

THE CONSITUTION OF THE CAPE TOURIST GUIDES ASSOCIATION(CTGA)

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PREAMBLE

The Constitution must structure the administration and control of the membership of Tourist Guides of the Western Cape, as well as its continued and ongoing professional development.

CONSTITUTION OF THE CAPE TOURIST GUIDES ASSOCIATION

The provisions herein contained shall be known as the CONSTITUTION of the ASSOCIATION, for which provisions may be altered by two-thirds of the votes cast at a general meeting

The precise terms of any proposed amendments to the CONSTITUTION shall be set out in the notices concerning the meeting.

The purpose and objectives of the ASSOCIATION shall not be altered without the consent of two-thirds of the members present and eligible to vote, where need be, such votes be cast in written proxy.

1. NAME

The name of the ASSOCIATION is the CAPE TOURIST GUIDES ASSOCIATION (CTGA)

2. MISSION

The CTGA strives for professionalism, representation, integrity and the expansion of knowledge within the tour guide industry. We are committed to the growth and recognition of all members within the Cape Tourist Guides Association

3. OBJECTIVES OF THE ASSOCIATION

To be leading and representing our association, fostering a vibrant, professional, and sustainable tourism industry. Through continuous education, advocacy, and innovation, we aim to enhance the visitor experience while ensuring our guides are recognized as essential contributors to the cultural and economic vitality of the city and the country. Our association will remain a trusted voice in the tourism sector, supporting both guides and the communities they serve, and promoting the city and our country as a world-class destination with knowledgeable, passionate, and professional guides at its heart.

This vision captures the long-standing presence of the association while highlighting growth, professionalism, and the important role guides play in shaping the tourism experience.

4. LEGAL NATURE OF THE ASSOCIATION

This voluntary ASSOCIATION shall:

- 4.1. be a body corporate under common law
- 4.2. be a legal persona distinct from its members

- 4.3. have perpetual succession
- 4.4. establish headquarters convenient to the membership.
- 4.5. The organization will keep a record of everything it owns.
The organization may not give any of its money or property to its members or office bearers. The only time it can do this is when it pays for the work that a member or office bearer has done for the organization. The payment must be a reasonable amount for the work that has been done. A member of the organization can only get money back from the organization for expenses that she or he has paid for or on behalf of the organization, providing he/she submits receipts or proof of the work done.
- 4.6. be empowered to conduct legal proceedings in its own name.
- 4.7. not pursuing the object of profit or gain either for itself or its members.
- 4.8. shall be recognized and follow the requirements of the NPO Act.1997.

5. **LIMITATION OF LIABILITY**

A MEMBER shall not be liable for any obligations and debt of the ASSOCIATION either in a collective or individual capacity.

6. **DEFINITIONS**

In this constitution words and phrases:

- 6.1. Incorporating one gender shall be deemed to include the other gender
- 6.2. In the singular shall include the plural and vice versa.
- 6.3. Defined herein shall have the meanings set out against each and cognate expressions shall be similarly construed:
 - 6.3.1. **ASSOCIATION** means the Cape Tourist Guides Association (CTGA) and the legal relationship arising from this agreement.
 - 6.3.2. **GUIDE** means a member who is legally registered as a Tourist Guide in terms of prevailing legislation and accompanying Regulation
 - 6.3.3. **REGIONAL COMMITTEE** means the management body of the ASSOCIATION for the region of the Western Cape, whose powers are determined in clause 13 and whose members are appointed under provision of clause 12
 - 6.3.3.1. **AREA COMMITTEE**
Means a group or person who accepts the responsibilities as stated in clause 13 and represents a specific geographic AREA of the REGION
 - 6.3.3.2. **SUB-COMMITTEE**
Means group or person accepting accountability for tasks from a PORTFOLIO which has been assigned and be stated in the minutes as such by the COMMITTEE in an executive meeting
- 6.4. **REGION** means a collection of AREAS of representivity as defined by NDT (National Department of Tourism) and allocated to a Regional Registrar
 - 6.4.1. **AREA** means a logical geographically convenient area of tourism activity and significance which is established to best represent the interests of all MEMBERS in such an area
- 6.5. **CHAIRPERSON** means the person who presides over the general meetings of the ASSOCIATION and meetings of the COMMITTEE. The primary function of the CHAIRPERSON is an oversight role of the ASSOCIATION

- 6.6. **ADMINISTRATOR** means the person who is an employee of the ASSOCIATION appointed under the provisions of clause 14 and is responsible for the daily and routine tasks and functions as laid out in the ADMINISTRATOR job description
- 6.7. **ADMINISTRATIVE ASSISTANT** means a person who is an employee of the ASSOCIATION appointed to fulfil specific tasks deduced from the ADMINISTRATOR PORTFOLIO as is deemed necessary by the COMMITTEE, responding to the COMMITTEE, and defined in an ADMINISTRATIVE ASSISTANT job contract
 - 6.7.1. **TREASURER** means the person who is appointed by the COMMITTEE of the ASSOCIATION under the provisions of clause 15
 - 6.7.2. **MEMBERS** means the individuals who are currently paid-up members in good standing.
 - 6.7.3. **ASSOCIATE MEMBERS** means bodies or individuals such as corporations, firms and such organizations
 - 6.7.4. **CONSTITUTION** means this document.
 - 6.7.5. **PORTFOLIO** means an area of responsibility as defined by the COMMITTEE.
 - 6.7.6. **FUNDRAISER** means a person or an instance which will carry out fundraising.
- 6.8. Appoint a COMMITTEE and/or SUB-COMMITTEE to assist with and oversee the day-to-day management of the ASSOCIATION, or sections thereof delegate any of its powers to the COMMITTEE and/or SUB COMMITTEES.
- 6.9. Represent the ASSOCIATION on any relevant body or committee that the ASSOCIATION may deem necessary.
- 6.10. adopt and commission a suitable logo or logos for the ASSOCIATION
- 6.11. require the books of the ASSOCIATION to be audited at the end of each financial year by the auditors appointed for this purpose
- 6.12. the COMMITTEE is entitled to act in such a manner as a board of directors of the company is entitled to act
- 6.13. if it is deemed necessary to appoint a Board of Trustees that will act in an oversight capacity.
- 6.14. determine the procedure for carrying out disciplinary inquiries for purposes deemed necessary by the committee as stipulated in Clause 7.14.

7. POWERS OF THE ASSOCIATION

The ASSOCIATION shall have all the powers of a corporate body including the powers to consider and decide on applications for membership.

- 7.1. Raise money by subscription fees from its MEMBERS subject to the provisions of clause 8.7
- 7.2. acquire or divest whether by donation, purchase, exchange or barter, property, both movable and immovable and corporeal and incorporeal, to be held distinct from its MEMBERS.
- 7.3. sell, mortgage, or lease any property.
- 7.4. insure and maintain the insurance of its assets against loss or damage.
- 7.5. open, operate and close banking accounts.
- 7.6. execute agreements for the attainment of any of its objectives.
- 7.7. compound, give time in respect of, settle or abandon any proceedings brought by or against it.

- 7.8. affiliate with or contribute cash to anybody of persons having similar objectives to their own.
- 7.9. make RULES as it may be necessary for the proper conduct of the ASSOCIATION'S activities and its MEMBERS
- 7.10. employ, dismiss and settle the terms of employment of the employees, professional persons, experts, agents and others.
- 7.11. make RULES for the regulation and conduct of its MEMBERS, provided such RULES are essential for the attainment of its objectives and are in line with the relevant laws
- 7.12. discipline MEMBERS for contravention of the CONSTITUTION and RULES of ASSOCIATION, the Registrar of Tourist Guides Code of Conduct and the laws of the Republic of South Africa.
- 7.13. refer any disputes to arbitration subject to the provision of Clause 18.
- 7.14. invite the patronage of and grant honorary membership to any persons it considers desirable and that has made a positive contribution to the tourism sector.
- 7.15. Conduct legal proceedings in the name of the ASSOCIATION who subscribe to or support the objectives of the ASSOCIATION under the provisions of Clause 8;

8. MEMBERSHIP OF THE ASSOCIATION

- 8.1. Application for MEMBERSHIP shall be through the completion of a prescribed form, and shall be considered and decided by the COMMITTEE, given such details of the prospective MEMBER as the COMMITTEE shall require.
- 8.2. Membership will be open to any individual who is a qualified Tourist Guide registered with the relevant Tourist Guide Registering Authority in terms of Tourism law.
- 8.3. ASSOCIATE MEMBERSHIP may be granted on the basis that the COMMITTEE finds the individual or body in good standing and shows support for the ideals and objectives of the ASSOCIATION. This annual membership is discretionary.
- 8.4. The ADMINISTRATOR shall keep a register reflecting the name, address and category of MEMBERSHIP of each MEMBER and shall, upon the approval of application of a person to the MEMBERSHIP, inscribe such person's name, address, and category of MEMBERSHIP therein and in addition shall forward to such person via electronic copy the CONSTITUTION. The COMMITTEE may, collectively and at its discretion, appointing honorary MEMBERS/patrons were deemed appropriate.
- 8.5. A prospective MEMBER whose application for MEMBERSHIP has been refused shall be entitled to appeal against such refusal to the MEMBERS at the next Annual General Meeting. Upon acceptance as a MEMBER/ASSOCIATE MEMBER a once-off joining fee and annual subscription fee shall be due and payable immediately. All other payments and fees shall be due on such dates as the COMMITTEE may decide.
- 8.6. On an application for MEMBERSHIP being accepted, and all administration requirements being completed and due fees paid up, the applicant shall
 - 8.6.1. immediately become entitled to the benefits and privileges of the ASSOCIATION.
 - 8.6.2. be bound by this CONSTITUTION, in particular clause 9 relating to the code of conduct as well as the Provincial Registrar's Code of Conduct and shall be presumed to be aware of all the Provisions of such CONSTITUTION and RULES and Code of Conduct.

- 8.7. The joining fee determined from time to time by the COMMITTEE is payable as a once-off fee when joining the ASSOCIATION. However, such fees will be charged again should the MEMBER resign or allow their MEMBERSHIP to lapse and then subsequently wish to re-join the ASSOCIATION
- 8.8. The annual subscription fee is payable on joining the ASSOCIATION according to the category of membership, and at **the beginning of each subsequent financial year**. Such subscription will be determined by the COMMITTEE and ratified by a 'two-thirds' majority at the Annual General Meeting; If any MEMBER shall fail to pay any sum due and payable, and, if the sum is **not paid within 60 days of such notification**, the MEMBER shall, at the discretion of the COMMITTEE, cease to be a member of the ASSOCIATION.
- 8.9. MEMBERSHIP shall cease in the instance of:
- 8.9.1. Death of an individual member
 - 8.9.2. The resignation of a MEMBER, provided that such resignation is received on or before 28February, otherwise the MEMBER shall remain liable for the subscription of that year
 - 8.9.3. Failure to pay the subscription, or any other fees due to the ASSOCIATION, within sixty(60) days after the posting to that MEMBER of a notice, requesting such payment.
 - 8.9.4. Being guilty of conduct which, in the sole opinion of the COMMITTEE, is potentially damaging to the interests of the ASSOCIATION, then, subject to the provisions of Clauses 8.11.2, 8.11.3 and 18 herein, the COMMITTEE may, by resolution in favor of which not less than two thirds of those present at the inquiry agree, expel that MEMBER from the ASSOCIATION, or suspend that MEMBER for such a period as the COMMITTEE may determine. The effective date of such expulsion or suspension shall be fourteen (14) days from the date of such vote A MEMBER, so expelled as in clause 8.11.4, may appeal to a general meeting, afterwhich clause 18 will apply.
 - 8.9.5. Re-instatement of MEMBERSHIP: Should the MEMBER request renewed MEMBERSHIP, or to be re-instated, and the COMMITTEE agrees that the MEMBER must repay the joining and any other outstanding fees or subscriptions that the COMMITTEE may deem due.

9. DUTIES OF MEMBERS/CODE OF CONDUCT

A member of the ASSOCIATION shall uphold the principles of the South African Constitution and shall be impartial, unbiased, and positive, and represent South Africa objectively. A member of the ASSOCIATION follows the rules and regulations at all sites and in all facilities where he/she takes visitors and he/she is prepared for each tour when the itinerary is furnished in advance.

- 9.1. A member of the ASSOCIATION follows the policies of the company for whom the guide works. A member of the ASSOCIATION does not accept nor solicit jobs from clients of the company that hired him/her without the consent of the company, nor should a guide attempt to divert to another person or company business from the company that hired him/her. All business-related communication with the client should be made through the company. An ASSOCIATION member understands that decisions regarding continued service with a repeat client is the responsibility of the tour company not the guide.

- 9.2. A member of the Association accepts each tour as a serious commitment and cancels only when he or she is physically unable to perform the work; under such circumstances, he or she shall provide as much advance notice to the client as possible.
- 9.3. A member of the Association should not initiate or encourage patronage of souvenir shops or other retail establishments for the purpose of obtaining commissions for themselves or their coach operators and declare to customers any relevant personal commercial interests, including commissions, and agree to not engage in forced visitor purchases or the soliciting of tips.
- 9.4. A member of the Association should not abuse complimentary meal privileges offered by food establishments and does not solicit such. A member of the Association cooperates with other tour always groups and maintains ethical and professional conduct, cultivating a positive relationship with all colleagues.
- 9.5. A member of the Association respects the research and intellectual property, copyrighted or otherwise, of other guides by not recording, quoting without permission, plagiarizing, or taking as one's own, another guide's commentary or individual presentation technique.
- 9.6. A member of the Association provides a skilled presentation of knowledge, interprets and highlights surroundings, informs, and maintains objectivity and enthusiasm in an engaging manner. A member of the ASSOCIATION is responsible for reporting on time for meeting appointments and schedules within the guide's control and is sensitive to the interests and values of the tour group and does not share his/her personal views on controversial subjects such as lifestyle, religion, and politics. An ASSOCIATION MEMBER maintains a wide range of knowledge of South Africa, including its history, architecture, cultural and political life, and local folklore. An ASSOCIATE MEMBER keeps current on new exhibits, seasonal events, and other changes throughout the country. An ASSOCIATION MEMBER does not give commentary using unsupported facts and shall make every effort to present true and accurate facts and ensure that a clear distinction is made between stories, legends, traditions and opinions.
- 9.7. A member of the ASSOCIATION is knowledgeable about the routes for all tours. This includes familiarity with traffic laws. An ASSOCIATION MEMBER works in harmony with coach operators and when requested, informs the operator of the route in a calm, polite, and timely fashion.
- 9.8. A member of the ASSOCIATION maintains good personal hygiene and uses proper judgement in dressing appropriately for all tours.
- 9.9. An ASSOCIATION MEMBER shall at no time be under the influence of alcohol or a narcotic substance while on duty and shall refrain from administering any medication to a client without proper medical consultation and shall be concerned for the safety of the tourist.
- 9.10. An ASSOCIATION MEMBER shall wear the appropriate tourist guide badge and will carry his/her registration card and shall abide by all national and provincial laws governing the operation and conduct of tours, tour operators and tour guides.
- 9.11. An ASSOCIATION MEMBER shall in no way discriminate in rendering service to any tourist on any basis such as colour, gender, ethnicity, nationality, physical challenge, age, etc.
- 9.12. An ASSOCIATION MEMBER shall regularly update and upgrade their guiding skills and knowledge through training, professional development and networking activities and try and attend all relevant meetings of the association to gather information and to provide

input to the Association.

- 9.13. If a trainer, all trainers of courses are fully qualified and accredited to conduct the relevant training and coursework.

10. MEETINGS OF THE ASSOCIATION: SPECIAL MEETINGS AND ANNUAL GENERAL MEETINGS AND MEETINGS TO CHANGE THE TERMS OF THE CONSTITUTION

- 10.1. An Annual General Meeting (AGM) of the **Members** shall be held at a venue convenient for the **Members**, at a time determined by the **Committee**. A minimum of twenty-one (21) days' written notice must be provided. The AGM must take place no later than three (3) months after the end of the financial year.
- 10.2. The **Committee** may convene a Special General Meeting of the **Members** at any time, provided that at least twenty-one (21) days' written notice is given. Additionally, if at least twenty (20) **Members** submit a written request stating the objectives of the meeting, the **Committee** must call a meeting within the same notice period.
- 10.3. The **Chairperson** of the **Committee**, or a designated committee member in the Chairperson's absence, shall preside over all general meetings.
- 10.4. Both Annual General Meetings and Special General Meetings have the authority to raise, discuss, and decide on any matters. However, any resolutions intended to amend the Constitution must be circulated to Members together with the official notice of the meeting.
- 10.5. The Committee shall present any proposed amendments to the Constitution to the Members of the Association for their approval.
- 10.6. Each fully paid-up Member shall be entitled to one vote.
- 10.7. At any general meeting, a resolution shall be decided by a show of hands unless a poll is requested by the Chairperson or any other Member prior to the vote being taken.
- 10.8. A Member may appoint another fully paid-up Member of the Association as a proxy to vote on their behalf at any general meeting. The proxy appointment must be in writing and lodged with the Committee before the meeting. If not submitted in advance, the Committee reserves the right to disregard the proxy.
- 10.9. In the event of a tie, the Chairperson shall have both an ordinary and a casting (deciding) vote, whether the vote is taken by a show of hands or by poll.
- 10.10. No resolution shall be made unless a majority of Members present in person or by proxy vote in favour. However, any resolution to amend or add to the Constitution, the Rules, or the Code of Conduct shall require a two-thirds majority of Members present in person or by proxy vote in favour.
- 10.11. A quorum for any Special General Meeting shall consist of the Members present, provided that at least two-thirds of those present unanimously agree to proceed. If no such agreement is reached within thirty (30) minutes, the Chairperson may adjourn the meeting. When reconvened, the number of votes represented by Members present or by proxy shall apply.
- 10.12. Associate Members, who are not also Individual Members, are not entitled to vote.

11. Voting Procedure for Committee Elections

11.1. Election Announcement

- 11.1.1. The election date, positions available, and nomination process should be announced to all members at least **30 days** in advance.
- 11.1.2. Members should receive a clear timeline for nominations, campaigning, and voting.

11.2. Nomination Process

- 11.2.1. Nominations forms presenting the open portfolios should be send to members in order to show their interest of being nominated.
- 11.2.2. Any eligible member can nominate themselves.
- 11.2.3. A nomination form must be submitted, including a brief candidate statement outlining their vision and goals and portfolio they are interested on.
- 11.2.4. Nominations close **two weeks** before the election date.
- 11.3. **Criteria for Entering the Nominations Process**
 - 11.3.1. Nominees must have been active members of the Association for a minimum of one year.
 - 11.3.2. Nominees must demonstrate a clear understanding of the commitment required to participate in events and represent the Association.
 - 11.3.3. Nominees should possess strong teamwork and collaboration skills.
 - 11.3.4. Nominees must have basic administrative and organizational skills.
 - 11.3.5. Any member who resigns from the committee before completing their term or is asked to step down due to non-performance in their portfolio, shall not be eligible to return to the committee.
- 11.4. **Candidate Presentation**
 - 11.4.1. Candidates will be given an opportunity to introduce themselves to members through:
 - 11.4.1.1. A written statement shared with members.
 - 11.4.1.2. A live or online QCA session.
 - 11.4.1.3. Campaigning via association communication channels.
- 11.5. **Voting Method**
 - 11.5.1. Voting can be done via:
 - 11.5.1.1. **Secret ballot (in-person voting)** during a general meeting.
 - 11.5.1.2. **Online voting** through a secure platform (for members unable to attend in person).
 - 11.5.1.3. **Proxy voting** for those unable to vote personally, votes on proxy are only valid if full proxy signed form is presented at the moment of the voting process.
- 11.6. **Counting and Results**
 - 11.6.1. An independent election officer or neutral committee (non-candidates) will oversee the voting process.
 - 11.6.2. Votes are counted transparently, and results are announced immediately after verification.
 - 11.6.3. If there is a tie, a runoff vote may be held for that position.
- 11.7. **Transition Process**
 - 11.7.1. Newly elected members will have an official handover period to ensure a smooth transition.
 - 11.7.2. Outgoing members will assist in on-boarding the new committee before formally stepping down.
- 11.8. **Final Confirmation**
 - 11.8.1. Election results are officially recorded, and the new committee takes over responsibilities from the agreed-upon date.
- 11.9. **Term of Appointment.**
 - 11.9.1. The term of appointment of a committee members of the association shall not

exceed four (4) years, unless an extension is approved by a majority vote of members present at a Special Meeting or Annual General Meeting (AGM).

12. VOTING PROCEDURES FOR PASSING RESOLUTIONS AND CHANGING TERMS OF THE CONSTITUTION

- 12.1. Each fully paid- up MEMBER shall have one vote.
- 12.2. At any general meeting a resolution put to the vote shall be decided on by a show of hands. A poll may be demanded by the CHAIRPERSON or any other MEMBER prior to the taking of a vote by a show of hands.
- 12.3. A MEMBER shall be entitled to appoint any other paid-up MEMBER of the ASSOCIATION to represent him at any general meeting and to vote on his behalf. Such a proxy shall be in writing and must be lodged with the COMMITTEE before the time of the meeting, and if not so lodged the COMMITTEE shall be entitled to ignore it.
- 12.4. The CHAIRPERSON shall have an ordinary and a deliberate vote, in case of equality of votes, whether on a show of hands or on a poll. 11.5 No resolution shall be passed unless a majority of such MEMBERS as are present in person or by proxy have voted in favor of it, provided that no resolutions having the effect of altering or adding to this CONSTITUTION and or the RULES or CODE of CONDUCT, shall be passed unless two-thirds of such persons who are present in person or by proxy have voted in favor of it.
- 12.5. ASSOCIATE MEMBERS, who are not also Individual MEMBERS, are not entitled to a vote.

13. APPOINTMENT OF THE COMMITTEES

The affairs of the ASSOCIATION shall be managed by a COMMITTEE consisting of a maximum of seven (7) and a minimum of four (4) MEMBERS as an uneven number is necessary when deciding matters.

- 13.1. The outgoing Chairperson and/or Vice Chairperson, if not elected, may remain on the COMMITTEE for a period not exceeding three months, as ex- officio members with a view to ensuring continuity is provided to the incoming COMMITTEE.
- 13.2. The COMMITTEE shall at its first meeting elect from their number a CHAIRPERSON, VICE- CHAIRPERSON and TREASURER, who if not an elected member of the COMMITTEE shall become an ex officio member of the COMMITTEE. Should any of the posts have a suitable candidate, the PORTFOLIO and its responsibilities can be absorbed into the other PORTFOLIOS on an agreement of a two thirds majority of the COMMITTEE.
- 13.3. At each Annual General Meeting of the ASSOCIATION a majority vote will determine the re- instatement of existing COMMITTEE MEMBERS.
- 13.4. At least one nominated member of the existing Committee will stay on the Committee.
- 13.5. The nominated committee members should be willing to serve as committee members for a period of no less than 24 months (2 years) to ensure continuity of projects. Should they not agree or opt not to, then 12.5 must apply.
- 13.6. Any COMMITTEE MEMBER is expected to hand in a formal resignation to the CHAIRPERSON thirty (30) days before termination during which time a handover of all duties and responsibilities to the next COMMITTEE MEMBER should take place. In such a case of resignation, the committee member shall not be nominated nor re-appointed to be part of the committee for the next 24-month period
- 13.7. MEMBERS of the COMMITTEE:
 - 13.7.1. Whoever is absent from three (3) consecutive meetings of the COMMITTEE without

a reason acceptable to the COMMITTEE, shall cease to be a MEMBER of the COMMITTEE and may be removed from office by decision of the chairperson, or by a resolution of the MEMBERS of the ASSOCIATION at a general meeting.

- 13.8. The written resolution of the COMMITTEE outside of a COMMITTEE meeting shall be effective and valid as if it had been passed at a meeting of the COMMITTEE, only if signed by all COMMITTEE MEMBERS.
- 13.9. Minutes of meetings of the COMMITTEE shall be kept on record.
- 13.10. The CHAIRPERSON of the COMMITTEE shall be the duly authorized representative of the ASSOCIATION in any legal proceedings brought by or against the ASSOCIATION.

14. POWERS AND DUTIES OF THE COMMITTEE

- 14.1. The duties of the COMMITTEE's shall be to carry out the OBJECTIVES of the ASSOCIATION, to uphold the rules and CODE OF CONDUCT and to preside over the day-to-day running of the ASSOCIATION.
- 14.2. All property and funds of the ASSOCIATION shall vest in the EXECUTIVE COMMITTEE who shall hold such property and funds in trust on behalf of the ASSOCIATION as a corporate body.
- 14.3. The powers delegated by the ASSOCIATION to the COMMITTEE are the powers granted in clauses 7.1 to 7.24.
- 14.4. The COMMITTEE shall have the right to waive subscriptions and/or fees of certain MEMBERS should it be deemed to be in the interest of the ASSOCIATION. 13.5 The COMMITTEE shall have the right to appoint an ADMINISTRATOR to administer the ASSOCIATION as laid down in clauses 14 and 15.
- 14.5. The COMMITTEE shall appoint standing portfolio sub-committees where necessary for the purposes of undertaking or delegating certain duties. The CHAIRPERSON shall be ex-officio members of all such standing portfolio committees.

15. ADMINISTRATOR

- 15.1. An employee of the COMMITTEE called the ADMINISTRATOR can be appointed by the COMMITTEE.
- 15.2. The ADMINISTRATOR appointed, if a fully paid-up member, shall be an ex-officio MEMBER of the COMMITTEE and shall be entitled to deliberate at all the general meetings of the ASSOCIATION and all the meetings of the COMMITTEE but shall only have the right to vote at general meetings in his capacity as a MEMBER and not at COMMITTEE meetings. Should the ADMINISTRATOR also be an Individual MEMBER, then a full voting right on the COMMITTEE will apply.
- 15.3. The ADMINISTRATOR shall perform such functions and carry out such duties as shall be set out in his service contract. The COMMITTEE may remunerate the ADMINISTRATOR in such a manner as they determine.
- 15.4. The ADMINISTRATOR may represent the ASSOCIATION at all levels and may carry out any function as may be delegated to him by the CHAIRPERSON and/or the COMMITTEE.

16. TREASURER

- 16.1. An executive official of the COMMITTEE called the TREASURER shall be appointed by the COMMITTEE.

- 16.2. In the absence of a TREASURER and the elected COMMITTEE MEMBER and the CHAIRPERSON shall take oversight responsibility to ensure financial governance.
- 16.3. The TREASURER so appointed, if not already a MEMBER of the COMMITTEE shall be an ex officio MEMBER of the COMMITTEE and shall be entitled to deliberate at all of the general meetings of the ASSOCIATION and all of the meetings of the COMMITTEE but shall only have the right to vote at general meetings in his capacity as a MEMBER and not at COMMITTEE meetings unless already an elected MEMBER.
- 16.4. The TREASURER shall perform such functions and carry out such duties as shall be set out in his service contract. The COMMITTEE may remunerate an appointed financial administrator in such a manner as they determine.
- 16.5. The TREASURER may represent the ASSOCIATION at all levels and may carry out any function as may be delegated to him by the chairperson or by the COMMITTEE.

17. FINANCIAL RULES/INCOME AND PROPERTY

- 17.1. The ASSOCIATION will keep a record of everything it owns.
- 17.2. The ASSOCIATION may not give any of its money or property to its members or the COMMITTEE. The only time it can do this is when it pays for the work that an Office Bearer or member has done for the ASSOCIATION. The payment must be a reasonable amount for the work that has been done or service rendered.
- 17.3. The COMMITTEE of members of the organization do not have rights over things that belong to the ASSOCIATION. The treasurer of the ASSOCIATION will ensure that money or property of the ASSOCIATION does not go to its members or office bearers. The only time it can do this is when it pays for the work that a member or office bearer has done for the ASSOCIATION. The payment must be market related costs for the work that has been done, for the service rendered, or goods supplied

18. FINANCES AND REPORTS

- 18.1. Bank Account: The COMMITTEE must open a bank account, in the name of the ASSOCIATION, with a registered Bank.
- 18.2. Signing: Transaction documents requiring signature on behalf of the ASSOCIATION shall be signed by at least two people authorized by the COMMITTEE.
- 18.3. Whenever funds are taken out of the bank account, the chairperson and at least two other members of the organization must authorize the withdrawal.
- 18.4. Financial year-end: The financial year of the ASSOCIATION shall commence on the first day of March of every year and terminate on the last day of February the following year.
- 18.5. Financial Report: The COMMITTEE must ensure that proper records and books of accounts which reflect the affairs of the organisation are kept. The accounts of the ASSOCIATION shall be kept by the TREASURER, who shall make regular reports to the COMMITTEE on the finances of the ASSOCIATION which should include all incomes, expenditures and balances that remain, according to the accounting practices of the ASSOCIATION, making sure that the money of the organisation is safe and accounted for and shall be open for inspection at any reasonable time upon application by any MEMBER of the ASSOCIATION. As soon as possible after the close of each financial year, the balance sheet and revenue and expenditure account shall be prepared and, having been duly audited and certified by an independent registered accounting officer, shall be submitted to the MEMBERS at the Annual General Meeting, and within six months of its financial year a report is compiled by an independent registered Accounting Officer stating whether or not the financial statements of the organization

- are consistent with the accounting policies and practices of the organization
- 18.6. The Treasurer is responsible for making sure that the money of the ASSOCIATION is safe and is accounted for.
 - 18.7. The Treasurer must also make regular reports to the COMMITTEE on the finances of the ASSOCIATION, which should include all incomes, expenditures and balances that remain according to accounting practices of the ASSOCIATION.
 - 18.8. If the ASSOCIATION has funds that can be invested, the funds may only be invested with registered financial institutions. These institutions are listed in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984, or as shall be amended. Or the ASSOCIATION can get securities that are listed on a licensed stock exchange as set out in the Stock Exchange Control Act, 1985 (as amended). The ASSOCIATION can go to different banks to seek advice on the best way to look after its funds.
 - 18.9. Service contracts of remuneration of any paid employees shall be made available to any member on request.

19. DISPUTES

- 19.1. A dispute arising from an alleged infringement of the provisions of this CONSTITUTION as per clause 8.11, which remains unresolved after appeal to a general meeting of MEMBERS, shall be referred to as a single arbitrator, mutually acceptable to both parties.
- 19.2. If a complaint is received about a member, then the COMMITTEE may hold a hearing at which the MEMBER concerned shall be given the opportunity to state his/her case. The complaint may be dismissed with or without action.
- 19.3. However, if the COMMITTEE at such a hearing decides by simple majority that the member has behaved in a manner prejudicial to the objectives of the ASSOCIATION, whether by omission or commission, then such members may either be given a warning or membership may be terminated. This shall be confirmed by writing to the members within 30 (thirty) days.
- 19.4. Moreover, if termination of membership is decided, then a two-thirds majority of the COMMITTEE is required. This decision must then be formally notified to the Provincial Registrar.
- 19.5. All matters concerning such complaints shall be strictly confidential.

20. DURATION AND DISSOLUTION

The ASSOCIATION shall have perpetual succession. Dissolution/Winding-up. The ASSOCIATION may close if at least two thirds of the members present and vote at a meeting convened for the purpose of considering such matters, are in favor of the closing down. When the organization closes it must pay off its debts. After doing this, if there is property or money left over it should not be paid or given to members of the organization, but to an organization that has similar objectives. The organization's general meeting can decide what organization this should be.

THIS CONSTITUTION WAS APPROVED AND ACCEPTED BY MEMBERS OF THE CAPE
TOURIST GUIDES ASSOCIATION

ADMENDMENTS APPROVED AT AN ANNUAL GENERAL MEETING HELD ON 2nd JULY 2025


.....
CHAIRPERSON


.....
TREASURER

Felicity Poggenpoel
.....
SECRETARY