



Kutlwano Social Organisation

CONSTITUTION.

AMENDED: 2018

CONSTITUTION OF KUTLWANO SOCIAL ORGANIZATION

TABLE OF CONTENTS.....	2
PREAMBLE.....	3
1. Authority of the Constitution.....	4
2. Establishment & Name.....	4
3. Corporate Body.....	4
4. Aims and Objectives.....	4
5. Property and Income.....	5
6. Membership.....	5
7. Monthly Subscriptions / Levy Fees.....	5
8. Discipline.....	5-6
9. Termination of Membership.....	6
10. Organizational Structures.....	6-7
11. Executive Committee.....	7
12. Elections.....	7
13. Meetings.....	7-8
14. Powers and Duties of the Executive Committee.....	8
15. Duties of the Office Bearers.....	8-9
16. Finances.....	9
17. Nominees / Beneficiaries.....	9-10
18. Disciplinary Committee.....	10
19. Powers and Duties of the DC.....	10
20. Amendments to the Constitution.....	10
21. Dissolution / Winding Up.....	11
22. Interpretation.....	11
23. Adoption and Commencement of the amended Constitution.....	11

Preamble

We, members of civil society firmly commit ourselves to a united and prosperous society that is free from discrimination, oppression as well as economic hardship.

We strongly believe that this can also be achieved under the umbrella of a united Social Organization that is active and committed in determining its own destination.

Our history has taught us that a divided society is bound to breed poverty, dependency as well as divisions in the communities and families.

We further believe that through effective organization and unity, we can be able to galvanize members of society to overcome the above.

We, members of Kutlwano Social Organization, exercising our democratic and constitutional rights, firmly commit ourselves:

- To organize and build a society that is able to educate and empower our communities
- To encourage the youth to be actively involved in educational, sporting and recreational activities.
- To encourage males in our society to be proactive in community building programmes and activities.
- To educate and encourage men to be active in the protection of women and children in our society.
- To interact with other fraternal organizations inside and outside our country with the purpose of sharing common experiences and knowledge.
- Together with these organizations, to strive for a future South Africa free from poverty and disease, racial oppression and economic exploitation.

We firmly resolve that this organization will continue to encourage those who are committed to the above to join us in building our communities and uniting society in general. Our guiding motto is:

“Prosperity - in Unity “

FOUNDING PROVISIONS:

1. Authority of the Constitution.

This constitution is the source of all rights, responsibilities and disciplinary procedures within the organization, and is the final authority concerning any dispute within the organization.

2. Establishment and Name:

2.1. An organization of males only, to be known as Kutlwano Social Organization, is hereby established.

2.2. As a matter of convenience, the Kutlwano Social Organization –

- a) is referred to throughout this constitution as “the organization” and
- b) May be referred to in any notice, correspondence or legal documents by the shortened form of KUSO.

3. Corporate Body:

3.1. The organization is a corporate body having perpetual succession, legal existence, and all the legal powers of a juristic person.

3.2. The organization shall be able to sue and be sued in its own name.

3.3. The organization shall acquire and own property and equipment

3.4. The organization shall exist on its own as an entity and shall continue to exist even when membership changes from time to time, similarly with the change of office bearers and members of the Executive Committee.

3.5. [The main colors of the organization (**Kuso**) shall be navy and white. Any other colour can be decided upon to match the two colours.

4. Aims and Objectives.

The aims and objectives of the organization shall be: -

4.1. To enhance and foster a spirit of unity, respect and discipline among members and society in general

4.2. To strive to build and empower our communities to realize economic justice and prosperity.

4.3. To unite all communities irrespective of race, colour, religion or creed to build a prosperous society.

4.4. To assist members of the organization in situations of bereavement through loss of their own lives, or members of their families as outlined under clause (seventeen 17) herein.

4.5. Where possible, to assist destitute members of the community as may be decided by members of the organization from time to time.

4.6. To interact with other organizations on matters of common interest.

4.7. To initiate, coordinate and ensure participation by members of the organization in community projects that will enhance the development of society and improve their well-being.

5. Property and Income.

- 5.1 The organization will keep an asset register of every property and equipment that it owns.
- 5.2 Members of the organization, as individuals, are not entitled to any of the organization's property or equipment, unless so approved by the general meeting
- 5.3 The organization, however, shall pay for any job that has been sanctioned by it and done by any member.
- 5.4 Members of the organization shall be entitled to reimbursement, where they have proof of the expense incurred, provided such expense was sanctioned by the organization.

6. Membership Eligibility:

- 6.1. Membership of the organization shall be open to any person who is deemed to be eligible for membership, if he falls within the criteria as may be decided by the organization.
- 6.2. Any eligible person may apply for membership in the organization by submitting to the Executive Committee:
 - a) An application in writing; and a deposit, which may be prescribed from time to time.
- 6.3. Upon receiving the application for membership, the executive committee must assess the application and make a recommendation to the general meeting to either:
 - a) Enroll the person as a member of the organization; or
 - b) Reject the application if it believes that the applicant is not eligible or suitable to be a member of the organization.
- 6.4. Newly enrolled members and those rejoining the organization, shall be required to serve a compulsory probationary period in line with the Funeral Insurance Provider, during which, they shall not be eligible to the Benefits as outlined in clause seventeen (17) herein.

7. Monthly Subscriptions / Levy Fees.

- 7.1. All members of the organization shall be required to pay prescribed monthly subscriptions in advance by a month and any other levies as so approved by the general meeting.
- 7.2. Monthly subscriptions shall be collected at every monthly meeting by the treasurer and be deposited to the organization's bank account within forty-eight (48) hours.
- 7.3. Any member who fails to comply with provision of clause 7.1 above shall be liable to a fine of ten (10) percent of the amount in arrears

8. Discipline:

- 8.1. Any member who fails to comply with the terms of this constitution, or with any terms of the Code of Conduct including any decision of the general meeting or the Executive Committee/Disciplinary Committee; or who acts in a manner, which is detrimental to the interests of the organization and its members, may be charged by the Disciplinary Committee for misconduct.
- 8.2. The Disciplinary Committee may also charge any member for any misconduct performed during or during one's membership with KUSO, as a result of which the Organization suffers financial loss and/ or as a result of which the organization's reputation is in any way damaged, diminished or brought into disrepute.
- 8.3. A disciplinary committee shall be appointed among members by the executive committee and shall not exceed five (5) members. The Deputy Chairman of the organization shall chair all disciplinary committee meetings, unless agreed otherwise by the Executive Committee.
- 8.4. The disciplinary committee shall deal with all disciplinary matters at initial stages and shall have powers to decide on the nature of the sanction to be applied.
- 8.5. Any member who is suspended for misconduct shall not be eligible to the benefits as outlined in clause (17) herein, and shall be liable to pay all monthly subscriptions until the expiry of the suspension period.
- 8.6. Any member who is expelled due to misconduct shall be liable to pay all outstanding monies to the organization.

9. Termination of Membership;

- 9.1. Any member may resign from the organization, by giving one (1) month notice to the Chairman or Secretary, provided that any resignation shall take effect once all monies owed to the organization have been paid in full.
- 9.2. "Any member who absents himself from 2 (two) consecutive monthly meetings without any valid written apology, shall be charged, and be called to appear before a disciplinary committee for misconduct, and corrective measures shall be taken against him."
- 9.3. A member who leaves the organization due to illness, disablement or unemployment, upon making written submissions to that effect, shall remain eligible for all benefits for a limited period as may be determined by the organization in line with the provisions of the **KUSO TRUST FUND RULES**.

10. Organizational Structures.

Organizational structures are meant to ensure that there is strong participation and democratic control of the organization by all its members. For Kuso to be genuinely strong and democratic, members must actively participate in its structures and activities.

Kutlwano consists of the following structures: -

- 10.1. **General Conference:** (highest decision-making structure; meets every 3 years, and is attended by all members)
- 10.2. **General Meetings:** (second highest structure in between conferences; meets on monthly basis; also, attended by all members.

- 10.3. **Executive Committee:** - manages the day- to-day affairs of the organization. Office Bearers and Members of the executive committee are elected at conferences every 3 years
- 10.4. **Finance Committee:** (manages the finances of the organization, and reports to the Executive Committee. Its members, are appointed by the executive committee)
- 10.5. **Disciplinary Committee:** (Deals with disciplinary matters. The Disciplinary Committee is led by the Deputy Chairman and its members are appointed by the executive committee)
- 10.6. **Portfolio Committees:** (subcommittees are responsible for the coordination of projects and they are appointed by the executive committee)

11. Executive Committee.

11.1. The management of the affairs of the organization shall be vested in the Executive Committee, which shall consist of Office Bearers elected into the following positions: -

- Chairman
- Deputy Chairman
- Secretary
- Deputy Secretary
- Treasurer

11.2. Plus, five (5) additional members who are also elected at the Conference as heads of Portfolio Committees as outlined below: -

- Community Affairs & Social Welfare
- Family Matters, Isililo & Commemorations
- Sports, Recreation, Art & Culture
- Communication, Marketing and Sponsorship
- Support Services

12. Elections.

12.1. Members of the organization shall among themselves elect an Executive Committee. Elections shall take place at a quorating conference every three (3) years or at a special conference to be determined by a resolution passed at a general meeting and supported by a two-thirds (2/3) majority of the general membership.

12.2. Nominations for Office Bearers shall be conducted /confirmed at a general meeting preceding the Conference and shall be conducted by independent people who may be invited for the sole purpose of conducting the nominations.

12.3. Voting shall be by secret ballot. Should a nominated candidate be the only nominee for that position, such candidate shall be declared duly elected, without a ballot being taken.

12.4. Elected members of the Executive Committee shall serve a three-year term in office, after which new elections shall be held.

12.5. Should any member/s of the executive committee vacate office before the expiry of their term of office, by-elections may be held as and when the general meeting so decides.

12.6. Any member of the executive committee shall vacate his position, should he resign from office voluntarily, resign from KUSO as a member, or is asked to step down by a resolution of the general meeting, passed by a 2/3 majority of KUSO members in a meeting.

13. Meetings.

- 13.1. The organization is required to hold general meetings every first Sunday of the month, at a venue to be decided by the Executive Committee from time to time.
- 13.2. All members of the organization are expected to attend meetings on regular basis. Failure to attend meetings without any written apology will constitute misconduct, and members may be called to appear for a disciplinary hearing.
- 13.3. At all monthly general meetings, a quorum shall be constituted by a 40% membership attendance in good standing.
- 13.4. There shall be a tri-ennial Conference to deal with policy matters, constitutional amendments, resolutions and the election of the Executive Committee members.

14. Powers and Duties of the Executive Committee:

- 14.1. To uphold the principles of this constitution and implement the aims and objectives of the organization as and when directed by the members.
- 14.2. To co-opt any paid-up members of the organization to serve in sub-committees, as may be recommended by the general meeting.
- 14.3. To exercise supervision and run the day to day affairs of the organization between meetings and perform other duties in the interest of the organization as and when assigned to do so by the organization.
- 14.4. To present monthly financial reports to the general meetings.
- 14.5. To ensure that proper books of accounts of the organization are kept, and to have such books audited; to have prepared, on annual basis a balance sheet and statement of income and expenditure and to make available such information to members of the organization upon request.
- 14.6. To hear all appeals brought before it by members, and on the basis of the provisions of the Disciplinary Code and Procedures, to deal fairly and adequately with every appeal, and decide on appropriate action to be recommended to the general meeting.
- 14.7. To ensure that sub-committees table their plans of action in line with Conference resolutions to the second general meeting after the Conference.

15. Duties of the Office Bearers.

- 15.1. The Chairman, Deputy Chairman; or whoever is chosen in the absence of both shall take the chair and conduct the responsibilities of the meeting.
- 15.2. The Chairman together with the Secretary may institute and defend legal proceedings in the name of the organization, upon receiving a directive from the general meeting/ executive committee.
- 15.3. **Duties of the Secretary**
 - To take minutes and table such in all official meetings of the organization
 - To receive and send out official correspondence/s on behalf of the organization.
 - To oversee the general administration and co-ordination of work for the organization.
 - To prepare and table reports in all executive committee meetings, monthly general meetings and conferences of the organization.

15.4 Duties of the Deputy Secretary

- To co-ordinate policy formulation and implementation
- To execute all the functions of the general secretary in his absence
- To co-ordinate the work of sub-committees.
- To allocate members to sub-committees and ensure functionality of sub-committees.
- Compile and table to the executive committee and general meetings on the performance of sub-committees

15.5 The Treasurer shall collect all monies, keep financial records where the income and expenditure is clearly recorded, and shall issue official receipts for all monies received on behalf of the organization

15.6. The treasurer shall deposit all monies of the organization in an appropriate banking institution that the organization shall have decided upon, and shall be responsible for the withdrawals of any funds of the organization

15.7. The treasurer shall be the head of the Finance Committee, which must be established to oversee all financial controls

16. Finances.

16.1 The Chairperson, the Secretary and the Treasurer shall be signatories to all the banking accounts of the organization; notwithstanding this provision, any member of the executive committee may be co-opted as one of the signatories should the need arise.

16.2. The treasurer shall be responsible for the control of the day-to-day financial transactions of the Organization by keeping proper record of all finances, and the financial statements are to be signed by the chairman after endorsement by the general meeting. The treasurer shall account to the executive committee.

16.3. The treasurer shall be responsible for the compilation and management of the asset register of the organisation and shall also obtain valuation of all assets.

16.4 Should the organization accumulate enough funds that need to be invested, the funds may only be invested with financial institutions that are registered and listed under Section: 1 of the (Investment of Funds Act, 1984 as amended.)

16.5 Should the organization seek to divert from the above, then appropriate legal advice should be sought before any investment is made

16.6 The Organization may agree to nominate a funeral service provider to provide insured funeral benefits to members at affordable premiums. The organization shall reserve the right to negotiate such benefit from time to time.

17 Nominees / Beneficiaries & Benefits.

17.1 The Executive Committee of the organization is required to allocate a portion of the subscriptions to be paid as monthly premium for each member to a chosen registered institution, which shall provide funeral cover for Kuso members, their spouses and other nominated family members as provided for by the rules of the chosen scheme.

17.2 All Kuso members, their spouses and nominated family members shall qualify for benefits from the chosen scheme should death occur in the family, provided that: -

- Monthly subscriptions have been received and premiums have been paid in full
- All other monies owed by the member have been settled with Kuso.
- Beneficiaries shall be those who were nominated in accordance with the rules of the scheme

17.3 The organization may donate towards funeral costs to destitute families in the community if requested to assist where possible, provided that: -

- There are sufficient funds to make such a donation
- Such a request is discussed and approved by the general meeting.

17.4 Premiums, contributions, and benefits may be increased from time to time; provided that such decision is taken by two-thirds (2/3) majority at a General Meeting.

18 Powers and Duties of the Disciplinary Committee

In cases of misconduct by any member, the Disciplinary Committee will be guided by the "Correctional Code and Procedures" as provided by the organization and shall hear all matters brought before it and decide on the appropriate penalty

18.1.1 The DC may impose fines to individuals found guilty of misconduct, and must collect all fines imposed and hand the money to the Treasurer.

18.1.2 The DC may take any corrective or punitive measures against individuals found guilty of misconduct.

18.1.3 Where appropriate, the DC may initiate criminal or civil charges against individuals.

18.1.4 The DC must keep records and outcomes of all cases.

18.1.5 Notwithstanding the above, any member of the organization may lay a complaint to the Disciplinary Committee and may request the DC to initiate an investigation about any member/s of the club, subject to the complaint/grievance being within the breach of the club's Constitution and or the Correctional Code.

19. Disciplinary Procedure.

19.1. Any member who fails to comply with the terms of this constitution, or with any terms of the Code of Conduct including any decision of the general meeting or the Executive Committee/Disciplinary Committee; or who acts in a manner, which is detrimental to the interests of the organization and its members, may be charged by the Disciplinary Committee for misconduct.

19.2. The Disciplinary Committee may also charge any member for any misconduct performed during or during one's membership with KUSO, as a result of which the Organization suffers financial loss and/ or as a result of which the organization's reputation is in any way damaged, diminished or brought into disrepute.

19.3. A disciplinary committee shall constitute of five (5) members including the Deputy Chairman, who will be its chairman.

19.4. The disciplinary committee shall deal with all disciplinary matters at initial stages and shall have powers to decide on the nature of the sanction to be applied.

19.5. Any member who is suspended for misconduct shall not be eligible to the benefits as outlined in clause ten (17) herein and shall be liable to pay all monthly subscriptions until the expiry of the suspension period.

19.6. Any member, who has been expelled for non-payment of subscriptions or for any other reasons, shall be expected to settle their previous debt before being considered for re-admission

20. Amendments to the Constitution.

20.1. Any provision of the Constitution may be repealed, or amended by resolution passed by a two-thirds (2/3) majority at a quorate conference of the organization; if a notice of the proposed provision or amendment has been circulated to members, at least 30 days before the conference, or the amendment has been submitted in writing on the day of the conference.

21. Dissolution/ Winding –up.

21.1. The organization may be dissolved by resolution supported by not less than two-thirds majority of members in good standing at a general meeting; provided that:

21.2. When the organization is dissolved/winding-up, it shall have paid-off all its debts.

21.3. A resolution shall be taken to transfer or give in kind all remaining property, assets and balance of accounts to a deserving non-profit/charity organization that may be decided upon by a suitable liquidator appointed by the members

22. Interpretation.

22.1. Whenever any doubt arises as to the meaning of any provision of this constitution, the interpretation of that provision is the responsibility the general meeting;

- Which, must make a ruling (by two-thirds majority vote)
- Whose decision is the final and binding interpretation of such provisions, pending the convening of a bi-ennial conference, which has the powers to amend the constitution.
- Notwithstanding the above, the Executive Committee shall be empowered to make an interim ruling on the interpretation, pending the decision of the general meeting.

23. Adoption and Commencement of the Constitution:

This constitution took effect upon its adoption at its 1st tri-ennial conference and its subsequent registration as an association incorporated under Section 21.

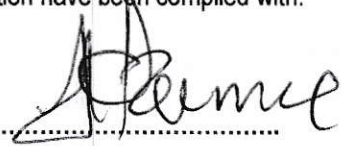
SIGNED AT KWA-THEMA ON THE 2 DAY OF FEBRUARY 2020

Certifying that, the provisions regulating the adoption of this Constitution have been complied with.

CHAIRMAN.....


D. MOFOKENG

SECRETARY.....


A. KUNENE.