

Constitution of the SAQCC (Fire)

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1 **DEFINITIONS**

For the purposes of this Part 1B of the Operations Manual, the following definitions shall apply:

1.1

active committee

committee consisting of representatives [members] that is elected at an Annual General Meeting of the SAQCC (Fire) for the purpose of actively controlling the affairs of the SAQCC (Fire)

1.2

certificate of competency

certificate issued by a recognized and qualified training institute to a person, to prove that the holder has attended the prescribed training course and has passed the corresponding examinations

1.3

corporate body

an organization or company whose primary function falls outside the supply and maintenance of fire-fighting equipment

1.4

grandfather concession

concession that was granted by the SAQCC (Fire) to a person that was employed by a SANS 1475 mark holding company and solely utilized for the reconditioning of fire fighting equipment

NOTE The grandfather concession was in use prior to the present registration procedure and lapsed on the 31 October 1999

1.5

organization

institution [body] constituted of the total listed and representative members of the SAQCC(Fire)

1.6

personal supervision

presence of a registered competent person on the site where the work is being conducted to instruct, inspect and demonstrate any activity related to the reconditioning of fire fighting equipment

1.7

registering authority

institution recognized by the appropriate government department for the registration of technical personnel involved in the reconditioning of fire extinguishers

NOTE the appropriate government department in South Africa is the Department of Labour

1.8

SAQCC(Fire)

the institution [body] that has been officially appointed and recognized by the Department of Labour to register and regulate the technical personnel actively involved in the reconditioning of fire fighting equipment.

NOTE The SAQCC (Fire) is registered as a section 21 company

1.9

scheme

combination of the necessary and appropriate details for the training, qualification, certification, registration and overall control required to ensure the effective operation of the SAQCC (Fire)

1.10

technical personnel

1.10.1

registered competent person

person who has acceptable qualifications, training and experience to carry out the effective reconditioning of portable fire extinguishers in terms of this part of SANS 1475 and who has been approved and registered with the registering authority

1.10.2

registered trainee

person who is undergoing the required period of training in order to qualify as a registered competent person and who is registered as a trainee with the registering authority

1.10.3

service assistant

person who is involved with matters related to the reconditioning of fire extinguishers but only under the personal supervision of a registered competent person

1.11

registration identification card

official identification card that is annually renewable and is issued to a person to prove his competence in the reconditioning of fire fighting equipment

2 INTERPRETATION OF TERMS

In this Constitution and any by-laws hereunder, unless repugnant to the context, the following shall apply:

- a) The singular of terms shall include the plural and vice-versa;
- b) The masculine gender shall include the female gender and vice-versa.

3 NAME OF THE ORGANIZATION

The registered name of the organization is the SAQCC (Fire) which is the acronym for the "South African Qualification and Certification Committee (Fire)

4 OBJECTIVES AND ADMINISTRATION OF THE ORGANIZATION

4.1 Objectives

The objectives of the organization shall be:

- a) to establish procedures for the qualification and certification of all personnel involved in the production, service and repair of fire fighting equipment;
- b) to register and regulate all appropriate personnel actively involved in the fire industry;
- c) to promote a code of conduct to the benefit of the industry as a whole;
- d) to issue procedures for the effective operation of the scheme;
- e) to raise finances to defray expenses for the operation of the scheme;
- f) to adopt, and when relevant, develop unit standards which could prove beneficial to the fire industry and inline with the requirements of the applicable laws eg. SAQA [South African Qualifications Authority];
- g) to assess and approve appropriate training centres.

4.2 Administration

Each newly elected active committee shall appoint appropriate personnel to effectively administer the affairs of the organization.

5 LEGAL STATUS OF THE ORGANIZATION

5.1 The SAQCC (Fire) is an organization that has been legally appointed by the Department of Labour.

5.2 The SAQCC (Fire) shall be a person at law complete with all the attributes of a juristic personality.

5.3 The SAQCC (Fire) shall be able to introduce and defend legal proceedings in its own name.

5.4 The responsibility for the control of all legal documents and actions pertaining to the organization and the execution of appropriate duties,

shall rest with the Chairman, or failing him, the Vice-Chairman or the Treasurer.

- 5.5** For the purpose of communication the SAQCC (Fire) chooses Domicilium Citandi Executandi to be the address of the elected Chairman of the time and whose particulars are available from the offices of the SAQCC (Fire).
- 5.6** For the purpose of advice and information, the Domicilium Citandi Executandi of the elected Chairman shall always, after each Annual General Meeting, be updated and attached to the minutes of the following Active Committee meeting.
- 5.7** For the purpose of effective communication the Domicilium Citandi Executandi for members of the organization shall be the physical address provided by them on the official database of the SAQCC (Fire).
- 5.8** It will be responsibility and duty of a member to notify the SAQCC (Fire) secretariat, of any change in their address within 21 days.

6 MEMBERSHIP OF THE ORGANIZATION

6.1 Categories of members

Members of the SAQCC (Fire) will be representative of the following categories:

- a) Any person that is in possession of a valid registration identification card issued by the SAQCC (Fire);
- b) One [1] representative member from each of the special bodies given in 8.5;
- c) One [1] representative member from each one of the corporate bodies identified in 8.6.

6.2 Requirements for members of the organization

The following requirements shall apply to all members of the SAQCC (Fire):

- a) All new members will be issued with a copy of the constitution;
- b) It is expected of all members to peruse and understand the details of the constitution;
- c) Members that provide a contact address must note that the address they have provided will be considered to be their Domicilium Citetandi Executandi for all communications or disputes with which they may be involved;

- d) It will be the responsibility and duty of a member to notify the SAQCC (Fire) secretariat, of any change in their address within 21 days.

6.3 Voting rights of members of the organization

The following conditions apply in respect of the voting rights of members of the organization:

a) Annual General Meeting, Extraordinary General meetings and Special meetings

- i) Each member identified in 6.1.(a) shall have one [1] vote;
- ii) Each member identified in 6.1.(b) shall have one [1] vote;
- iii) Members identified in 6.1.(c) shall not have a vote;
- iv) All of the above voting members shall be allowed one [1] proxy vote on condition that the request for the proxy vote be lodged with the Chairman and approved by him before commencement of the meeting.

b) Active Committee meetings

- i) Each member that is elected during the Annual General Meeting to serve on the Active Committee shall have one [1] vote;
- ii) Each member identified in 6.1.(b) shall have one [1] vote;
- iii) If a member of any corporate body given in 8.6 wishes to vote on any specific issue during an Active Committee meeting, the request shall be presented to the Chairman at the commencement of the meeting for his perusal and decision.

6.4 Legal conditions pertaining to members of the organization

6.4.1 Active Committee or Sub-Committee members and all agents or servants of the SAQCC (Fire) shall be indemnified out of funds of the SAQCC (Fire) against any costs, charges, expenses, losses or liabilities incurred by them while performing any service or duty appropriate to the SAQCC (Fire) and no person shall be liable for the errors or omissions of any other person by reason of him having joined in any receipt of any money not due to him personally, or for any loss on account of defect of title to any property acquired by the SAQCC (Fire) or on account of the insufficiency of any appropriate security in or upon which any moneys of the SAQCC (Fire) shall be invested, or for any loss incurred upon any ground whatsoever other than his own willful action or default.

6.4.2 No member, registered competent person or any other party shall have a right of legal action against the SAQCC (Fire) for any damage suffered by him through any default or neglect of the SAQCC (Fire) or any of its agents or servants.

7 REQUIREMENTS FOR MEETINGS OF THE SAQCC (Fire)

7.1 Annual General Meeting

7.1.1 The Annual General Meeting shall be held within three months after the end of each financial year and the minimum period for notification of this Annual General Meeting shall be thirty [30] days.

7.1.2 The Chairman of the Active Committee of the previous year shall act as acting Chairman of the Annual General Meeting and shall control proceedings until the new Chairman [elected by the Active Committee] has been elected and is present to take office.

7.1.3 The acting Chairman shall have a casting vote as well as a deliberate vote.

7.1.4 The acting Chairman shall present his annual report [see 7.2.7] at the Annual General Meeting and after discussion and acceptance it shall be prepared for filing at the offices of the SAQCC (Fire) where it will be available, on request, for scrutiny by any member.

7.1.5 The Treasurer of the Active Committee shall, at the end of each financial year prepare a report of the financial standing of the SAQCC (Fire) as well as a set of audited financial statements. The report and the financial statements shall be presented at the Annual General Meeting and after discussion and acceptance they shall be prepared for filing at the offices of the SAQCC (Fire) where they will be available, on request, for scrutiny by any member.

7.2 Active Committee Meetings

7.2.1 A meeting of the Active Committee shall be held at least once every three [3] months.

7.2.2 A quorum at any meeting shall be at least fifty percent [50%] of the Active Committee members, plus one [1].

7.2.3 In the absence of a quorum at a meeting at which voting on a specific urgent subject may be required, the meeting shall stand adjourned to a meeting date that shall be convened approximately fourteen [14] days after the adjourned meeting. The members then present shall be considered to constitute a quorum, whatever the percentage of members present.

7.2.4 Minutes shall be kept of the proceedings of all meetings and they shall be distributed to the Active Committee members as soon as possible after the meeting.

7.2.5 The Chairman shall have a casting as well as a deliberate vote.

7.2.6 The notice of the next meeting shall be incorporated in the minutes of the previous meeting. Failing the inclusion of the notice of the next meeting in the minutes, a notice of meeting shall be sent out fourteen [14] days prior to the meeting unless it is otherwise required for the purpose of a special meeting.

7.2.7 The Chairman shall, at the end of each year, prepare an annual report that will outline the activities of the SAQCC (Fire) for the past year and present this to the Active Committee for scrutiny after which it will be prepared for presentation at the Annual General Meeting.

7.3 Extraordinary General Meetings

7.3.1 General

An Extraordinary General Meeting shall be convened by the Chairman only upon receipt of a special request for such meeting, on condition that:

- a) the request shall clearly state the reasons for the meeting and give full particulars for the calling of the meeting;
- b) The request shall be signed by at least sixty percent [60%] of the Active Committee members.

7.3.2 Notification of an Extraordinary General Meeting

The minimum notification period for an Extraordinary General Meeting shall be twenty one [21] days.

7.4 Special Meetings

Matters relating to the changing of the constitution or the removal of committee members, shall be dealt with only during the Annual General Meeting or an Extraordinary General Meeting.

7.5 Non-receipt of notification of meetings

The stated non-receipt of notification of any meeting by any member shall not invalidate any resolution passed at such meeting.

8 COMPOSITION OF THE COMMITTEES FOR THE SAQCC (Fire)

8.1 Active Committee

The affairs of the SAQCC (Fire) will be managed by an Active Committee that is limited to a maximum of twenty-five [25] persons [this includes one [1] member from each of those special bodies as given in 8.5] which shall be elected at the Annual General Meeting [see 7.1].

Also at this Annual General Meeting, the elected Active Committee shall [on condition that at least seventy percent [70%] of the newly elected Active Committee members are present] elect the following office bearers:

a) Chairman

The Chairman shall take office immediately after the meeting and shall hold office for one year. He shall be eligible for re-election.

b) Vice-Chairman

The Vice-Chairman shall take office immediately after the meeting and shall hold office for one year. He shall be eligible for re-election.

c) Treasurer

The Treasurer shall take office immediately after the Meeting and shall hold office for one year. He shall be eligible for re-election. He shall also act as Chairman of the Financial Sub-Committee.

d) Technical Sub-Committee Chairman

The Chairman of the Technical Sub-Committee shall take office immediately after the meeting and shall hold office for one year. He shall be eligible for re-election.

e) Training Sub-Committee Chairman

The Chairman of the Training Sub-Committee shall take office immediately after the meeting and shall hold office for one year. He shall be eligible for re-election.

f) Ordinary Committee Members

Ordinary Committee Members will comprise all those members of the elected Active Committee that have not been elected to a specific active position. They shall take office immediately after the meeting. They shall hold office for one year and be eligible for re-election.

The following Sub-Committees shall only be constituted whenever they are required and not necessarily at the Annual General Meeting.

g) Disciplinary Sub-Committee

A Disciplinary Sub-Committee shall only be constituted whenever it is required for a disciplinary hearing. The Active Committee shall select the appropriate members from within its own members and the selected members shall then choose a Chairman from within their own group. The Disciplinary Sub-Committee shall be dissolved as soon as the disciplinary hearing has been finalized.

h) Appeal Sub-Committee

An Appeal Sub-Committee shall only be constituted whenever it is required for an appeal hearing. The Appeal Sub-Committee shall consist of a quorum of the Active Committee and shall be chaired by

the Chairman of the SAQCC (Fire) or his duly appointed deputy. The Appeal Sub-Committee shall be dissolved as soon as the appeal hearing has been finalized. [see Section 17 of Part 1C of this Operations Manual].

8.2 Special duties of Active Committee members

The Chairman, Vice-Chairman and the Treasurer shall automatically become the Directors of the SAQCC (Fire) for that year.

8.3 Seconded Specialists

Specialists in various fields may be seconded to the Active Committee or to different Sub-Committees as and when required. These seconded specialists shall serve only for the period as specified and shall, for this period of involvement, have no voting rights.

8.4 Special responsibilities of committee members

Any committee member that may be involved with any matter requiring any form of decision making, shall have such decision ratified by the Active Committee before considering it approved.

8.5 Representation by Special Bodies

8.5.1 The SAQCC (Fire) has approved the following bodies to have representation on the Active Committee.

The Department of Labour [DOL];
The Fire Fighting Equipment Traders Association [FFETA];
The Fire Protection Association of Southern Africa [FPA];
The Industrial Fire Technology Association [IFTA];
The South African Bureau of Standards [SABS];
The South African Emergency Services Institute [SAESI].

8.5.2 On submission of a written application to the SAQCC (Fire), the Active Committee of the SAQCC (Fire) may also approve other bodies to the list of Special Bodies [see 8.5.1].

8.5.3 Each of the above bodies may elect a representative from his own members to serve on the Active Committee of the SAQCC (Fire).

8.5.4 Should anyone of the above bodies cease to exist, then the person representing that particular body would automatically be disqualified as a committee member. However, should that person also hold a position other than that appropriate to the body he normally represents, he would continue to serve his term on the particular committee [Active or Sub-Committee, as relevant].

8.6 Representation by Corporate Bodies

Any corporate body may nominate a member to represent the body on the various meetings of the SAQCC (Fire) subject to the specific conditions detailed in 6.3.(b).

8.7 Resignation / removal of Active Committee members [see 7.4]

8.7.1 Being absent from three consecutive meetings or more per year shall result in the expulsion of the member from further service on the Active Committee until the following Annual General Meeting.

8.7.2 In the event of a member vacating his position prior to the expiry date of his office, the Active Committee shall elect an existing member to take over the portfolio until the end of the term, or call for nominations for a new member to be elected.

8.7.3 In the event of the Chairman vacating the chair, the Vice-Chairman shall be deemed to have been elected Chairman for the remainder of the office term.

8.8 Remuneration for committee members and other specialist tasks

8.8.1 Office bearers, Committee members and representatives on Committees or Sub-Committees shall not receive any remuneration for this duty unless such remuneration or *ex gratia* payments have been approved by the Active Committee.

8.8.2 The Active Committee may, at its discretion, approve reasonable reimbursement for authorized expenditure.

8.8.3 The intended growth of the SAQCC (Fire) may prove the need for the employment of permanent, full time administration staff to deal with the routine office tasks. In that event, the employed person or persons will receive remuneration at a rate determined and agreed upon by the Active Committee.

8.8.4 Remuneration can be considered for special tasks as required, detailed and determined by the Active Committee.

9 CONDITIONS FOR THE WINDING-UP OF THE SAQCC (Fire)

In the event of the SAQCC (Fire) being wound-up [de-registered] and ceasing to operate, the remaining funds would be handled in accordance with the requirements of the Companies Act.

10 FEES AND FINANCIAL SYSTEM

10.1 Any fees, including those required for examinations, registrations, membership and the sale of the operation manuals shall be determined at the Annual General Meeting by the newly elected Active Committee of the SAQCC (Fire).

- 10.2** The SAQCC (Fire) shall arrange for a banking account for the purpose of handling its financial affairs.
- 10.3** There shall be four authorized signatories to the banking account of which one shall be the Treasurer.
- 10.4** All transactions and banking procedures, including those of an electronic nature, for the withdrawal or transfer of monies, shall be the responsibility of the Chairman or the Treasurer.

11 THE DISCIPLINARY PROCESS OF THE SAQCC (Fire)

The proceedings and actions of any disciplinary investigation, shall be the duty and responsibility of an elected Disciplinary Sub-Committee [see 8.1.(g)] who shall carry out such investigation in accordance with the requirements of Part 1C of this Operations Manual [Disciplinary Code of the SAQCC(Fire)].

12 TRAINING, EXAMINATION, CERTIFICATION AND REGISTRATION

Training, examination, certification and registration of persons that wish to become involved with the Fire Industry shall be conducted in accordance with the requirements of Part 2 of this Operations Manual [Training, Examinations, Certification and Registration].

