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Constitution and Rules of the South African Colliery Environmental Safety Health Association (SACESHA)

(Amended as at 6 June 2016)

PREAMBLE: Any reference in this Constitution and Rules, unless inconsistent with the context to words importing the masculine gender shall include the feminine and vice versa; environmental will include the plural and vice versa; environmental will include the environmental engineering, occupational hygiene and environmental management inclusive of rehabilitation and safety management.

1. NAME:

The name of the Association shall be the **South African Colliery Environmental Safety Health Association (SACESHA)**.

2. VISION:

To be the acknowledged business authority on SH&E to ensure harm free coal mining.

3. OFFICE AND SECRETARY:

The office of the Association shall be at the Mines Professional Association Secretariat (MPAS) offices or may be fixed by Council from time to time.

4 OBJECTIVES:

The objectives of the Association shall be:

- 4.1 To obtain, debate and formulate comments, action and general reports on all new technology, projects, legislation as well as regular review of current challenges on all aspects relating to Environmental Engineering, Occupational Hygiene, Environmental Management and Safety Management.
- 4.2 To inform, advise and recommend corrective action to employers on all such aspects of importance which will be affecting the coal mining industry.
- 4.3 To maintain and grow a vibrant colliery networking forum where the practical aspects and implications of legal requirements can be debated.

5. ROLE DELIVERABLES:

Pro-actively influence the direction that the coal mining industry takes in terms of:

- 5.1 Occupational Hygiene, Environmental Engineering, Environmental Management and Safety Management.

- 5.2 Legislation and Regulation of the mandated disciplines.
- 5.3 Participate in the development of legislation, guidelines and directives.
- 5.4 Obtain an agreed industry view of identified SHE matters for communication to relevant stakeholders and government.
- 5.5 Facilitate the transfer of related technical expertise from relevant associations to stakeholders for application in decision making:
- On the above deliverables (legislation and management matters)
 - Between Mining Houses and members
 - Good practices of SHE related matters and technologies
 - Business implications of new technology
 - Sharing of knowledge, lessons learnt and best practices
- 5.6 Identify, align and advise research required on SHE priorities within the Coal Industry, e.g. Coaltech 2020, SIMRAC, Water Research Commission.

6. **MEMBERSHIP:**

Membership will only be considered and approved with relevant proof of all qualifications attached to application form.

- 6.1 **Ordinary members:** Members of the Association shall consist of all SHE practitioners on a colliery, coal processing plant, mining head office and coal mining service providers*. Applications will be approved by Council on a written application supported by two (2) members. Once ordinary membership is granted the member will retain this membership status until retirement from the Associations.

**coal mining service provider means people working directly for a colliery, excluding suppliers of a "product"*

6.2 **Associate members:** Associate members shall consist of members in an occupation related to the Association, SHE practitioners in training and coal mining suppliers*. Applications will be considered for approval by Council on a written application supported by two (2) members. Associate members may not serve on Council or vote.

**coal mining suppliers means people that deliver products*

6.3 **Honorary life membership:** Retired Council members of long standing, who may be regarded as a special person who has promoted SACESHA.

7. **GENERAL PROVISIONS:**

7.1 The annual subscription shall become due on 1 July and payable within 30 days.

7.2 Any member whose subscription is in the arrears for a period of a year (12 months) may at the discretion of the Council be removed from the membership list. The Council shall have the power to restore such membership on payment of all arrears.

7.3 New members will pay pro rata after membership approval at the discretion of Council.

7.4 The financial year of the Association shall end on the last day of June of each year.

8. **FUNCTIONS OF THE COUNCIL:**

8.1 The business of the Association shall be conducted by the Council consisting of 14

ordinary members:

- a President,
- a ~~Vice-President~~ (an individual from one of the three disciplines),
- three (3) ~~Chair persons - Vice Presidents~~ (one from each discipline),
- each discipline will consist of four members, which includes the Vice-President from a specific discipline. Elected members of Council must be equally representative of each of the three disciplines (SHE)

- ~~a representative of Coaltech~~
- ~~the immediate Past President, -will form part of his/her specific discipline and three (3) members per discipline, each of whom shall be ordinary members of the association. Thus Council consists of fourteen (14) sitting members.~~

~~8.1—The nine (9) elected members of Council must be equally representative of each of the three disciplines (SHE) of the Association.~~

~~8.2—There will be a non-voting seat available on Council for research (e.g. Coaltech).~~

~~8-38.2~~ The outgoing Council, at a meeting prior to the Association's Annual General Meeting (AGM), shall elect the President and SHE Vice-Presidents annually from sitting Council members. The elected President and Vice-Presidents may be re-elected. The office of President may rotate between the SHE disciplines.

~~8-48.3~~ The members shall nominate Council candidates and if there are more nominations than vacancies a ballot will be issued electronically, at least one month before the AGM.

~~8-58.4~~ In the event of a tie-vote, a run-off vote will be conducted by Council members present at the Council meeting prior to the AGM.

~~8-68.5~~ Council members are elected annually for two years but are eligible for re-election at the end of their elected term. The new Council is announced at the AGM.

~~8-78.6~~ The Council may at discretion fill any vacancy occurring on the Council during the year from members until the next AGM.

~~8-88.7~~ If any member of the Council should be absent from two consecutive meetings (even with apology) this member will be counseled by the President or the specific a Vice-

President. If this member continues to display a lack of interest in the Council's activities, he/she shall cease to be a member thereof. This is at the Council's discretion.

~~8.98.8~~ The frequency of meetings will be determined by the Council and scheduled as required.

8.11 Seven (7) members shall constitute a quorum at any Council meeting, the President or in his/her absence, one of the Vice-Presidents shall take the chair at all meetings, but should none be present, the meeting shall proceed to elect a Chairman from the members present. Decisions will not be finalised if a quorum is not present, these will be ratified at the next Council meeting.

8.12 Special Council meetings may be called for at such times as the Council may appoint, or may be called by the President, or on a requisition in writing of any four (4) members of the Council.

8.13 The Council may act notwithstanding any vacancy in its number.

8.14 Each member of the Council shall be entitled to appoint an alternative to attend a specific council meeting in his/her place and will be allowed to vote as per proxy. Proxy forms must be received by the Secretariat prior to the commencement of the meeting.

8.15 The rules governing the participation of alternatives at Council meetings shall be determined by Council from time to time.

9. POWERS OF COUNCIL:

9.1 The management of the business and the control of the Association and its property and assets shall be vested in the Council.

- 9.2 In the event of the Council being of opinion that any resolution passed at any meeting is against the best interest of the Association, the Council shall refer such resolution to a next meeting for reconsideration and final decision.
- 9.3 The Council retains the right to terminate any SACESHA and Council membership at its discretion.
- 9.4 The Council will review the membership subscription amount annually.
- 9.5 Should it be necessary to appoint any officials, the Council shall make appointments and such appointee shall remain in the service of the Association at the discretion of Council. They shall be paid out of the funds of the Association such honorarium or fees as the Council shall decide.
- 9.6 The Council has the power to appoint a Secretariat to perform functions as set out by the Council.
- 9.7 The Council may organise any fundraiser events at its discretion.

10. FINANCES:

- 10.1 The Council shall keep financial records showing all funds received and expenditures on behalf of the Association.
- 10.2 Monthly financial statements will be presented to the President by the appointed Secretariat.
- 10.3 The financial records shall be independently audited annually.
- 10.4 Financial statements shall be produced and approved at each AGM. Debt collection must be done by appointed Secretariat and assisted by Council.

11 **GENERAL AND TECHNICAL MEETINGS:**

11.1 A quorum at a General Meeting shall consist of ten (10) members, excluding Council.

11.2 The AGM of the Association shall be held within at least three (3) months of the Association's financial year-end. Council may extend this period by two (2) months at its discretion. Notice shall be given to members.

11.3 The President shall chair the meeting or make alternative arrangement for a person to chair.

11.4 Each ordinary and honorary member of the Association shall be entitled to one (1) vote or by proxy. Proxy forms must be received by the Secretariat prior to the commencement of the meeting.

11.5 Decisions at any meeting shall be concluded by a majority of votes by a show of hands or ballot.

11.6 In the event of a tie-vote, the Chairperson will have the casting vote.

11.7 At any vote the Chairperson may appoint scrutineers, by whom the result of the vote shall be declared.

12. **NOTICE PERIOD OF MEETINGS:**

12.1 Council meetings - 14 days

12.2 Special council meetings - 14 days

12.3 General meeting and technical visits -14 days

12.4 AGM – 21 days

13. **ALTERATION OF CONSTITUTION AND RULES**

13.1 The Constitution and Rules of the Association can be altered or amended at a meeting chaired by the President.

13.2 The Constitution and Rules of the Association shall not be altered or amended by resolution for the purpose passed at a properly constituted AGM or any General Meeting. Any such resolution to be passed requires sixty percent (60%) of all votes cast (including proxy votes). Proxy forms must be received by the Secretariat prior to the commencement of the meeting.

13.3 Amendments or additions shall be deemed and taken to be incorporated and form part of these rules and shall be binding upon all members of the Association without a further or special act of assent thereto.

13.4 The Association's Constitution and Rules will be reviewed at least once in three (3) years.

14. **DISSOLUTION:**

14.1 The Association may be dissolved by a resolution passed by a majority of two thirds (2/3) of the members of the Association by means of an electronic ballot of all Ordinary Members called for the specific purpose.

14.2 The Council shall call a Special Meeting after notice of not less than 21 days.

14.3 The meeting shall appoint liquidators if necessary, and shall decide in what manner the surplus assets of the Association after satisfaction of its debts shall be applied.

14.4 In the event of the required number of members not being present, the meeting shall stand adjourned to the same day in the next week at the same time at the same place unless such day be a public holiday, when it shall be adjourned to the day following at the same time and place. If at such adjourned meeting the required number of members is not present, the members who are present may then transact the business for which the business was called.

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