

CONSTITUTION OF

1. FORMATION

It is decided to form a voluntary association being the _____ Educare Organisation (after this referred as the Organisation) which shall use its income only to promote its aims and objectives.

2. AIMS AND OBJECTIVES

The aims and the objectives of the Organisation are:

- 2.1 To promote the establishment and maintenance of good quality preschool educare programmes in the community.
- 2.2 To establish and run the _____ Educare Centre with a Home Educare Project if desired, and govern their activities, and ensure that proper standards of educare are developed and maintained.
- 2.3 To employ appropriately trained teaching and other staff for the _____ Educare Centre and Home Project.
- 2.4 To ensure that the standard of the premises of _____ Educare Centre and Home Educare Project meets the requirements of an adequate preschool educare programme and of the relevant authorities.

3. MEMBERSHIP OF THE ORGANISATION

- 3.1 Parents or guardians of children enrolled at the centre and in the home-based programmes shall automatically be entitled to be members of the Organisation.
- 3.2 In addition any person who is concerned with the activities of the Organisation, and/or who supports its aims and objectives, shall be entitled to membership of the Organisation upon payment of the subscription decided upon at each AGM.

4. POWERS

The organisation shall have the power, in fulfilment of its aims and objectives to:

- 4.1 Acquire movable and/or immovable property in any way, and to mortgage and/or take on any obligations on the property.
- 4.2 Hire/...

- 4.2 Hire or otherwise acquire premises and equipment for the use of the Organisation.
- 4.3 Dispose of property or equipment of the Organisation.
- 4.4 Engage and dismiss staff and to enter into any contracts or agreements necessary.
- 4.5 Negotiate and enter into contracts with other organisations.
- 4.6 Levy fees and to raise funds, and to spend these.
- 4.7 Affiliate to organisations with similar aims.
- 4.8 Do any other act or acts which may be needed.

5. EXERCISE OF POWERS

The powers of the Organisation shall be exercised only by the Executive Committee except that the power to raise funds may be delegated as set out below in 6.8.

6. EXECUTIVE COMMITTEE

- 6.1 There shall be an Executive Committee which shall consist of:
 - a Chairman
 - a Secretary
 - a Treasurer, and
 - at least four additional members all of whom shall be members of the Organisation.
- 6.2 The first Executive Committee shall be elected by ballot at the Inaugural (first) General Meeting of the Organisation, after this constitution has been ratified. At this meeting every member present shall be entitled to speak and vote.
- 6.3 The entire Executive Committee shall stand down annually, but shall be eligible for re-election at the Annual General Meeting of the organisation.
- 6.4 The Executive Committee shall call an Annual General Meeting of the Organisation before the end of September in each year and shall give twenty-one days notice in writing of the meeting to all members of the Organisation.
- 6.5 The Executive Committee shall meet at least once a month and shall be entitled to decide on its own procedures at such meetings.
- 6.6 A quorum of four members is needed for any Executive Committee meeting to make decisions.
- 6.7 In the event of vacancies occurring in its membership, the Executive Committee shall co-opt people to fill such vacancies, who shall hold office until the following Annual General Meeting.
- 6.8 The/...

- 6.8 The Executive Committee shall be entitled to delegate the power to raise funds, for the fulfilment of its aims and objects, to any member or members of the Organisation.
- 6.9 The Executive Committee shall present the audited Financial Statements of the Organisation at each Annual General Meeting.
- 6.10 The Executive Committee shall open and maintain proper banking and investment accounts in its name and shall delegate signing powers for them for one year to its Chairman and Treasurer and one of its other members for the time being, any two of whom must sign together.

7. ANNUAL GENERAL MEETING

- 7.1 An Annual General Meeting shall take place within 6 months of the end of the financial year.
- 7.2 Twenty-one days notice in writing shall be given to each member of the Organisation. Such notice shall include an agenda.
- 7.3 All members of the Organisation shall be entitled to be present and to speak and to vote at the Annual General Meeting, and only members present shall be allowed to vote.
- 7.4 A quorum of one quarter of the members of the Organisation is needed for the meeting to make decisions.
- 7.5 All issues before the meeting shall be decided by a majority of the votes of those members present.
- 7.6 The meeting shall consider the audited Financial Statements of the Organisation and the Annual Reports of the Chairman, Treasurer and Principal and if acceptable, adopt them.
- 7.7 The meeting shall consider any other business raised by any member of the Organisation.
- 7.8 The meeting shall elect the members of the Executive Committee for the next year and delegate bank signing powers.
- 7.9 The meeting shall decide upon the membership subscription for the next year.

8. SPECIAL GENERAL MEETING

- 8.1 A Special General Meeting shall be called by the Executive Committee at the request of not less than fifteen members of the Organisation, to consider any business specifically noted in such a request, which may include the election of a member or members of the Executive Committee or amendment of the constitution.
- 8.2 The/...

- 8.2 The Executive Committee shall within fourteen days of the date of the request call such a Special General meeting by giving twenty-one days notice in writing of such a meeting to all members of the Organisation. Such notice shall set out the business of the meeting.
- 8.3 All members of the Organisation shall be entitled to be present and to speak and vote at a Special General Meeting and only members present shall be allowed to vote. Any issue before the meeting shall be decided by a majority of those members present and voting.
- 8.4 A quorum of one quarter of the members of the Organisation is needed for the meeting to make decisions.
- 8.5 The meeting shall consider only the business raised in the request giving rise to the meeting.
- 8.6 Any person elected to the Executive Committee at a Special General Meeting shall hold office only until the following Annual General Meeting.

9. FINANCE

The Executive Committee shall see to it that:

- 9.1 Proper books of account shall be kept which shall be audited by a Registered Accountant and Auditor, who shall not be a member of the Executive Committee.
- 9.2 The financial year of the Organisation shall be from 1 April to 31 March of the next year.
- 9.3 The prescribed financial statements and annual report shall be submitted to the Director of Fundraising before 30 September in each year.

10. CORPORATE STATUS

The Organisation shall be a body corporate with legal entity. It shall have perpetual succession and the right to sue or be sued in its own name. It shall hold and own property, movable and immovable, in its own name as a legal entity.

11. AMENDMENT OF CONSTITUTION

- 11.1 The constitution may be amended with the approval of a two-thirds majority of members of the Organisation present at a General Meeting (either an Annual General Meeting or a Special General Meeting).
- 11.2 Any/...

11.2 Any proposed amendment to the constitution must be submitted to the Executive Committee twenty-eight days before a General Meeting in order to be placed on the Agenda.

11.3 Any amendment to the constitution needs to be sent to any body to whom the constitution had to be sent originally.

12. DISSOLUTION

12.1 The Organisation may be dissolved if at least two-thirds of the members present, at a general meeting of members called for the purpose of considering it, are in favour of dissolution.

12.2 Not less than twenty-one days notice of such a meeting shall be given and the notice calling the meeting shall clearly state that the question of dissolution of the Organisation and disposal of its assets is to be considered.

12.3 If there is no quorum at such a general meeting, the meeting shall be adjourned for not less than one week and the members attending the second meeting shall constitute a quorum.

12.4 In the event of the dissolution of the Organisation, any assets (funds, buildings, equipment) remaining after payment of all debts and liabilities shall be given to an organisation with similar objectives, and which is authorised to collect contributions in terms of the Fundraising Act, 1978.

This organisation must be decided upon by the same meeting as that which decided upon dissolution. (If this does not happen the decision rests with the Director of Fundraising.)

CERTIFICATE

We, the undersigned, do hereby certify that the above is the Constitution of the _____ Educare.

Signed _____
at _____

on this the _____ day of _____ 19____

Chairman _____ Secretary _____