

SOUTH AFRICAN HAKE LONG LINE ASSOCIATION

CONSTITUTION



1. NAME

The name of this Industrial Body shall be the South African Hake Long Line Association (SAHLLA).

2. HEADQUARTERS

The central point of business of the Association shall be in Cape Town as decided at the SAHLLA Annual General Meeting (AGM) in accordance with the provision of the Constitution.

3. AIMS AND OBJECTIVES

- 3.1 To be recognised by the Minister of The Department of Agriculture, Forestry & Fisheries as an Industrial Body in terms of Section – 8(1) of the Marine Living Resources Act (MLRA) of 1998, and any amendments or substitution.
- 3.2 To interact, advocate and protect the interest of the Hake Long Line Fishery and Rights Holders, and to liaise with the Fishing Sector on matters of mutual interest.
- 3.3 To participate in fisheries management committees of the Department of Agriculture, Forestry & Fisheries (DAFF), and make contribution towards sound fisheries management. To assist DAFF with the ongoing research, forwarding data on a regular basis to its research institute, and assisting the assessment of exploitation levels of hake stock. To assist DAFF with vessel monitoring, observers and appointing certain discharge points, as well as assisting with funding.
- 3.4 To promote sound resource management programs, taking into account the evidence of scientific impact of various user groups on the resource, economy and environment. To promote effective compliance, policing

and monitoring of the entire Republic of South African coastline and its resource.

- 3.5 To practice and promote conservation of our hake resources, with the objective of long-term optimal utilisation.
- 3.6 Form a database, and create interaction between fisheries and processors, to create a high level of quality control, and to maintain a good market.

4. **MEMBERSHIP**

- 4.1 Membership shall be accepted from any South African entity that have hake long line rights or are owners of hake longline marine fishing vessels active in the hake long line fishery.
- 4.2 New members will be registered on receipt of payment of their fee, the acceptance of SAHLLA terms and conditions, and a noted commitment to continue to pay their levies regularly.
- 4.3 Registered members who have paid their annual membership and subscriptions in full will be entitled to attend meetings and participate in the business of SAHLLA.
- 4.4 Members who join during the course of the year will be required to pay membership fees for that year in full.
- 4.5 Fully paid up members will be entitled to vote at the AGM.
- 4.6 The committee may permit the attendance at meetings of invited non-members by general consensus.
- 4.7 **Termination of Membership:** A member may resign by giving one month's notice in writing to the Executive, provided that no resignation shall take effect until all monies due to SAHLLA by the concerned members have been paid in full, and that proper procedure has been adhered to by the concerned member.
- 4.8 A member may, at the discretion of the National Executive Committee (NEC), be expelled from membership, in the event that they should bring SAHLLA into disrepute.

5. **FEES**

- 5.1 Membership fees shall be determined each year at the AGM and statements sent out by end January each year. Members shall be required to pay such fees before 28 February each year.

- 5.2 A member may, at the discretion of the committee, lose their membership and may not be re-admitted as a member until the following year, in the event of failure to pay the prescribed membership fee by the due date.
- 5.3 Subscription in the form of a levy will be based on tonnage of the fishing right, and shall be required to be paid as determined at the AGM.
- 5.4 Notwithstanding anything contained to the contrary, membership fees for vessel owning entities that are active in the hake longline fishery and have no hake longline rights shall be determined by the Executive Committee by means of majority vote at a formally convened meeting.

6. **ORGANISATIONAL STRUCTURE AND MANAGEMENT**

- 6.1 Executive authority for SAHLLA rests with the National Executive Committee.
 - a) Half of the NEC will stand down each year but may be re-elected.
 - b) NEC members will initially be elected for a two year period. At the end of the first two year period, half the members (to be decided by agreement between the members) will stand down, but may be re-elected.
 - c) Thereafter, those members re-elected will stand for two years and the remaining half will stand down in the following year, but may be re-elected.
 - d) The National Executive Committee shall meet at least every six months or as often as circumstances demand.
 - e) The officers of the NEC (Chair, Finance, Membership, Science) shall be agreed by consensus at the first meeting of the NEC and then every year thereafter, after the AGM.
 - f) Nominations for executive candidates shall be done in writing, signed by the proposer and seconded, 14 days before the AGM.
- 6.2 There shall be a chamber under the NEC for Rights Holders on the West Coast (Cape Agulhas to Port Nolloth – the designated area). Such chamber (WCC) will consist of at least one member of the NEC, and other members elected by Rights Holders having their operations in the designated area.
 - a) The West Coast chamber shall operate in the same manner as the NEC.

- b) The purpose of the West Coast chamber is to ensure that matters of general concern for West Coast Rights Holders shall be expeditiously brought to the attention of the NEC, who will after consideration, take the necessary steps to alleviate the problem to the best of its ability.
- c) The WCC will also report annually at the AGM of the NEC on any matters of concern to the West Coast Rights Holders

6.3 There shall be a chamber under the NEC for the combined Rights Holders of the South and East Coast (Cape Agulhas to East London – the designated area). Such nominated South Coast Chamber (SCC) will consist of at least one member of the NEC, and other members elected by Rights Holders having their operations in the designated area.

- a) The South Coast chamber shall operate in the same manner as the NEC.
- b) The purpose of the South Coast chamber is to ensure that matters of general concern for South and East Coast Rights Holders shall be expeditiously brought to the attention of the NEC, who will after consideration, take the necessary steps to alleviate the problem to the best of its ability.
- c) The SCC will also report annually at the AGM of the NEC on any matters of concern to the South and East Coast Rights Holders

6.4 Under normal circumstances, the membership of the NEC shall consist of approximately fifty percent of both West and South Coast Chambers

6.5 There shall be provision for the establishment of further chambers provided that at least twenty percent of the Rights Holders in such area request such a chamber to be established.

6.6 **Meetings:** The NEC, the WCC and the SCC shall meet at least every six months, or as often as circumstances demand.

- a) The Chair of each entity shall chair the meeting and the AGM.
- b) Decisions shall be taken by a show of hands unless a private ballot is deemed necessary
- c) A financial report shall be tabled at each AGM of the NEC and will have to be accepted by the members present.

6.7 **Quorum:** The quorum shall require at least thirty percent of members and executive required to attend. If within the first ninety (90) minutes of a given meeting the quorum is not present, the meeting shall be

adjourned until a further meeting can be arranged. Such an adjourned meeting shall take place at a date not sooner than thirty (30) days, and not later than sixty (60) days from the date of the initial meeting.

6.8 **Minutes:** Minutes of all chamber and NEC meetings shall be kept and sent to members within six weeks of the meetings having been held. The minutes must be ratified at the following meeting of the NEC or chamber with the exception of the AGM's which will be ratified at subsequent AGM's

6.9 **Powers:** Subject to the provisions of this constitution and to any directions given by members of the Association at any general meeting of members, the NEC shall be vested with all powers of the Association in terms of this constitution.

a) The NEC shall be entitled to operate banking accounts by way of nominating two persons to be signatories.

b) The NEC and its officers shall be required to collect subscription fees, and make payments in keeping with the aims and objectives of the association, provided that a full accounting of such fees and payments are made each year at the AGM

7 REMOVAL OF EXECUTIVE MEMBERS

Executive members will be removed when:

7.1 They are not paid up in terms of dues to SAHLLA.

7.2 They cease to operate in the hake long line fishery.

7.3 They require discipline in terms of the Constitution.

8 RECORDS

The books and records of SAHLLA shall be open for inspection to the members of the Association at all times.

9. FINANCIAL YEAR

The financial year of SAHLLA shall run from 1 March to 28 February each year.

10. STATUS AND INDEMNITY

SAHLLA shall be a corporate body having perpetual succession and legal assistance. It shall be capable of owning movable or immovable property, and acquiring rights and obligations in its own name. The executive members and committee members of the Association, provided that they have not acted in a manner which would constitute misconduct, shall be indemnified by the Association against all proceedings, costs and expenses incurred by reason of any omission, negligence or

other act done in performance of their duties on behalf of the Association, and they shall not be personally liable for any of the liabilities of the Association.

11. DISOLUTION

11.1 The Association may be dissolved at any time:-

11.1.1 by resolution, or by two-thirds (2/3) majority of the members, if for any reason the Association is unable to continue functioning, provided that no such resolution shall be taken, unless a ballot of members of the Association shall have been conducted, and more than sixty percent (60%) of the members in good standing, and participating in the ballot so approved.

11.1.2 in the event the Government closes down hake long line as a fishery.

12. AMENDMENTS

Any of the provisions of the Constitution may be repealed, amended or added to in any matter by a resolution of the NGC, provided that at least one (1) month's notice shall first have been given to all members.