

The Constitution

OF THE HOMEOPATHIC ASSOCIATION OF SOUTH AFRICA

PREAMBLE

To establish and maintain a professional association that represents the interests of the profession of homeopathy and the practice of Southern African homeopaths.

1. DEFINITIONS AND INTERPRETATION

1.1. The following words and phrases, unless the context otherwise requires, shall have the corresponding meanings—

‘association’ means the Homeopathic Association of South Africa;

‘the Act’ means the Allied Health Professions Act, 63 of 1982 and the Regulations thereto;

‘constitution’ means the Constitution of the Homeopathic Association of South Africa;

‘Council’ means the Allied Health Professions Council of South Africa;

‘Income Tax Act’ means the Income Tax Act, 1962 (Act 58 of 1962);

‘Member’ means a member of the Homeopathic Association of South Africa of any category unless otherwise stipulated;

‘rules’ means the general rules of the association or the regional rules made in terms of this constitution;

‘SARS’ mean the South African Revenue Service

1.2. In the constitution —

- a. headings are for purpose of reference only and shall not be included in the interpretation of the content of the relevant clauses;
- b. words in the singular shall include words in the plural if same is relevant;
- c. words referring to the masculine gender shall include the feminine gender, and
- d. words referring to persons shall include juristic persons where same is appropriate.

2. ESTABLISHMENT AND OFFICE OF THE ASSOCIATION

It is hereby established the professional association known as the “Homeopathic Association of South Africa”, which association shall also be known and referred to as “HSA”, which association shall collectively represent the interests of the profession of homeopathy and the interests of homeopaths.

The association shall establish its place of business as determined from time to time by the National Board, provided that such place of business shall be within South Africa.

Any change of business address of the association shall be made known to all Members of the association by way of writing at least 60 (sixty) days before such change becomes effective.

The place of business of the association, unless otherwise stipulated, may be associated with that of the National Secretary or any other member of the Executive Committee, as determined by the National Board.

3. OBJECTIVES OF THE ASSOCIATION

The objectives of the association shall include, but not be limited to—

- a. The protection and support of the professional interests of the Members by addressing the professional needs of the Members to enable them to practice as a Homeopath to the best of their abilities;
- b. The promotion of the profession of Homeopathy in South Africa and abroad;
- c. The promotion of ethics and standards within the profession and amongst the members;
- d. The collective representation of the profession of Homeopathy with authority and credibility on behalf of the members;
- e. To act as a principal coordinating and negotiating body on behalf of the members for the profession of homeopathy, and
- f. To participate in the promotion of healthcare programmes for the benefit of the community by promoting health through the expertise and influence of homeopathy.

4. POWERS AND FUNCTIONS

The association may for purposes of achieving its objectives —

- a. Institute and defend legal action in the name of the association;
- b. Enter into any legal contract, business or otherwise, in connection with the carrying out of the duties, functions and powers of the association;
- c. Engage in all financial activities necessary to run the business of the association, including but not limited to the opening and operating of a banking account— provided that such activities shall not unnecessarily expose the association to financial risk;
- d. Pay or reimburse some or all costs and expenses incurred, where such costs and expenses are incurred in the furtherance of the objectives or interests of the association or the members;
- e. Employ and remunerate employees, as the association deems necessary;
- f. Afford legal or financial or other assistance to its members when such assistance is deemed necessary and appropriate, and
- g. Generally do all things incidental, conducive or legally necessary in order to achieve the objectives of the association.

5. MEMBERSHIP

5.1. Categories

The following categories of Membership are hereby established—

- a. Full Member
- b. Student Member
- c. Life Member
- d. Honorary Member
- e. Associate Member

5.1.1 Full Member

A Full Member shall be, on approval by the association, a person registered as a Homeopath or a Homeopathic Intern in terms of the Act, and shall possess the following rights and privileges—

- a. The right to vote at general meetings;
- b. The right to participate in the proceedings and the debates at general meetings;
- c. The right to be elected as a member of a Regional Committee;
- d. The right to be elected as a member of the National Board, subject to the provisions of clause 9.3, and
- e. The right to participate in and the right to enjoy the benefits and general activities of the association.

5.1.2 Student Member

A Student Member shall be, on approval by the association, a person registered as a Homeopathic student or Homeopathic student intern in terms of the Act, and shall possess the following rights and privileges—

- a. The right to vote on items on the agenda at general meetings relating to student matters;
- b. The right to participate in the proceedings and the debates at general meetings relating to student matters;
- c. The right to be elected as a member of a Regional Committee, subject to the rules of such Regional Committee;
- d. The right to be elected as a student Member of the National Board, subject to the provisions of clause 9.3, and
- e. The right to participate in and the right to enjoy the benefits and general activities of the association.

5.1.3 Life Members

- a. Members who have been Full Members of the association for at least 25 (twenty five) years in aggregate shall automatically become Life Members, and shall enjoy the same rights and privileges of a Full Member.
- b. Nothing in this clause shall preclude the National Board from granting Life Membership to a Member whom the National Board, in its discretion, deems such Membership justified and appropriate even if the Member does not meet the requirements of Life Membership.
- c. Nominations for such Membership should comply with Criteria as identified in clause 5.2.

5.1.4 Honorary Members

- a. The association may confer Honorary Membership on a person who is not a Homeopath, but who in the opinion of the association has made a valuable contribution to the advancement of Homeopathy, Homeopathic science or the welfare and benefit of the association.
- b. Honorary Members shall not enjoy any rights or privileges within the association.
- c. Nominations for such Membership should comply with Criteria as identified in clause 5.2.

5.1.5 Associate Member

An Associate Member shall be, on approval by the association, a person registered as a homeopath or a homeopathic intern in terms of prescribed legislation in any Southern African country, and shall possess the following rights and privileges—

- a. a. The right to vote at general meetings only on matters that may relate directly to their region or member privileges;
- b. The right to participate in the proceedings and the debates at general meetings, and
- c. The right to participate in and the right to enjoy the benefits and general activities of the association.

5.2. Criteria for Life / Honorary Membership

- a. a. Life membership awarded in terms of clause 5.1.3 of the HSA Constitution should only be awarded in exceptional circumstances, to exceptional individuals.
- b. b. A Member so honoured shall retain such Membership for life and be exempted from paying any Membership fees.
- c. c. Such member may or may not be retired from active practice.
- d. d. Such member shall be so honoured for his or her exceptional service, exemplary contribution and/or dedication to the Homeopathic Profession.
- e. e. Such member shall be so honoured for his or her achievements, not only in the Homeopathic Profession, but also for his/her life achievements.
- f. f. Such member shall be of high moral and ethical standing and respected for his/her professional and general integrity and conduct.
- g. g. Such member shall be a highly esteemed and highly regarded individual both within the Homeopathic Profession and his/her community.
- h. h. Such member should be an asset to the image of the HSA.
- i. i. Such honour should be bestowed upon few for few shall satisfy the requirements for such honour.

5.3. Application for Membership

- a. a. Any person wishing to become a Member of the association shall submit a completed application in the form and manner as prescribed in the general rules, together with the prescribed annual Membership fee to the office of the association.
- b. b. Any person so appointed by the Executive Committee may seek to verify any information as contained in such application form.
- c. c. The Executive Committee, or such person as appointed by the Executive Committee shall review such application and may—
 - i. i. Require any further information it may deem necessary;
 - ii. ii. Request such further documents it may deem necessary, or
 - iii. iii. Require the applicant to appear for an interview before the Executive Committee or such committee as may be appointed for such purpose by the Executive Committee.
- d. d. After consideration of the application the Executive Committee, or such person as appointed by the Executive Committee shall approve or reject such application for Membership, which decision shall be final and binding.
- e. e. On rejection of an application, the association shall refund to the applicant the paid Membership fee less an amount retained as an application fee as determined from time to time in the general rules.
- f. f. On approval of an application for Membership such person shall become a Member of the association.

5.4. Termination of Membership

Membership shall be terminated by—

- a. a. Death of a member;
- b. b. Resignation of a member from the association, whereby—
 - i. i. such notice of resignation is in writing;
 - ii. ii. which resignation shall be effective on receipt of such notice; and

- iii. a member will not be refunded membership fees in full or pro-rata on resignation;
- d. Non-payment of fees whereby a member fails to pay annual membership fees within 90 days from the date on which such fees are payable;
- e. Disqualification whereby a member for any reason, which reason may be temporary or permanent, no longer qualifies for Membership in terms of clause 5.1.
- f. Disciplinary action—
 - i. whereby, following suspension, membership may be terminated as a result of formal disciplinary action taken by the Executive Committee, or
 - ii. after a member is convicted of a criminal offence and sentenced to imprisonment without the option of a fine,

such that, once Membership has been terminated in terms of clause 14, a person requiring reinstatement of Membership shall be required to apply for Membership in terms of clause 5.3.

6. MEETINGS

6.1. Meetings of the Members— Annual general meetings

- a. The association shall hold a general meeting of its members at least once annually, which meeting shall be convened by way of notice as provided in clause 6.3 and shall be described as an annual general meeting of the association.
- b. An AGM may be conducted electronically by way of virtual location including the use of internet, telecommunications, video or online presentation no more than once every two years.

6.2. Meetings of the Members— Special general meetings

- a. The Executive Committee may convene a special general meeting and notice shall be provided in terms of clause 6.3.
- b. A special general meeting shall be convened on request of at least 30% (thirty percent) of the Full Members of the association, provided such request is in writing and which request states the reason for such meeting. Such special meeting shall be held within 90 (ninety) days from the date on which the Executive Committee received notice of such request, and notice of such meeting where so far as possible shall be given in terms of clause 6.3.

6.3. Notices of meetings

- a. a. Members shall be given at least 21 (twenty one) days written notice of an annual general meeting, and where so far as possible 14 (fourteen) days written notice of a special general notice.
- b. b. Such notice of meetings shall include the agenda for such meeting together with any documentation necessary and relevant to such meeting.
- c. In the event of the short notice of a meeting, and subject to the provisions of clause 6.3(a), such notice may be considered valid provided that at least 75% (seventy five percent) of the Members present at such meeting condone such short notice.

6.4. Proceedings at meetings

6.4.1 Quorum

- a. a. A quorum at any meeting of the Members shall be 20% (twenty percent) of the Full Members of the association.
- b. b. If there is no quorum present after 30 (thirty) minutes from the time the meeting should have commenced, then-
 - i. i. if such meeting is an annual general meeting, the meeting shall be postponed to a time and date to be determined by the Executive Committee, and where the Members then present shall constitute a quorum, or
 - ii. ii. if such a meeting is a special general meeting, as provided for in clause 6.2, then such meeting shall be dissolved.

6.4.2 Chairperson of the meeting

- a. The President of the association shall preside as Chairperson at every meeting of the Members.
- b. In the event that the President is unable to attend the meeting the Vice-president shall preside as Chairperson of the meeting.
- c. In the event that both the President and Vice-president are unable to attend the meeting, the members shall elect a member of the National Board to preside as Chairperson of the meeting.
- d. In the event that no Members of the National Board are present the members shall elect from among those present a person to preside as Chairperson for such meeting.

6.5. Voting at general meetings

- a. Any resolution put to the vote shall be decided by a show of hands by the Members so entitled to vote as per clauses 5.1.1, 5.1.2 and 5.1.3.
- b. The Chairperson of the meeting shall declare a resolution passed or rejected, and only such declaration shall be recorded in the minutes of the meeting.
- c. In the case of an equality of votes the Chairperson of the meeting shall have a deciding vote.
- d. Voting by the Members so entitled to vote as per clauses 5.1.1, 5.1.2 and 5.1.3 for purposes of electing office bearers shall be by way of secret ballot.
- e. Only those Members present at the meeting shall be entitled to vote.

7. REGIONAL COMMITTEES

7.1. Establishment

The Members of the association shall from time to time and by way of general resolution, be divided into regions by virtue of their place of ordinary residence.

7.2. Powers and functions of Regional Committees

- a. Unless otherwise determined by the National Board, the Regional Committees shall manage the ordinary administration of each region.
- b. The National Board shall determine by way of general rules according to which each region shall operate, and Members shall be bound by such rules.
- c. The aforementioned rules shall take into consideration the sentiment that local

control and management is vested in the Regional Committees.

- d. The Regional Committees may in addition provide for rules specific to such region provided such regional rules are not in conflict with the constitution or the general rules of the association.
- e. Subject to sub-clause 7.2(b), each Regional Committee shall elect their own regional committee according to their own rules.
- f. The Chairperson of each Regional Committee shall be a Full Member of the association.
- g. If at any time the National Board is of the opinion that a region has become inactive, the National Board shall recommend to the Members the dissolution of such region.
- h. If at any time the National Board is of the opinion that the administration or the activities of a region is being conducted in a manner that is not to the benefit of the association or its Members, the National Board may take whatever action it deems necessary to rectify the situation, which includes but is not limited to the day to day management of the region.
- i. The Regional Committees shall receive 15% (fifteen percent) of the Membership fees paid by Members residing within the region. Nothing herein shall prohibit a Regional Committee from raising further funds by way of its own fundraising initiatives.

7.3. Meetings of the Regional Committees

The meetings of the Regional Committees shall be held at intervals and times as contained in the Regional Committee rules, provided that the Regional Committees shall hold at least two regional meetings annually.

7.4. Regional rules

Subject to clause 16.2, the Regional Committees shall forward to the National Board, within a period of six months, the rules of the Regional Committee, which rules shall form part of the constitution.

8. SPECIALIST COMMITTEES

8.1. Appointment of Specialist Committees

- a. The National Board, the Executive Committee or the Full Members at any general meeting may from time to time appoint and establish such Specialist Committees as may be deemed necessary to investigate and report to the National Board on matters falling within its scope of function or directives.
- b. Nothing contained herein shall prohibit the establishment of permanent Specialist Committees.
- c. The Chairperson of each Specialist Committee shall be a Full Member of the association.
- d. Nothing contained herein shall prohibit the appointment of a non-Member of the association to serve on a Specialist Committee.

8.2. Powers and functions of Specialist Committees

The National Board may delegate to any Specialist Committee such powers and functions as it may determine from time to time, provided that the National Board shall not be divested of any powers so delegated and may amend or set aside any decision of such Specialist Committee.

9. NATIONAL BOARD

9.1. Composition of the National Board

- a. The National Board shall consist of the following standing Members—
 - i. The President of the association, who shall preside as Chairperson of the National Board;
 - ii. The National Secretary;
 - iii. The Chairpersons of each Regional Committee;
 - iv. The Heads of Department of the public educational institution approved by the Council to offer education and training, who shall represent the respective educational institutions;
 - v. Two Student Members of the Association, duly elected by Student Members from each educational institution, who shall represent all such Members;
 - vi. In addition to the standing Members of the National Board, the Chairpersons of the Specialist Committees, as determined from time to time, shall represent such Specialist Committees on the National Board as provided in the general rules; and
 - vii. The immediate past President, who shall be appointed for a period of one year subject to the appointment of a further term, not exceeding one year.
- b. The National Board shall elect from the standing Members of the National Board a Vice-President

9.2. Powers and functions of the National Board

9.2.1 *The National Board shall—*

- a. manage the affairs of the association, and shall exercise all the powers necessary to perform such duties;
- b. act on behalf of the association and pass such resolutions as may be deemed necessary to give effect to the objectives of the association provided that such resolutions shall not conflict with any general resolutions passed by the members at a general meeting;
- c. be responsible for the recording of the minutes of the general meetings of the members and of the minutes of the National Board meetings;
- d. manage the financial affairs in a manner that is consistent with the provisions of the constitution, and
- e. do all things necessary to effect the objectives of the association.

9.2.2 *The National Board may—*

- a. undertake any matter so delegated to the National Board by the Full Members at a general meeting;
- b. institute disciplinary action against a member of the Association;
- c. institute or defend legal action in the name of the Association;
- d. make, amend or rescind the general rules provided that such general rules shall not pertain to the rights and privileges of the Members, composition of the National Board or Regional Committees, or where such rules shall have the effect of conferring more rights on the National Board, National Secretary or President than what is contained in the constitution;
- e. establish any Specialist Committee, and may delegate to such Specialist Committee such functions as it may deem necessary.
- f. in addition to the provisions of the constitution, from time to time delegate to the Executive Committee such powers and functions as it may deem necessary, and

- g. in addition to the provisions of the constitution, from time to time delegate to the President such powers and functions as it may deem necessary.

9.3. Disqualification of Members of the National Board

9.3.1 A member of the National Board shall cease to hold office if-

- a. a. Such member ceases to be a Member of the association as provided in clause 5.3;
- b. Such member is in the unanimous opinion of the National Board mentally or physically impaired to such an extent that such Member can no longer fulfil his duties as a member of the National Board;
- c. Such member resigns from his office on the National Board or from the office that results in automatic selection to the National Board, provided that such notice of resignation is in writing;
- d. A written notice requesting his removal from office is signed by at least 50% (fifty percent) of the Full Members of the association and is delivered to the office of the association, or
- e. Any disciplinary action is taken against such member in terms of the constitution

9.3.2 If a member of the National Board, who is a Chairperson of a Regional Committee is removed from office on the National Board, such member shall also be removed from his office of Regional Committee Chairperson, and the Regional Committee shall forthwith elect a new Chairperson, who shall become a member of the National Board.

9.4. Meetings of the National Board

- a. The National Board shall meet at least once annually at a place, date and time determined by the National Board or the Executive Committee.
- b. A quorum for meetings of the National Board shall be 50% (fifty percent) of the Members of the National Board.
- c. The meeting procedures, including voting and notice of such meetings shall be determined by the National Board and shall be contained in the general rules.

10. EXECUTIVE COMMITTEE

10.1. Composition of the Executive Committee

The Executive Committee shall consist of the—

- a. President;
- b. Vice-president;
- c. National Secretary, and
- d. Chairperson of Finance.

10.2. Powers and functions of the Executive Committee

The Executive Committee shall—

- a. have executive powers to execute the powers and functions of the National Board and to act on behalf of the National Board;
- b. perform the day-to-day management and tasks of the National Board, and
- c. each accept fiduciary responsibility of the association.

10.3. Meetings of the Executive Committee

- a. A member of the Executive Committee may at any time call a meeting of the Executive Committee.
- b. A quorum for meetings of the Executive Committee shall be 3 (three) Members of the Executive.
- c. The meeting procedures, including voting and notice of such meetings shall be determined by the Executive Committee and shall be contained in the general rules.

11. NATIONAL SECRETARY

11.1. Appointment of the National Secretary

- a. The National Board shall appoint a National Secretary at its first meeting after the General Meeting, and such appointment shall take into consideration the administration skills of the applicants.
- b. The National Secretary shall be a Full Member of the association.
- c. The National Board shall further appoint any other person or persons necessary to assist the National Secretary with the administration of the association.
- d. The National Board may determine payment and other allowances to the National Secretary or any person appointed to assist the National Secretary.

11.2. Powers and duties of the National Secretary

- a. The National Secretary shall be responsible for the day-to-day administration of the association, ensuring that the activities of the association, the National Board and the Executive Committee are managed in an organised manner according to sound management policies.
- b. The National Secretary may act as an official representative of the association.
- c. The National Secretary may act on any matter as delegated to them by the HSA National Board.
- d. The National Secretary shall be a standing member of the National Board and the Executive Committee.

11.3. Disqualification of the National Secretary

The National Secretary shall cease to hold office if–

- a. The National Secretary ceases to be a member of the association as provided in clause 5.3;
- b. The National Secretary is, in the unanimous opinion of the National Board, mentally or physically impaired to such an extent that the National Secretary can no longer fulfil his duties as the National Secretary;
- c. The National Secretary resigns from his office provided that such notice of resignation is in writing;
- d. A written notice requesting his removal from office is signed by at least 50% (fifty percent) of the Full Members of the association and is delivered to the office of the association;
- e. Any disciplinary action is taken against the National Secretary in terms of the constitution, or
- f. The estate of the National Secretary is declared insolvent in terms of an Order of Court.

12. PRESIDENT OF THE ASSOCIATION

12.1. Appointment of the President

- a. The National Board shall appoint the President at its first meeting after the first General Meeting, and such appointment shall take into consideration the leadership and management skills of the applicants.

- b. The President must be a Full Member of the association.
- c. At the first General Meeting, the National Board shall elect from the already appointed Members an acting chairperson, who shall act as Chairperson of the meeting, as well as all subsequent meetings of the National Board and Executive Committee, until such time as the National Board has appointed a President.
- d. The President shall hold office for a period of 12 months, and may be appointed for any further periods as the National Board may determine.
- e. The National Board may determine payment and other allowances to the President.

12.2. Disqualification of the President

The President shall cease to hold office if–

- a. The President ceases to be a Member of the association as provided in clause 5.3;
- b. The President is, in the unanimous opinion of the National Board, mentally or physically impaired to such an extent that the President can no longer fulfil his duties as the President;
- c. The President resigns from his office provided that such notice of resignation is in writing;
- d. A written notice requesting his removal from office is signed by at least 50% (fifty percent) of the Full Members of the association and is delivered to the office of the association, or
- e. Any disciplinary action is taken against the President in terms of the constitution.

13. LIMITATION OF LIABILITY

The National Secretary, the National Board, the Executive Committee and the President shall not incur any personal liability for any act or action performed bona fide in the course or scope of his functions or duties and shall be deemed to be indemnified against all claims and losses by the association, provided such claims and losses are not as a result of fraudulent or dishonest actions.

14. DISCIPLINARY PROCEDURES

14.1. Suspension of Membership for Unprofessional Conduct

- a. The Executive Committee shall have the authority to immediately suspend the membership of a member if the Executive Committee is of the opinion that the misconduct of a member is of such a serious nature where the member's physical or mental condition, or the member's professional conduct shows the likelihood of harm to the safety of any patient or the quality of patient care.
- b. The National Secretary shall notify the Member of his/her suspension by way of a formal notice, which suspension shall be effective 7 (seven) days after the said notice has been sent.
- c. The notice of suspension shall detail the reason for suspension and inform the Member that he has 30 (thirty) days to appeal against such suspension, which appeal shall be in writing addressed to the office of the association.
- d. The Executive Committee shall review the matter, and should the Executive Committee deem it appropriate, it shall convene a disciplinary hearing at a date, time and place to be determined, provided such hearing shall take place within 90 (ninety) days from date of reviewing the matter.
- e. On review of the Member's appeal, the Executive Committee may deem it appropriate to revoke the suspension and proceed with a disciplinary hearing in terms of clause 14.2.

14.2. Disciplinary Action

The Executive Committee may take disciplinary action against a member when–

- a. The activities or conduct of the member is deemed by the Executive Committee to be detrimental to the safety of patients or the delivery of quality patient care;
- b. The activities or conduct of the member may bring the association, its members or the profession into disrepute;
- c. The Executive Committee is aware of unethical or unprofessional conduct by the member;
- d. The member is convicted of a criminal offence and where the member is sentenced to imprisonment without the option of a fine;
- e. The Executive Committee is of the opinion that a member is mentally or physically incapable of continuing to practice as a Homeopath, or
- f. The Member has contravened or violated the provisions of the constitution or the rules of the association.

14.2.1 Disciplinary Procedure

- a. Notwithstanding the provisions of clause 14.1, disciplinary action may be taken against a member-
 - i. When such action is initiated by the Executive Committee on its own initiative;
 - ii. On the request or recommendation from a member of the association;
 - iii. On the request or recommendation from a member of the public, or
 - iv. As a result of an investigation undertaken by the Executive Committee or a committee established for purposes of such investigation.
- b. On receipt of a complaint against a member, the Executive Committee shall notify the member of such complaint in writing, and request that the member provide a written explanation to such complaint. The member shall be permitted 30 (thirty) days in which to provide such written response.
- c. On receipt of the Notice of complaint, the member may–
 - i. Admit guilt to the complaint;
 - ii. Provide a reasonable explanation as to the complaint, or
 - iii. Deny the content of the complaint.
- d. Should the member admit guilt, the Executive Committee may impose a sanction on the Member in terms of clause 14.2.2
- e. If the Executive Committee is of the opinion that the matter can be decided on the papers, the Executive Committee may resolve the matter accordingly, either by dismissing the matter, or alternatively imposing a sanction on the member in terms of clause 14.2.2
- f. If the Executive Committee deems it appropriate, the member shall be called before a disciplinary hearing, which disciplinary hearing shall be conducted in the manner prescribed in the general rules.
- g. All notices under this clause shall be sent to the Member by way of registered post, alternatively by way of hand delivery.

14.2.2 *Disciplinary Sanctions*

Where a Member pleads guilty to any charges, is found guilty at a disciplinary hearing or it is deemed appropriate, the HSA Executive Committee may—

- a. issue a caution or reprimand;
- b. suspend any Membership for a period of time determined by the disciplinary panel, which suspension shall include the suspension of all the Member's rights and privileges in terms of the constitution and rules thereto, or
- c. terminate any Membership.

15. FINANCES

15.1. Membership fees

- a. Members shall be required to pay Membership fees on an annual basis. Failure to pay such fees within 90 (ninety) days from the due date shall result in termination of Membership.
- b. Membership fees shall be determined from time to time and notice of such fees shall be sent to the Members.
- c. Any arrear Membership fees may be recovered by way of legal action, which the cost thereof shall be for the account of the Member.

15.2. Financial year-end

The financial year of the association shall be from the first day of January, until the thirty-first day of December.

15.3. Financial statements

An independent auditor or Chartered Accountant shall on an annual basis verify the financial statements of the association.

15.4. General Financial Principles

15.4.1 *The substantial whole of the funding of the HSA shall primarily be derived from its annual or other long - term members or from an appropriation by the government of the Republic in the national, provincial or local sphere.*

15.4.2 *The HSA—*

- a. may not directly or indirectly distribute any of its funds or assets to any person other than in the course of furthering its objectives unless expressly otherwise provided for in terms of the Income Tax Act, 1962 (Act 58 of 1962);
- b. is required to utilise substantially the whole of its funds and direct the substantial whole of its activities without specific benefit to any individual member or minority group in order for—
 - i. the representation and promotion of the interests of the profession of homeopathy, and
 - ii. the practice of homeopaths in South Africa,
including the administration of the Association that may reasonably allow for such;
- c. may not have any member which may hold direct or indirect personal or private interest in the affairs of the Association;
- d. may not have any share or other interest in any business, profession or occupation which is carried on by its members;

- e. shall not engage in any activity which directly or indirectly promotes the economic self-interest of any fiduciary or employee of the organisation other than by way of reasonable remuneration and promotion of the profession;
- f. must not pay to any employee, office bearer, member or other person any remuneration, as defined in the Fourth Schedule to the Income Tax Act, 1962 (Act 58 of 1962), which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered;
- g. will comply with such reporting requirements as may be determined by the Commissioner of the SARS, and
- h. is and will not knowingly become a party to, and does not and will not knowingly permit itself to become a party to and does not and will not knowingly permit itself to be used as part of, an impermissible avoidance arrangement contemplated in Part IIA of Chapter III of the Income Tax Act, or a transaction, operation or scheme contemplated in section 103(5) of the same Act.

16. GENERAL

16.1. General rules

The Members present at a general meeting, the National Board or the Executive Committee may make general rules relating to—

- a. The terms of office of the National Board, the National Secretary, and other office bearers;
- b. The conduct of meetings and procedures;
- c. The disciplinary hearing procedure, including the composition of a disciplinary panel;
- d. The allowances paid to office bearers;
- e. The manner and terms relating to the identification and appointment of specialist committees;
- f. Provisions specifically provided for in the constitution, or
- g. Matters that are considered necessary to give effect to the objectives of the association.

16.2. Regional rules

The Regional Committees shall from time to time make regional rules, which rules shall not be inconsistent with the constitution or the general rules thereto. Such regional rules will be included as if specifically included herein.

16.3. Amendments

- a. Any provision of the constitution may be amended by resolution at—
 - i. a general meeting of members, or
 - ii. a special general meeting of the members, provided such resolution is supported by at least 75% (seventy five percent) of the Full Members present at the meeting.
- b. Members of the HSA EXCO undertake to submit any amendment of the constitution to the Commissioner of the SARS within 30 days of its amendment.

16.4. Implementation

The constitution shall be considered enacted from 01 December 2014 and shall persist for the duration of the continued operation of the HSA pending further amendment.

16.5. Dissolution

- a. The association may be dissolved, provided the desire for such dissolution shall be recorded in writing and signed by at least 75% (seventy five percent) of all the Members of the association.
- b. On dissolution, liquidation or within 6 months (unless otherwise prescribed) of the withdrawal of its Tax Exemption status by the SARS Commissioner the assets of the association shall after satisfaction of its liabilities be—
 - i. transferred to an organisation or association with similar objectives and purposes and is approved in terms of section 10(1)(d)(iii) of the Income Tax Act;
 - ii. transferred to a public benefit organisation approved in terms of section 30 of the Income Tax Act;
 - iii. transferred to an institution, board or body which is exempt from tax under section 10(1)(cA)(i) of the Income Tax Act, or
 - iv. transferred to any department of state or administration in the national or provincial or local sphere of government of the Republic, contemplated in section 10(1)(a) or (b) of the Income Tax Act, which is required to use those assets solely for the purposes of carrying on one or more public benefit activities.

FOLLOWING UNANIMOUS ADOPTION OF PROPOSED AMENDMENTS AT THE ANNUAL GENERAL MEETING OF THE HSA DATED 27 SEPTEMBER 2014 FOR IMPLEMENTATION FROM 01 DECEMBER 2014, AND THUS SIGNED BY THE PRESIDENT OF THE ASSOCIATION ON THIS THE 27th DAY OF SEPTEMBER, 2014.

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Dr Danny Pillay

HSA PRESIDENT