



CONSTITUTION

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i. PREAMBLE

WHEREAS, the North West Provincial Government is committed to the **effective** and efficient running of the Province;

AND WHEREAS, the North West Provincial Government is committed to the improvement of the quality of life of its inhabitants/ citizens;

AND WHEREAS, the North West Provincial Government is desirous of optimizing its resources and wealth for the benefit of its citizens;

FURTHER, that in order to achieve its objectives there is a need for dialogue between the different stakeholders in the province.

WE THEREFORE, through this Constitution establish a forum which will act as a vehicle for social dialogue, so as to assist government and its citizens to effectively communicate and co-operate towards the betterment of the lives of its citizens.

1. FOUNDING PROVISIONS

There is hereby established the Are Ageng Forum which shall, under that name, be a body corporate and for the purposes of attaining its objects and exercising and performing its powers, functions and duties under this Constitution, be capable in law of instituting or defending or opposing legal proceedings of whatever nature, of purchasing or otherwise acquiring and holding and alienating movable and immovable property and any other real rights or other rights or interests, of entering into contracts and concluding agreements and generally, of performing such other acts and doing such other things as bodies corporate may by law perform and do, subject to the provisions of this Constitution.

2. AREA OF JURISDICTION AND HEADQUARTERS

The Forum will operate in the North West Province. The Secretariat will be stationed at a location as determined by the Management Committee, within the province.

3. THE VISION AND MISSION

3.1 VISION

A growing economy that creates employment, eradicates poverty and protects the environment.

3.2 MISSION

To facilitate, integrate and co-ordinate all role players and advise and monitor on progress towards sustainable socio-economic development in the North West Province.

4. STRATEGIC OBJECTIVES

1. To co-ordinate the multi-sectoral development and create a platform whereby stakeholders can actively participate in the development of policy that promotes sustainable socio-economic development in the North West Province.
2. Through the multi-sectoral platform, to monitor and facilitate alignment of development targets as outlined in the PGDS.
3. To strengthen and maintain a strong institutional design of the Forum.
4. To advise on policy issues and implementation strategies.
5. Identify and assess PGDS flagship projects and prospective funders as part of strengthening social partnerships.
6. Submitting regular reports to the Premier and the EDI cluster of the North West Executive Council for consideration and comment.

5. POWERS

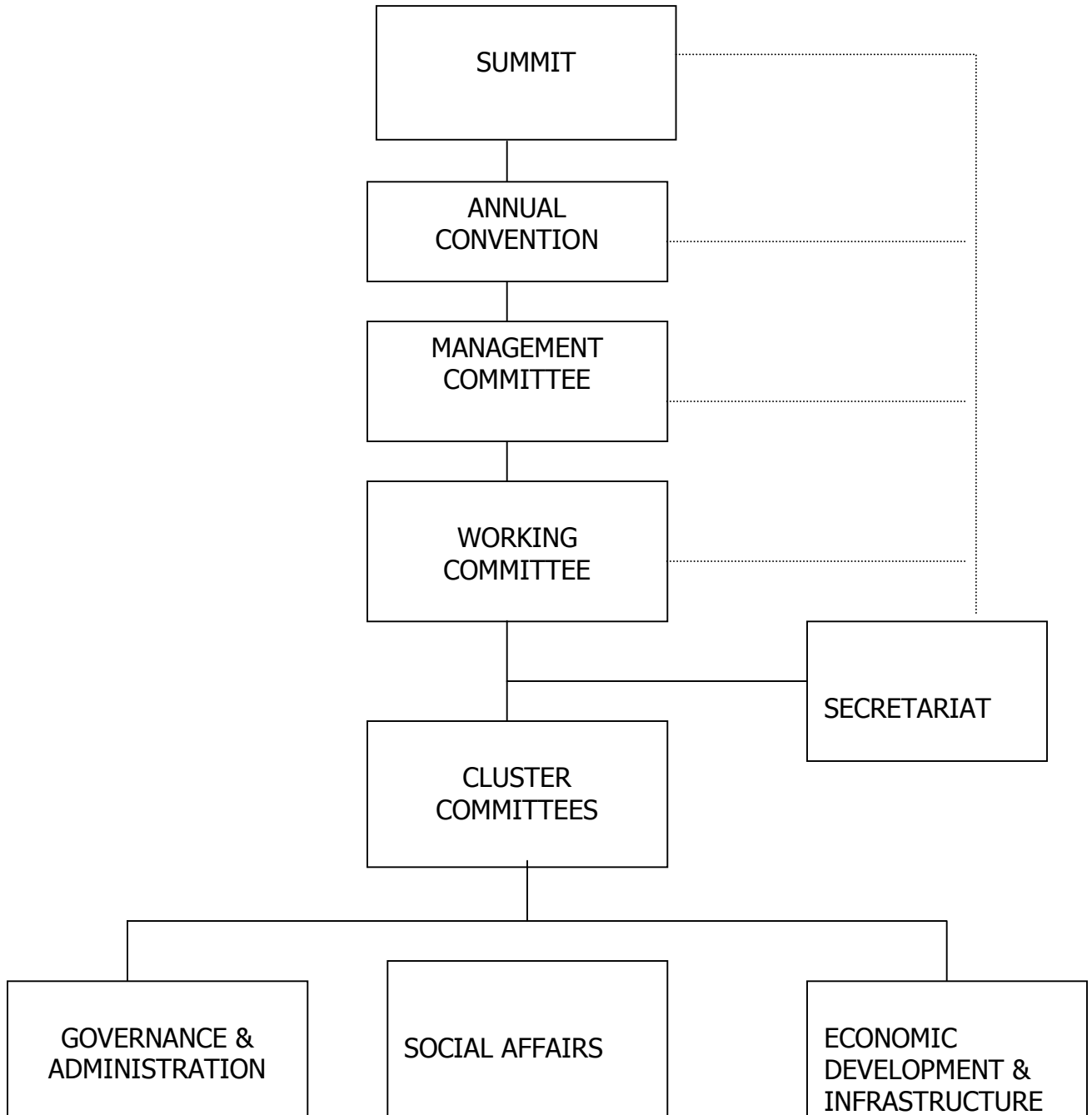
The Forum will have the power to:

- 5.1 acquire, purchase, alienate, cede, hire, rent or pawn movable and immovable property or to act in any manner it deems fit;
- 5.2 enter into agreements of any nature in the interest of the Forum;
- 5.3 invest funds in its own discretion;
- 5.4 make donations in the furtherance of its goals;

- 5.5 employ people;
- 5.6 open a bank or other account;
- 5.7 acquire insurance;
- 5.8 institute proceedings to collect money or property;
- 5.9 enter into partnerships or association with any person or entity;
- 5.10 make regulations for the efficient everyday management of the Forum. In such regulations, it could delegate some or all of its powers to the Management Committee to enable it to carry out its functions, but will retain accountability; and;
- 5.11 in general, it performs any act which enhances the mission and vision of the Forum.

6. ORGANISATIONAL STRUCTURE

6.1 The FORUM I consist of the following organs: -



- **Provincial Summit**

The Provincial Summit is the highest decision-making body and will be convened once in every three-year cycle to ratify the resolutions of the Annual Convention and to make decisions to be implemented for a three-year period.

The Summit, will elect the Forum Executive Committee.

The Chairperson of the Forum Executive Committee chairs the Summit.

The Summit would be attended by Management Committee members. Each constituency would be represented by six principal members and six alternates. The Summit shall elect office bearers and it would approve the annual reports.

In the event that vacancies occur the annual convention would fill such vacancies. In the interim the management must appoint

- **Annual Convention**

The Annual Convention will sit annually to approve the annual report. Six representatives from each constituency and one per sector including their alternates will attend the Annual Convention.

A quorum will constitute fifty percent plus one of the members including the Chairperson. In the event that the principal member cannot attend, a written notification must be given. The alternate will then be regarded as a full member.

- **Management Committee**

The Management Committee is comprised of the Chairperson, Deputy Chairperson, Secretary, Deputy Secretary, Treasurer as well as two additional members. Each constituency will appoint a member including SALGA.

The Management Committee meets quarterly to ratify the work done by the Working Committee and to oversee the implementation of forum's strategic plan.

The Management Committee meeting would adjudicate the Cluster Committee work

The report of the Management would comprise of the activities of the Cluster and administration of the Forum.

The executive of the Forum must attend quarterly meetings with the Premier within a year.

In the case of vacancies the management must appoint replacements in an acting capacity.

- **Working Committee**

The Working Committee meets monthly to adjudicate the work of the secretariat.

The Working Committee is comprised of the Chairperson, Deputy Chairperson, Treasurer and Secretary, Deputy Secretary.

The Function of the Working Committee is to ensure the execution of the Management and Forum resolutions.

- **Cluster Committee**

The Clusters meet bi- monthly and their role is to dialogue, research, develop input papers and compile recommendations for submissions to EDI political cluster, PGDS Working Groups on issues that are assigned to them.

Six members from each constituency and one member per sector attend the meeting.

Provision is made for the invitation and/or co-option of any expert who could add value to the forum.

- **The Secretariat**

The Secretariat provides administration support to the Forum.

The Manager shall head the Secretariat.

The Secretariat will be required to give personal notice of meetings either by post, fax or hand delivery, at least fourteen days before a meeting with the minutes of the last meeting and agenda attached. For special meetings, on approval of the Chairperson, shorter notice could apply. Agenda items must be submitted seven days before a meeting to the secretariat. New issues will only be introduced at the meetings with full agreement of the meeting. Minutes and lists of outstanding and follow-up matters will be sent out within two weeks after a meeting.

7. COMPOSITION OF THE FORUM

7.1 The Forum will be equally represented by the 6 members from constituencies and two sector members in the North West Province namely: -

- A sector that represents National, Provincial and Local Government and Government Supported Institutions at National and Provincial Level that perform duties in the Province.
- A sector that represents formal and informal business in agriculture, mining, manufacturing, tourism, trade, commerce, construction, services sector and other sectors in the Province.
- A sector that represents organised labour in agriculture, mining, manufacturing, trade, commerce, construction, services sectors and other sectors in the Province.
- A sector that represents other community based and non-governmental structures of civil society in the Province.

- Sectoral representation as resolved in the Provincial Growth and Development Strategy.
- A sector representing district municipalities.

7.2 Each sector must nominate six representatives for the Forum that could also represent the six strategic pillars of the National Strategic Vision as follows: -

Sector Represented	Governance and Administration	Social Affairs	Economic Development and Infrastructure	Total
Government	2	2	2	6
Business	2	2	2	6
Labour	2	2	2	6
Civil Society	2	2	2	6
Sector representatives	2	2	2	6
District Municipalities	2	2	2	6
TOTAL	12	12	12	36

7.3 In addition, each constituency must nominate 6 alternate representatives and one alternate per sector that could represent the six strategic pillars

and, who will replace the first nominees when they cannot attend meetings and/or work for the Forum for any reason.

- 7.4 In the event that a constituency cannot nominate six representatives, the management committee may, in consultation with the constituency concerned, co-opt representatives from the constituency to ensure consistency and continuity of representation at the Forum
- 7.5 Each constituency is expected to rotate its membership over a period of three years by replacing two of the existing members with two new members from their second year onwards.
- 7.6 When regions in the North West have organised themselves as such, the Forum could consider the inclusion of five (one for each region) more members to the Forum.

8 TERMINATION OF MEMBERSHIP

- 8.1 The membership of any member of any constituency may be terminated by that constituency in the following circumstances:
 - 8.1.1 where member(s) who represent the organisation have failed to attend meetings of the management committee, working committee, cluster on three consecutive occasions without good cause, provided that where an organisation is represented by more than one member and the remaining members are not in default of this requirement, the management may request the secretariat to bring the matter to the attention of the affected constituency.
 - 8.1.2 where the organisation no longer meets the criteria determined by each constituency or

8.1.3 where the organisation has ceased to function as provided for in terms of its own constitution and/or the law.

9. OFFICE BEARERS

9.1 CHAIRPERSON

A chairperson for the Forum will be elected by the Summit.

Powers and duties

- Shall convene all meetings of the Forum and EXCO meetings
- Shall draw up all agendas of such meetings in consultation with the Secretary.
- Shall have no vote except in the event of equality of votes, where upon he/she shall have a deciding vote.
- Shall be the spokesperson of the Forum.

9.2 DEPUTY CHAIRPERSON

A Deputy Chairperson of the Forum will be elected by the Summit. He performs the duties of the Chairperson in his/her absence.

- Shall assume all duties of the Chairperson during the absence of the chairperson.
- Shall officiate at such meetings as deemed necessary by the Chairperson.
- Shall perform such duties as may be assigned to him/her by the Forum.

9.3 SECRETARY

The Summit shall elect a Secretary who should be the head of the functional secretariat and carry out the secretarial and other strategic key functions and liaison between the Chairperson, the Forum, the Management Committee and Cluster Committees.

- Shall be responsible and accountable for all correspondence of the Forum.
- Shall oversee the minutes and recording of proceedings at all meetings.

9.4 DEPUTY-SECRETARY

- Shall assume all duties of the secretary during the absence of the secretary.
- Shall liaise with the Secretary.
- Shall perform such duties as may be assigned to him/her by the Forum.

9.5 TREASURER

The Summit will elect a treasurer to take care of financial management and account to the Forum on a regular basis.

- Shall keep financial records and accounts of the forum
- Shall present financial statements of the Forum to the monthly, quarterly and annual meetings.
- Shall arrange for all funds to be put into a bank account in the name of the Forum.

10. QUORUM AND DECISIONS OF FORUM, ANNUAL CONVENTION, AND MANAGEMENT COMMITTEE AND VOTING POWERS OF CHAIRPERSON. —

- (1) A majority of the total number of members shall constitute a quorum at any meeting of the **Forum, Annual Convention, and Management Committee**.
- (2) The decision of a majority of the members present at any meeting of the **Forum, Annual Convention, and Management Committee** shall, subject to the provisions of subsection (1), constitute a decision of the **Forum, Annual Convention, and Management Committee** to be known as a resolution.
- (3) In the event of an equality of votes in regard to any matter put to the vote, the chairperson of the **Forum, Annual Convention, and Management Committee** or person acting as chairperson in terms of section (2), shall have a casting vote in addition to his or her deliberative vote.

11. Minutes of Forum, Annual Convention, and Management Committee

- (1) The Secretariat shall cause minutes to be prepared and kept of the proceedings of every meeting thereof and cause copies of the minutes to be circulated to all the members of the Forum, Annual Convention, and Management Committee **(which ever is applicable)**.
- (2) Every minute prepared in terms of subsection (1), when signed at a subsequent meeting of the Forum, Annual Convention, and Management Committee by the person presiding at such meeting, shall, in the absence of proof of error therein, be deemed to be a

true and correct record of the proceedings which it purports to minute, and shall at any proceedings before a court of law or any tribunal, constitute prima facie evidence of the proceedings of the Forum and the matters it purports to minute.

- (3) Written minutes once confirmed, shall be entered into a bound book and kept as a permanent record by the Secretariat.
- (4) Attendance register of all members who attend any meeting shall be kept.

12. REPORTS

- 12.1 Any report of the Forum, including the annual report or report on any proposed legislation of policy relating to or affecting social and economic matters shall be submitted to the EDI Political Cluster and to the conveners of each constituency.
- 12.2 The Management shall on or before 31 March in each year furnish the EDI Political Cluster with the strategic planning report and by August in each year the Annual report in respect of its activities and the state of social and economic matters.

13. **OFFICERS, EMPLOYEES AND OTHER STAFF OF FORUM—**

The Forum may appoint such officers; employees and workmen, and engage the services of such experts or advisers in any profession, technique or science, for the Forum as it may deem necessary in order to assist the Forum in the due, proper and effective exercise, performance

and execution of the powers, functions, duties, projects and affairs of the Forum, and may—

- (a) determine the terms and conditions of service of such officers, employees and workmen;
- (b) negotiate the terms and conditions subject to which the services of experts or advisers shall be engaged by the Forum;
- (c) on good cause shown, suspend or dismiss any such officer, employee or workman.

14. FUNDING OF THE COMMUNICATIONS SERVICE: -

The Forum shall be funded and be provided with working capital out of –

- (a) such moneys, may from time to time be appropriated to the Forum by Legislature.
- (b) Donation made to the Forum and accepted on its behalf by the Director General;
- (c) All constituencies will consider annual contributions towards the Forum by way of direct financial contribution and /or indirect support and expertise to the Forum;
- (d) Interest derived from the investment or deposit of moneys of the Forum in terms of the constitution;
- (e) The proceeds derived by the Forum from the realisation of any its assets or property in accordance with the provisions of this Constitution; and
- (f) Loans raised for the Forum in accordance with the provisions of this constitutions.

15. INVESTMENT OF MONEYS —

The moneys constituting the funds of the Forum, which are not immediately required to meet the current expenditure of the Forum may be invested at any bank or other financial institution approved by the Forum.

16. FINANCIAL ADMINISTRATION

16.1 The Provincial Government will consider financial contributions after submissions of an annual budget by the Forum, in accordance with the rules and procedures laid down.

16.2 Representatives to the Forum and Task Team meetings could claim for their direct travelling and accommodation cost in accordance with the rules and regulations laid by the management committee. Sitting allowances will be paid only at Management and Working Committee meetings only.

16.3 Public servants and members, who receive compensation/allowances from their constituencies/ organisations to attend Forum meetings and alternates who attend meetings, but who are not representing their constituencies as nominee, are exempted from this compensation/ allowance.

16.4 Members who represent the Forum at other conferences, congresses and meetings with the full approval of the management Committee, can claim per diem as determined by the management Committee.

- 16.5 The Forum may at its full discretion and within its available funding structure determined financial support and criteria to be applied in rendering support to any one of its sectors.
- 16.6 A responsible person or official shall be responsible for all the financial affairs of the Forum.
- 16.7 A separate banking Cheque Account to be styled "A RE AGENG Forum" shall, on written authority of the Provincial Treasury be opened with any of the banks in Mafikeng.
- 16.8 The treasurer, secretary, the Chairperson shall be signatories, shall possess the authority to effect withdrawals from the account. Any two of these shall be required to co-sign cheques being drawn, or authorise withdrawals being made against the account.
- 17.9 Into the account shall be deposited all moneys requisitioned and received as grants from the Provincial Treasury via the Department of the Premier, as well as any other accruing to the Forum provided authorizations by the Department of the Premier and the provincial Treasury are priority or subsequently obtained.
- 17.10 From the account shall be paid all expenses duly payable by the Forum and which have been specifically provided for in the budget of the Forum. Where no specific provision has been made in the budget special authorisation by the Provincial Treasury for payment of expenses concerned, shall be obtained.
- 17.11 Generally, payments from the account or by Forum shall be made only in respect of:

- (a) any authorisation payments;
- (b) services on behalf of the Forum;
- (c) value received ;
- (d) amounts payable in terms of any law;
- (e) the performance of contractual obligations;
- (f) the execution of judgement of a competent court;
and
- (g) any authorized advance.

17.12 Bank-related charges shall also be met from available balance in the account.

17.13 The account shall not at any stage be allowed to be overdrawn, as a matter of prudence a balance of R1000-00 over and above committed funds (outstanding cheques) in the account shall be maintained at all times.

17.14 A Provincial Government Order Book shall be requisitioned from the Department of Finance and Economic Affairs for sole use by the Forum provided the commitments arising there from shall be met by the Forum's bank account alone.

17.15 unauthorized expenditure shall have been incurred if payments are made

- (a) without appropriated supporting documentation.
- (b) Inconsistent with the provision of any law

17.16 validation of unauthorized expenditure shall be advised upon by the Treasury and the responsible person(s) official(s) must be held liable.

- 17.17 The treasurer of the Forum shall keep such accounts and records as are necessary to exercise proper control over the account and moneys received or disbursed, at the office of the secretariat.
- 17.18 The forum shall within fourteen days after the end of each month, cause statement to be produced and furnished to the Accounting Officer of Department the Premier, Provincial Treasury and Provincial Auditor General.
- 17.19 As soon as is practical after the end of the financial year (31 March), which shall run concurrently with that of the Provincial Government, but in any case within thirty (30) days; the Forum shall cause annual statements to be produced and distributed as provided for in 16.18 above.
- 17.20 The account and related records shall be subject to an audit, annually or as and when deemed appropriated by the provincial Auditor-General.
- 17.21 As soon as possible after the close of a financial year, or after shorter periods that may be agreed upon, financial records that are no longer in constant use or required shall be stored safely in a place to be determined by the Accounting Officer of the Department of the Premier, and will only be destroyed upon his/her authorization, in consultancy with the Provincial Treasury.
- 17.22 The Forum may approve and allow petty Cash Account using imprest system to be limited to a maximum amount of R1000-00 for small purchases (Stamps, envelopes, etc) and small urgent claims.

- 17.23 No advance payments may be effected from the Forum's account unless on the written approval of the management committee and, provided such advance shall be cleared within a period not exceeding thirty (30) days.
- 17.24 Losses shall be recovered from the responsible persons or officials and shall be so recovered in terms of the relevant provisions contained in the Provincial Treasury Handbook, as amended from time to time. No losses may be written off without the approval of the Provincial Treasury and, any losses and appropriated action taken or envisaged shall immediately be reported to the Office of the Provincial Treasury and the Provincial Auditor-General.
- 17.25 The Provincial Tender Board shall be approached for exemption from following certain cumbersome procedures, to be specified in the submission. The Provincial Treasury shall be requested to grant a blanket authority for utilisation of funds as provided for in the budget of the Forum.
- 17.26 Accordingly, a system for procuring goods and services(s) shall be negotiated with, and recommended for approval by, the Provincial Treasury and the Provincial Tender Board in consultation with the Provincial Auditor-General where necessary.

In case of doubt, references shall be made to the provisions of the Provincial Treasury, Provincial Auditor-General and /or Provincial Tender Board may be sought.

18. FINANCIAL ACCOUNTABILITY OF FORUM, AND PROVISIONS RELATING TO AUDIT AND ANNUAL REPORT—

- (1) The Forum shall in respect of every financial year, cause proper books and records of account to be kept in accordance with established accounting practice, principles and procedure of—
- (a) all the monies received by the Forum within the contemplation of clause...;
 - (b) all monies deposited in or payments made from the account contemplated by clause...;
 - (c) all monies of the Forum invested or deposited in terms of clause...;
 - (d) all movable and immovable property and other assets held by the Forum, and every loan raised or overdraft obtained by or for the Forum and the capital amount outstanding on each such loan or overdraft;
 - (e) all costs incurred or monies expended or owing by the Forum in connection with the exercise and performance of its powers, functions and duties under this Constitution;
 - (j) the interest paid or payable by the Forum in respect of every loan or overdraft referred to in paragraph (d); and
 - (i) the interest received or accrued on monies invested or deposited in terms of clause..., and the Forum shall, within three months as from the end of each financial year, or such longer period as the head of the Provincial Department for Finance may allow, submit

the said books and records of account together with the financial statements of the Forum in respect of such year, comprising an income and expenditure statement and a balance sheet, to be audited in accordance with the provisions of clause...

- (2) The books and records of account and financial statements shall be audited annually by the Auditor General (if he or she is so authorised by law or otherwise) or a practising public accountant and auditor appointed by the responsible Member for that purpose, at the conclusion of which audit the auditor concerned shall furnish his or her report to the Board.
- (3) The chairperson of the Forum shall as soon as may be reasonably practicable after the end of each financial year, prepare a report in respect of such financial year in regard to the exercise and performance by the Forum and the Board of the powers, functions and duties conferred and imposed by or in terms of this Act, and to the execution and attainment of the programmes, projects and priorities of the Corporation, and the business, operations and undertakings and any activities and achievements of the Corporation for the purposes of ensuring the proper execution of this Act and attaining its objects.
- (4) The General council shall, not later than thirty days after receipt of the auditor's report referred to in sub clause (2), submit a copy of the audited financial statements of the Forum, together with such report and the report referred to in sub clause (3), to the Premier who shall—

- (a) within fourteen days after receipt thereof lay it on the table in the Provincial Legislature, if the Provincial Legislature is then in session, or, if the Provincial Legislature is not then in session, within fourteen days after the commencement of its next ensuing session.

19 AMENDMENT OF THE CONSTITUTION

Amendment of the constitution will take place at the annual summit conference or at a special meeting and a two-thirds majority will be required to effect a change.

20 DISSOLUTION OF THE FORUM

The Forum will be dissolved as soon as the majority of constituencies represented on the Forum should so decide. In the event that the decision is to dissolve the Forum, an interim committee shall be appointed to finalize Forum matters especially outstanding financial matters.

**THIS SECOND AMENDED CONSTITUTION WAS DULY APPROVED BY A
FULL SUMMIT MEETING OF A RE AGENG ON**

(CHAIRPERSON: A RE AGENG FORUM)

DATE:

(SECRETARY: A RE AGENG FORUM)

DATE: