less than twenty-one days' written notice has been given.

## **18. WINDING UP**

- 18.1 ERCOC, subject to such conditions as a General Meeting may determine and subject to Clause 18, shall be dissolved by a resolution passed by not less than two-thirds of the members of ERCOC present at such a meeting, which meeting shall be called specially for the purpose concerned at not less than twenty-one days' written notice specifying in detail the purpose for the meeting and the reasons for the proposed dissolution.
- 18.2 On dissolution, the assets of ERCOC shall devolve upon the AHI