

DUIWENHOKS CONSERVANCY CONSTITUTION



PREAMBLE

The broad vision behind the idea of forming a Conservancy in the Duiwenhoks River area and surroundings is to preserve its unique character and beauty for this and future generations, making it accessible to all, though in a controlled manner, and to encourage the use of its resources in a sustainable way. This implies that all the various constituencies or stakeholders in the area should be involved; farmers, holiday makers, retired people, local business people and other landowners or people with a stake in the area. If such broad participation can be achieved, plans and actions taken would reflect the needs, aspirations and interests of everyone in the area. Thereby, a number of exciting possibilities are opened up: a proper coordination of economic activities; farming, eco-tourism, holiday making and hiking; craft; a planned and funded removal of the alien vegetation that is depleting the land of water and destroying the local ecology; the education of all people who live or spend time in the area in conservation issues, so that we are not destructive without realising it; the exposure of the rich natural, archaeological, historical, cultural, and architectural heritage of the area. Perhaps most important are the broader possibilities of making a contribution to regional planning, ensuring Vermaaklikheid's appropriate position in that, and liaising with other Conservancies in the in the direction of the Breede River, towards Stilbaai and the Gouritz, and into the mountain area.

CONSTITUTION

• NAME

The Conservancy is called the **Duiwenhoks Conservancy**, hereinafter referred to as the **Organisation**.

• OBJECTIVES

The purpose of the Organisation is to:

1. Conserve the natural systems of the Duiwenhoks river including:
 - (a) the river mouth, lagoon and frontal dunes
 - (b) the main river and tributaries
 - (c) adjacent farming land
2. Promote the protection of indigenous plant and animal life (both terrestrial and aquatic)
3. Conserve existing settlements, buildings, and any other elements of historical and cultural value (e.g. archaeological artefacts), as well as the protection of local landscapes from intrusive elements such as roads, electricity pylons, unsightly advertisements etc.
4. Promote the removal of invasive alien vegetation
5. Work with relevant authorities and appropriate organisations in order to ensure adherence to regulations regarding river usage, fishing and bait collection, disturbance of river banks, building and zoning and generally to support development which is harmonious with the historical cultural landscape and sensitive to the natural landscape.
6. Work with previously disadvantaged inhabitants of the village of Vermaaklikheid and surrounds to promote sustainable livelihoods that support the broad objectives of the Conservancy.

- **MEMBERSHIP**

Membership of the Organisation shall be open to any landowner within the defined target area. “**Landowners**” are defined as registered owners or their representatives, directors, shareholders or members of trusts. “**Members**” are further defined as anyone who fulfils the above requirements and who identifies with the objectives of the Organisation through the payment of a membership fee.

Every member shall be liable for an annual fee which shall be altered from time to time at the Annual General Meeting of the Organisation.

CATEGORIES OF MEMBERSHIP:

- **Full member** - (Landowner; If property is owned by a company or cc then each director or member of the cc is eligible for membership) with full voting rights (one vote per family or per membership) who would receive the newsletter and minutes of AGM's as well as all notices of all activities. Subscriptions would be determined at the AGM.
- **Friends of the Conservancy** - (Any individual who shares the ideals of the Conservancy) with no voting rights who would receive the newsletter as well as notice of all activities. Subscriptions would be determined at the AGM.
- **Special member** - (Landowners who, on financial grounds, are unable to meet the full membership subscriptions) with full voting rights (one vote per family). The benefits are the same as full membership but eligibility rests with the Committee. Subscriptions would be nominal and determined at the AGM.
- **Special Friends of the Conservancy** - (Any individual who is not a landowner and on financial grounds is unable to meet the Friends of the Conservancy subscriptions) with no voting rights. The benefits are the same as for the Friends of the Conservancy, but eligibility rests with the Committee. Subscriptions would be nominal and determined at the AGM.

- **DEFINED AREA**

The responsibilities of the Organisation shall be confined to the area indicated in the attached diagram.

- **LEGAL PERSONALITY**

The Organisation is an autonomous legal entity having a legal existence independent of its members and being able to be sued or to sue in its own name.

- **POWERS**

The Organisation shall have the powers necessary to achieve its objectives including, but not limited to, enrolling members, levying subscriptions, holding meetings, negotiating with bodies, acquiring, holding and selling movable and immovable property, borrowing funds, engaging in legal proceedings, and to open bank and other investment accounts.

- **FINANCIAL**

The financial year of the Organisation extends from March to February of the following year. All financial transactions of the Organisation shall be duly recorded by the Secretary/Treasurer of the Organisation who shall submit annually, at the closure of the financial year, to the Annual General Meeting a complete financial report signed by him-/herself, the Chairperson and the full Executive Committee. The Organisation shall have the authority to receive, invest and spend funds.

The Organisation's income and property are not distributable to its members or office-bearers except as reasonable compensation for services rendered.

Members or office-bearers have no rights in the property or other assets of the organisation solely by virtue of their being members or office-bearers.

- **ANNUAL GENERAL MEETINGS**

An Annual General Meeting (AGM) of the Organisation shall be held within six months of the close of the financial year at a place and time determined by the Executive Committee. Written notice of such AGM shall be given to each member at least 21 (twenty-one) days prior to the intended meeting.

Matters to be dealt with at the AGM are as follows:

- Chairperson's report
- Financial report
- Election of office bearers for the following year
- Determination of membership fees
- Any other matters on the agenda

One third of the enrolled members shall form a quorum at the Annual General Meeting. An ordinary majority of votes shall be conclusive in all cases where decisions are made.

- **SPECIAL GENERAL MEETINGS**

A Special General Meeting may be convened at any time by the Executive Committee; provided that notice is given in the same manner as for an Annual General Meeting and that the matters to be discussed are clearly stated in such notice. No other matters shall be discussed at such Special General Meeting. A Special General Meeting shall be convened if one third or more of members whose fees are paid, request a Special General Meeting. A written request for such Special General Meeting shall be addressed to the Executive Committee and the matter to be discussed contained therein. It shall contain the signatures of the members requesting the Special General Meeting and shall reach the Executive Committee at least 30 (thirty) days prior to the proposed date of the meeting.

- **EXECUTIVE COMMITTEE**

The Executive Committee of the Organisation shall be elected annually at the AGM and shall consist of the following persons:

- Chairperson
- Vice-chairperson
- Secretary
- Treasurer
- An additional two to four members

The Executive Committee may co-opt additional members as needed and such co-opted members shall have the right to attend all the meetings of the Executive for the period of co-option.

Members of the Executive Committee shall hold office until the election of their successors at the following AGM. Members of the Executive Committee may be re-elected.

The Executive Committee shall administer the Organisation on behalf of the members and shall have the power to fix annual subscriptions in advance in respect of each calendar year, which shall be payable within 30 (thirty) days of rendering of statement.

- **EXECUTIVE COMMITTEE MEETINGS**

The Executive Committee shall meet at least four times a year at a place and time determined by the Chairperson and shall notify the local Conservator of the details of the meeting at least 14 (fourteen) days prior to it.

- **MINUTES**

The Secretary shall duly record the minutes of each meeting. Minutes, after having been approved, shall be signed by both the Chairperson and the Secretary. A copy of the minutes of the AGM, together with the Financial Statements and the names of the members on the Executive Committee, shall be sent to the Director of Western Cape Nature Conservation (Breede River Unit) within 30 (thirty) days of the meeting.

- **CONSTITUTION**

Immediately after the establishment of a Conservation Area, the minutes of the Inaugural Meeting, the accepted Constitution together with the names of the elected Executive Committee members shall be sent to the Director of Western Cape Nature Conservation for the registration of the Conservation Area.

Amendments to the Constitution may be made only at an AGM or at a Special General Meeting convened specifically for such a purpose. Any amendment to the Constitution shall be approved by at least a two-thirds majority of the members present, subject to a 50% quorum. Any notice of a meeting convened to amend the Constitution shall contain full particulars of the proposed amendment.

- **STAFF**

The Executive Committee shall be authorised to appoint staff for the promotion of the Organisation's objectives and to determine and pay the remuneration and benefits of such staff. The staff shall be under the direct supervision of the Chairperson or person appointed by the Executive Committee.

- **DISSOLUTION**

The Organisation may be dissolved only if two thirds of the members present at a Special General Meeting convened specifically for such a purpose vote in favour of dissolution, subject to a 50% quorum. In the event of dissolution of the Conservancy its assets shall be disposed of as determined at the Special General Meeting called for that purpose. The Director of Western Cape Nature Conservation shall be notified of such dissolution.

- **CESSATION OR REGENERATION OF ACTIVITIES**

In case of a cessation of activities, the Director of Western Cape Nature Conservation may convene a special meeting of members whose fees are paid with the purpose of dissolving or regenerating the Organisation.

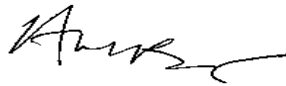
OFFICE BEARERS

Chairperson:



John Thorne

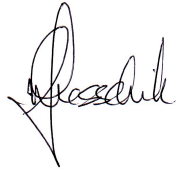
Deputy Chairperson:



Anthony Black

Treasurer:

Carl Wesselink



October 2015