

SAIDICONSTITUTION
INTEGRITY IS OUR
DRIVING FORCE

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The South African Institute of Driving Instructors
(SAIDI)

PREAMBLE

INTEGRITY IS OUR DRIVING FORCE

SAIDI is a non-racial Institute established in 1977 under the auspices of the National Road Safety Council, Traffic Safety, in order to place driver training on a co-ordinated basis and to lay down professional standards throughout the industry. SAIDI therefore seeks to achieve the aims and objectives set out in this Constitution.

Great strides forward have been made since the inception of SAIDI, and the body is recognized by such bodies as the Council for Scientific and Industrial Research (C.S.I.R), the Provincial Authorities, the Institute of Advanced Motorists of South Africa (I.M.A), the Automobile Association (AA) and the Department of Transport.

In the light of the above, furthermore, SAIDI seeks to achieve the following benefits of membership for driving instructors:

- Recognition by the authorities as professional instructor.
- Instructor training and refresher courses.
- Advanced driving and refresher courses.
- Participation in driver training programs to standardize driver education throughout Southern Africa.
- Participation in decision-making regarding driving in Southern Africa.
- Participation in seminars and workshops.
- Educational aids and pamphlets.
- Opportunity to be part of the future training and testing programs for drivers.
- Reduced fees for advanced driving courses.
- SAIDI newsletter.
- Reduced premiums on vehicle insurance.
- Personal insurance and medical aid.

1. DEFINITIONS

1.1 Annual General Meeting (AGM)

Shall mean a general meeting of the Institute held annually in terms of Section 13 of this Constitution.

1.2 Disciplinary Committee (DC)

Shall mean a Committee consisting of at least three members of the National Committee appointed by the National Committee in terms of section 20.

1.3 Executive Committee (EC)

Shall mean a Committee Elected at an annual general meeting.

Q: no reference to way in which this committee is constituted or how it differs from the NC or the MC.

1.4 General/ Meeting (GM)

Shall mean an Annual general meeting or a special meeting of members of the Institute.

1.5 Institute

Shall mean the South African Institute of Driving Instructors as founded in terms of this Constitution.

1.6 Management Committee (MC)

Shall mean the Management Committee elected by members of the National Committee from members of the National Committee and shall consist of members as defined by Section 7 of the Constitution.

Q: how does this committee differ from the EC? Why do you need a committee drawn from members of another committee (the NC)? How is this committee constituted?

1.7 Membership

Shall mean all the classes of membership provided for in Section 7 of this Constitution. Each class of membership shall have the meaning as defined in Section 7 of this Constitution and "member" shall have the meaning of a person or body that has acquired any of the classes of membership as set out in Section 7 of this Constitution.

1.8 National Committee (NC)

Shall mean the National Committee elected in terms of Section 14 of this Constitution.

1.9 Objectives

Shall mean the main aims, objectives, or rights as identified in Section 5 of ' this Constitution and "Main Objectives" shall have the same meaning.

1.10 Organization

Shall mean any driving school, institution, commercial or statutory body or the Government and its departments jointly or severally. More than one organization functioning materially under the same management shall be regarded as a single organization.

1.11 Provincial Committee (PC)

Shall mean members elected at a provincial general meeting.

1.12 Region

Shall mean a geographical area of which the boundaries shall be determined by the Provincial Executive (?) Committee. Why not just the PC?

1.13 Regional Annual General Meeting (RAGM)

Shall mean a general meeting held annually in terms of Sections 13 and 16 of this Constitution and attended by members operating or employed in the region.

1.14 Regional Committee (RC)

Shall mean the regional committee formed for a region in terms of Section 16 of this Constitution.

And elected by members at the RAGM?

1.15 Regional General Meeting (RGM)

Shall mean a Regional Meeting of members of the Institute operating or employed in that region.

And includes a special general meeting?

1.16 Secretary

Shall mean any person responsible for agendas, minutes and other administrative functions as allocated by the Committee on which he or she is to serve. This person may also serve as the Treasurer.

1.17 Southern Africa

Shall mean all the countries, states and regions in which the Institute is registered or represented by a regional committee.

1.18 Special General Meeting (SGM)

Shall mean a General Meeting of members of the Institute held specially in terms of Section 13 of this Constitution.

1.19 Treasurer

Shall mean any person responsible for the financial affairs of the Committee on which he or she is to serve. This person may also serve as the Secretary.

2. NAME AND STATUS OF THE INSTITUTE

2.1. The name of the Institute shall be the South African Institute of Driving Instructors ("SAIDI").

2.2 The Institute is an independent legal entity, separate and distinct from its members; it may, in its own name and independently of its members, sue or be sued and purchase or otherwise acquire, hold, manage and/or dispose of movable or immovable property, or any right or interest therein.

2.3 The Institute does not aim to make any profit or acquire other pecuniary benefits for its Members.

3. PROPRIETARY RIGHTS OF MEMBERS AND LIMITATION OF LIABILITY

3.1 No member, irrespective of class, shall by virtue of his or her membership of, or

affiliation to the Institute, have any proprietary title or claim to, or interest in any property of the Institute.

3.2 The liability of any member of the Institute for any obligation of the Institute shall be limited to the annual contributions of moneys payable by him or her to the Institute in terms of this Constitution.

4. HEADQUARTERS

The headquarters of the Institute shall be situated at a place as determined by the EC (NC?).

5. MAIN AIMS AND OBJECTIVES OF THE INSTITUTE

The main aims and objectives of the Institute, without in any way excluding generally associated aims and objectives, shall be the following:

5.1 To promote and maintain a uniformly high standard of motor vehicle driver training in all its branches.

5.2 To promote the professional advancement of its members, provided that the Institute shall at no time and in no manner whatsoever take or support any action, or permit any action to be taken which may be construed as, or which may have the effect of, converting the Institute into a trading body.

5.3 To promote the high professional status of instructors of motor vehicle drivers, and to make membership of this Institute a prerequisite for an Instructor's Certificate issued by the National Department of Transport.

5.4 To promote and maintain better working conditions for all persons directly involved in the training of motor vehicle drivers.

5.5 To make recommendations to the National Department of Transport (NDOT) as well as other authorities and institutions that can, in the opinion of the Institute, assist in the promotion of these objectives of the Institute.

5.6 To obtain funds, and spend moneys in such manner as the Institute may deem fit.

5.7 To determine the requirements for achieving the aims and objectives of the Institute.

6. POWERS OF THE INSTITUTE

In order to achieve the aims and objectives stated in section 5 of this Constitution, the SAIDI shall have the following powers and competences:

6.1 To arrange lectures and to publicize in any manner by any legal means the aims and objectives of the Institute, as well as any related subject matter that could further the aims of the Institute.

6.2 To produce, use and exhibit training material.

6.3 To accept any gifts of property, moveable or immovable.

6.4 To purchase, take or lease or in exchange or otherwise acquire any fixed property leasehold or freehold, buildings, houses and properties, rights and privileges of every description, real and personal, and all kinds of movable property and equipment which may be deemed necessary or convenient for the achievement of the main objectives of the Institute.

6.5 To sell, manage, lease, mortgage, dispose of or otherwise deal with all or any part of the property of the Institute and generally to develop the resources of and turn to account any of the assets of the Institute.

6.6 To borrow and raise money in such a manner as the Institute may think fit.

6.7 To invest any moneys of the Institute not immediately required for its purpose by any of the following means:

(a) in Treasury Bills or any other securities of any of the Governments of Southern Africa;

(b) in any debentures, debenture stock or loans of any municipal bodies in Southern Africa;

(c) in fixed deposits or savings bank accounts or shares in any bank or other financial institution carrying on business in Southern Africa.

6.8 To establish and support medical aid and benefit schemes, insurance schemes and recreational facilities for present or past ordinary members in South Africa.

6.9 To draw, make, accept, endorse, discount, execute, issue and negotiate promissory notes, bills of exchange, cheques or otherwise negotiate transferable instruments for the purpose of the Institute and to open and operate banking accounts or accounts in a financial institution..

6.10 To do all such other lawful things as are incidental or conducive to the achievement of the main objectives of the Institute.

7 MEMBERSHIP

7.1 The members of the Institute (all classes) shall subscribe to this Constitution, and shall not be limited or confined to any race, colour, creed, sex or religion; membership shall comprise the following classes of members, namely:

7.1.1 Members (MSAIDI)

7.1.2 Fellow Members (FMSAIDI)

7.1.3 Associate Members (AMSAJDI)

7.1.4 Honorary Members (HMSAIDI)

7.1.5 Corporate Members (CMSAIDI)

7.1.6 Members Extraordinary (MEMSAIDI).

7.2 The right to vote at General Meetings of the Institute shall be restricted to the classes of membership set out in Section 7.1.1, 7.1.2 and 7.1.4.

7.3 Membership of the Institute confers the right to use the qualifying initials indicating the different classes set out in Section 7.1.1, 7.1.2, and 7.1.4 and to receive the Institute's membership card, certificate and logo.

7.4 Termination or deprivation of membership for any reason whatsoever shall disqualify a person from using the initials set out in Section 7.1 from the date of termination or deprivation of membership.

8 QUALIFICATIONS FOR MEMBERSHIP

8.2 The qualifications for the various classes of membership are as follows:

8.1 Members (MSAIDI referred to in Section 7.1.1)

8.1.1 Any person who was a member of the Institute in terms of the previous Constitution at the time of the adoption of this Constitution.

8.1.2 Any person who has by examination qualified himself or herself for such membership, provided that his or her financial obligations toward the Institute have been duly met, that such a person has applied for membership and that the application has been approved by the Regional Committee. PC?

8.1.3 Any person, whether he or she is required to be in possession of an Instructor's Certificate in terms of road traffic legislation or not, who is legally an instructor of motor vehicle drivers (a) for his or her own account or (b) in the service of a driving school, institution, commercial statutory body or the Government.

8.2 Fellow Members (FMSAIDI referred to in Section 7.1.2)

Any member of the class set out in Section 7.1.3 who, by reason of his or her outstanding service to the Institute, or for another reason, is elected as such a member by the National Committee, a Provincial Committee or a Regional Committee.

8.3 Associate Members (AMSAIDI referred to in Section 7.1.3)

8.3.1 Any member of the class set out in Section 7.1.3 who ceases to be an instructor of motor vehicle drivers, as contemplated in Section 8.1.3, may apply to become an Associate Member, and the National, Provincial or Regional Committee may grant or refuse such an application.

8.3.2 Any person who, by virtue of his or her affiliation to driver training or for other reasons, may apply to become an Associate Member.

8.4 Honorary Members (HMSAIDI referred to in Section 7.1.4)

Any person who, by reason of his or her close connection with or knowledge of driver training, or for other reasons is elected as an honorary member by the National Committee. Delegates attending conferences of the Institute shall be regarded as Honorary Members for the duration of the conference. Regional Committees may make recommendations in this regard. Any role for PCs here?

8.4 Corporate Members (referred to in Section 7.1.5)

Any Government Department, statutory body, company or other commercial enterprise or institution that participates in the training or advanced training of motor vehicle drivers or that presents such training or that is approved of by the National, Provincial or Regional Committee, may apply to the National/Provincial/Regional Committee (as the case may be) and the committee in question may grant or refuse such membership.

Q: Would such members be members only of the provincial or regional branch concerned, or of the Institute as such?

9. APPLICATION FOR AND CONDITIONS OF MEMBERSHIP

9.1 Applications for membership of the classes set out in Section 7.1.1, 7.1.3 and 7.1.5 shall be in writing on a form prescribed by the EC/NC/MC? and forwarded to the Secretary of the EC together with the prescribed fees.

Q: At this stage we don't know who the EC is and how they are appointed or how they differ from the MC.

9.2 Each such application received by the Institute will, if the applicant is not disqualified in terms of Section 10 or otherwise, be considered on merit at the following meeting of the EC. If an application for membership is rejected, the EC shall notify the applicant in writing of such rejection, giving reasons therefor and informing the applicant that he or she has a right to re-lodge the application with the EC, furnishing such further facts as may be relevant.

Q: further procedures here? Will the same people hear the re-lodged application?

9.3 Upon a person's admission as member of the Institute, the Secretary shall furnish the member concerned with an appropriate membership certificate. This certificate shall remain the property of the Institute and shall be surrendered to the Secretary of the Institute upon termination of membership.

9.4 Possession of a membership certificate shall not serve as proof that a person has passed an examination of the Institute. While the membership certificate must be returned to the Institute upon termination of membership, any diploma obtained by the member may be retained.

9.5 Entry fees, annual membership fees and examination fees shall be determined by the EC/MC/NC?; provided that annual membership fees shall be increased or decreased only with effect from the first day of the financial year following that in (?) in which the resolution concerned is passed, and provided further, that the decision of the EC in this regard shall be final and binding.

Surely an increase in fees (and even a decrease) must be prospective and not retrospective. This provision makes retrospective changes possible.

9.6 The Institute's badges and other insignia shall be leased/issued to members subject to the condition that such badges or other insignia shall remain the property of the Institute, notwithstanding the fact that the member may have paid for it/them or may have

paid an amount equal to a purchase price for it/them. Such badges or other insignia shall be returned to the Secretary of the Institute on termination of membership.

9.7 The membership of a person who is by law required to be in possession of an Instructor's Certificate, shall be automatically suspended when his/her Instructor's Certificate is withdrawn or the re-issue thereof is refused and the EC shall decide whether the membership of such a person is to be terminated or not.

9.8 Every member shall furnish an address to the Secretary of the Institute in writing. Such address shall serve as his or her domicilium citandi et executandi for all purposes arising from this Constitution and such a member shall be deemed to have received a notice or letter within fourteen (14) days from the date of the posting thereof. Such address may only be changed in writing per prepaid registered post, which change shall apply from the date of receipt signed for such registered post and the post office by the Secretary .

9.8 A member of the Institute may be or become a member of another similar institute of driving instructors only with the written consent of the EC.

10 TERMINATION OF MEMBERSHIP

It may be a good idea to distinguish between cases where membership is terminated automatically and those where the EC?MC?NC? exercises a discretion to terminate membership. It appears that most of the circumstances set out in 10.1 refer to automatic termination, with a discretion given to the committee concerned to condone the member's "misdemeanour". Yet 10.6 (and even 10.2) refer to termination by the committee.

10.1 A person's membership shall be terminated if:

10.1.1 his or her driver's licence(s) is withdrawn or suspended;

10.1.2 his or her Instructor's Certificate is withdrawn or the re-issue thereof is refused or he or she is barred in any other way from instructing learner drivers or drivers;

10.1.3 he or she is or becomes an unrehabilitated insolvent, unless he or she is declared by the EC to be a fit and proper person to be a member;

10.1.4 he or she is or has been convicted of theft, fraud, forgery, uttering a forged document or perjury, or has been sentenced to serve a term of imprisonment without the option of a fine;

10.1.5 he or she has been removed from an office of trust on account of misconduct;

10.1.6 he or she suffers from any form of mental disorder referred to in the Mental Health Act 18 of 1973, the Mentally Ill Persons' Legal Interests Amendment Act or any subsequent legislation dealing with mental illness and has been classified in terms of such legislation;

10.1.7 he or she has been convicted of the offence of reckless driving, drunken driving, driving with an illegal blood/breath alcohol concentration, grossly negligent driving, overtaking in the face of oncoming traffic, or of such other road traffic

usage or transport-related offence(s) which, in the opinion of the EC, renders such a person unfit to act as an instructor of learner drivers or drivers;

10.1.8 his or her subscription is more than one year in arrears, in terms of the provisions of section 11.

10.1.9 he or she has been found guilty of misconduct in terms of section 20 of this Constitution.

10.2 Any person whose membership has been withdrawn or suspended or who has become ineligible for membership, may reapply or apply for membership if he or she otherwise qualifies for membership and the EC/MC/NC must consider and may grant or refuse such application.

Q: when may membership be suspended?

10.3 A certificate issued by the Central Road Traffic Bureau or similar organization or the SAP 69 or similar type of form, whether extracted from physical or computerized records or otherwise, shall furnish conclusive proof of previous convictions (or the absence thereof) of a person for all relevant purposes of this Constitution.

10.4 Any member who wishes to retire shall signify such desire in writing to the Secretary, whereupon his or her name shall be removed from the list of members and he or she shall be deemed to have retired. He or she may, however, reapply for membership in terms of Section 7.1.3 of this Constitution.

10.5 If a member's membership is terminated on account of his or her retirement or for any other reason, the Secretary shall inform the relevant authorities in writing within one month of the termination of membership.

10.6 An appeal against a decision of the EC to terminate or suspend the membership of a member may be lodged only at a General Meeting and to no other authority or tribunal. The appeal shall be considered at that meeting in accordance with the rules of administrative law, whereafter the decision of the General Meeting shall be final.

11 FEES OR SUBSCRIPTIONS

11.1 Membership fees shall fall due on the first day of January of each year.

11.2 A member whose membership fees are outstanding for more than three months shall not be entitled to vote at any meeting convened by the Institute.

11.3 Should a member's subscription be more than one year in arrears, his or her membership shall terminate automatically, provided that EC may extend the time for payment and for the imposition of these penalties upon receipt of a request from the member concerned within twenty one (21) days of the date of notification of the termination of membership.

11.4 The EC may consider the re-admission of an ex-member whose membership has been terminated due to the non-payment of membership fees. The normal entrance and annual subscription fees which are applicable to the specific class of membership shall be payable on readmission.

11.5 A member whose subscription is unpaid for the current year, shall not be eligible to write any examination of the Institute.

11.6 The EC may consider exempting any person or members of a specific class of membership from paying membership fees.

Check EC/MC/NC throughout.

12 EXAMINATION AND EXAMINATION BOARD

12.1 The EC shall compile or adopt a syllabus in accordance with the requirements of the South African Qualifications Authority (SAQA) for the examination for membership of the Institute, and appoint a Board of Examiners. The Board of Examiners shall, in consultation with the EC, make all the necessary arrangements for the proper conduct of examinations.

12.2 The decision of the EC with regard to any matter pertaining to any examination shall be final and binding on all parties concerned.

12.3 The EC may promulgate regulations governing any matter relating to examinations, including the conduct thereof, and may amend, extend or repeal such regulations from time to time.

12.4 Any person who applies to take any examination of the Institute, may be required to pay an examination fee determined by the EC.

12.5 All candidates shall produce a means of identification to the invigilator, such as a valid identity document, driver's licence or passport.

12.6 Candidates who have passed an examination of the Institute will be issued with a diploma as proof of their success.

13 MEETINGS

13.1 The AGM of the Institute shall be held at such place and on such date as the NC may decide.

13.2 A Provincial Annual General Meeting (PAGM) of the Institute shall be held at such a place and on such date as the PC may decide or, in the absence of such a Committee or decision, at such place and date as the NC may decide. Provincial and

regional meetings may be convened by members from a particular region or province for the purpose of considering matters deemed necessary.

Reference to regions as well as provinces in s 13.3 to 13.6?

13.3 If, for any reason, any AGM or a PAGM (RAGM) cannot be held in terms of Section 13.1 and 13.2 or during any particular financial year, the NC or PC then in office shall continue to hold office until the next GM to be held within six months of the start of the next financial year.

13.4 The NC or the PC may convene Special General Meetings (SGMs) for the Institute or of a Province respectively and such meetings may also be convened on a properly substantiated request in writing signed by at least one third of the members of the Institute or of a Province respectively who are entitled to vote.

13.5 At a GM of the Institute or of a Province, a quorum shall consist of two-thirds of the members of the Institute or Province respectively, provided that in the absence of a quorum the meeting shall stand adjourned for one half hour, after which the members present at the meeting concerned shall constitute a quorum.

13.6 Any member who is unable to attend a GM of the Institute or of a Province, may nominate, in writing, any other member to present him or her at such meetings as proxy, provided that any attending member may act as proxy for only one absent member at a meeting.

Q: inclusion of regions in 13.4, 13.5, 13.6?

13.7 Any member who is unable to attend a meeting may nominate one member to be elected to serve on the Committee concerned, such nomination being in writing, forwarded to and received by the secretary of the relevant committee prior to the meeting; provided that

- Constitution; and
- a) the nominee is eligible to be elected in terms of this
 - b) the nomination is seconded by a member present at the meeting.

13.8 At any meeting of the Institute in respect of which it is deemed necessary to invite a non-member to be present, such person shall be at liberty to address the meeting, but shall not be entitled to vote.

13.9 Notice of a GM shall be forwarded by ordinary post to the addresses of members 15? days before the date set down for the meeting.

13.10 Any member may place a motion or proposal on the agenda of a GM, a meeting of the NC, a meeting of the MC or a meeting of a PC, provided that each such motion or proposal shall:

- fall within the aims and objectives of the Institute;

be submitted to the Secretary not less than forty five (45) days prior to the GM or thirty (30) days prior to a meeting of the NC, MC or the PC at which it is to be discussed;

be subject to the approval of the NC, MC, or PC (as the case may be) prior to being placed on the agenda of the GM at which it is to be discussed.

What about RCs in this context?

14 NATIONAL COMMITTEE

14.1 The NC shall consist of members in terms of section 7.1.1, 7.1.2 and 7.1.4 of this Constitution and shall be elected at the AGM of the NC.

14.2 A member who is not present at such a meeting, may be nominated provided he or she has agreed in writing to accept such nomination.

14.3 The NC shall consist of:

14.3.1 The President of SAIDI?

14.3.2 the Vice-President/s?

14.3.3 the Secretary

14.3.4 the Treasurer

14.3.5 the Public Relations Officer

14.3.6 one representative from each province, designated how?

Chairman/ V-c? elected at meeting? OR Pres to act as chair, failing which V-P?

14.4 The NC shall represent the nine provinces of the Republic of South Africa:

- Gauteng Province
- Western Cape Province
- Free State Province
- Kwa-Zulu Natal Province
- Northwest Province
- Limpopo Province
- Mpumalanga Province
- Eastern Cape Province
- Northern Cape Province

14.5 Five (5) members present at any official meeting of the NC shall constitute a quorum.

14.6 Elected members of the NC shall hold office for two years until their successors have been elected, and shall upon retirement be eligible for re-election.

14.7 Members nominated to serve on the NC must operate or be employed in the province they represent.

14.8 All persons elected to the National Committee shall be members in terms of Section 7.1.1, 7.1.2 or 7.1.4, and must be fully paid up members of the provincial branch concerned.

14.9 A member of the NC who absents himself or herself without leave from three consecutive meetings, or whose annual membership fee is outstanding for more than three months, shall forfeit his or her membership of the NC.

14.10 Meetings of the NC shall be held at least three times every twelve months. Such meetings shall be convened by or on behalf of the Secretary in consultation with the President. (Chairperson, if President does not automatically serve as chair?)

14.11 Any member of the NC who is unable to attend an NC meeting, may delegate any other member in writing to represent him or her at such meeting as proxy.

14.12 The NC may fill any vacancy which may arise on that Committee, provided that the term of office of the member thus appointed shall not exceed that of the member replaced.

14.13 The NC may co-opt any member or any other person by virtue of his or her close connection with, or knowledge of driver training or for other reasons, to serve on the Committee, provided that a non-member shall not be entitled to vote.

14.14 A member of the NC who becomes disqualified from membership in terms of section 10, shall be deemed to have resigned his or her office and shall vacate it forthwith.

14.15 Any vacancy in the office of President or Vice-President shall be filled by the NC from the ranks of the remaining members.

14.16 The NC shall be responsible for the control and management of all matters relating to the Institute and is hereby generally empowered to perform any lawful act necessary for the achievement or furtherance of the objectives of the Institute.

14.17 The NC shall keep a minute book in which minutes of all the meetings of the Committee shall be recorded. It shall also keep any other book/s which may be necessary to give a true reflection of the financial transactions entered into by this Committee.

14.18 The NC shall consider the annual report of the President and the audited financial statements at the end of the financial year at the end of April.

14.19 The NC shall have authority on behalf of the Institute:

1. To collect and receive moneys by way of bequests, donations, grants, subscriptions, collections or in any other manner and to use and employ such funds in accordance with the objectives of the Institute.

2. To appoint and dismiss officials and determine their duties and rate of remuneration and to co-opt any person for a specific purpose.

3. To acquire and dispose of any property, movable and immovable, on behalf of the Institute, and to let, mortgage and encumber the property and assets of the Institute.

4. To institute and defend actions and proceedings on behalf of the Institute.

5. From time to time, to borrow from any source whatsoever, any sum or sums of money for the purposes of the Institute, provided that such borrowing must receive the prior approval of the Institute by means of a special resolution at an NGM.

14.20 All arrangements, power of attorney and the like entered into for and on behalf of the Institute, shall be signed by the President or by a person or persons appointed for this purpose by the NMC.

14.21 The NC shall be responsible for the drafting, amendment and enforcing of a Code of Ethics, for the members of this Institute. Such Code shall be in writing and shall be made available to each member personally or sent by registered post to every member's last known address.

14.22 Members of the NC shall not be entitled to remuneration or refund of costs for attending meetings of the NC from the funds of the Institute, provided that the NMC may authorize ex gratia grants from funds under control of the NC.

15. PROVINCIAL COMMITTEES (PCs)

15.1 The PC for each province shall consist of members in terms of Section 7.1.1, 7.1.2 and 7.1.4 of this Constitution, elected at a PAGM, provided that the Secretary and the Treasurer may be persons who are not members.

Q: Can it possibly make sense for PCs to be elected by the NC? I can't really see how.

15.2 A member who is not present at the meeting at which the election takes place may be nominated, provided that he or she has agreed in writing to accept such nomination.

15.3 Each PC shall consist of:

15.3.1 The President Chairperson?

15.3.2 The Vice - President V-C?

15.3.3 The Secretary

15.3.4 The Treasurer

15.3.5 The public relations officer

15.3.6 Not more than four (4) additional members.

15.4. The PC shall have power on behalf of the Institute:

a) to collect and receive money by way of bequests, donations, grants, subscriptions, collections or in any other manner and to use such funds in accordance with the objectives of the Institute;

b) to appoint and dismiss officials and determine their duties and rate of remuneration and to co-opt any person for a specific purpose.

c) to perform any lawful act necessary for the achievement or furtherance of the objectives of the Institute within that province or for the carrying out of any duties or functions which are either expressly or by implication assigned to it by any provision of this Constitution, excluding, however, any matters which are specifically reserved by this Constitution to be dealt with by the MC (?)

15.5 The PC shall endeavour to fill any vacancy which may arise in that Committee, provided that the term of office of the substitute member shall not exceed that of the member replaced.

15.5.1 The PC may co-opt any member or any other person by virtue of his/her close connection with, or knowledge of driver training or for other reasons, to serve on the Committee, provided that a co-opted person shall (not?) be entitled to vote. Over and above the 4 additional members?

15.6 A member of the PC who, without leave of absence, absents himself or herself from three consecutive meetings, or whose annual membership fee is outstanding for more than three months, shall forfeit his or her membership of that Committee. Similar provision for NC?

15.7 Meetings of the PC shall be held at least every four months. Such meetings shall be convened by or on behalf of the Secretary in consultation with the Chairperson.

15.8 A member of the PC who becomes disqualified from membership shall be deemed to have resigned his or her office and shall vacate it forthwith.

15.9 Five (5) members present at any official meeting of the MC (PC?) shall constitute a quorum.

15.10 Elected members of the PC shall hold office for two years until their successors have been elected, and shall upon retirement be eligible for re-election.

15.11 The PC shall keep a minute book in which minutes of all the meetings of this Committee shall be recorded. It shall also keep any other books which may be necessary to give a true reflection of the financial transactions entered into or authorized by this Committee.

15.12 All resolutions of the PC must be reported to the NEC (MC?) at the next meeting of the EC. (MC?)

15.13 Members of the PC shall not be entitled to remuneration or refund of costs for attendance of meetings of the PC from the funds of the Institute, provided that the PC may authorize ex gratia grants from funds under its control.

15.14 A PC shall have the right to suspend the functioning of a RC of a region within the province concerned and to convene an RGM to discuss and decide on the actions of the suspended RC or of one or more of its members whenever deemed necessary by the MC (PC?).

15.15 The PC may delegate to an RC? some of its functions and responsibilities in writing under such terms and conditions as may be prescribed by the PC.

16 REGIONAL COMMITTEES (RCs)

16.1 RCs shall consist of members in terms of Sections 7.1.1, 7.1.2 and 7.1.4 of this Constitution and shall be elected by a RAGM subject to the same provisions as those contained in Section 13.9.

Q: was the intention that these should be elected committees? If not, then what - subcommittees of PCs? If elected, this must be reflected throughout the Constitution.

16.2 The RC shall consist of:

A Chairperson

A Vice-Chairperson

A Secretary

A Treasurer

At least four (4) additional members designated by the relevant PC or elected at the RAGM ?

16.5 The Chairperson and Vice-Chairperson of an RC shall be elected by the members of the Provinces (?) or be appointed by the RC. Simply appointed by RC or elected at AGM? Same system as for PCs?

16.6 The powers, responsibilities and terms of office of an RC shall be exercised only in respect of the region concerned and subject further to delegation in terms of Section 15.15 or limitations or conditions as determined by the PC of the province concerned?.

16.7 Five (5) members of the RC shall hold office for two (2) years until their successors have been elected, and shall be eligible for re-election upon retirement.

16.8 Persons nominated to serve on the RC must operate or be employed in that region.

16.9 All persons elected to an RC shall be members in terms of Section 7.1.1, 7.1.2 or 7.1.4, provided that the secretary and the treasurer may be persons who are not members.

16.10 A member of an RC who, without leave of absence, absents himself or herself from three consecutive meetings, or whose annual membership fee is outstanding for more than three months, forfeits his or her membership of that Committee.

16.11 A member of an RC who becomes disqualified from membership shall be deemed to have resigned his or her office and shall vacate it forthwith.

16.12 Meetings of the RC shall be held at least once every month. Such meetings shall be convened by or on behalf of the secretary in consultation with the chairperson.

16.13 The RC shall keep a minute book in which minutes of all the meetings of this Committee shall be recorded. It shall also keep any other books which may be necessary to give a true reflection of the financial transactions entered into or authorized by this Committee. All minutes should be submitted to the National Secretary on a monthly basis.

16.14 The minute book(s) referred to in Section 18, and all other documents of a region shall be open for inspection, re-auditing, and perusal. Copies of such documents may be made by or on behalf of the MC. Financial reports shall be submitted to the NC on a quarterly basis with a membership list included.

16.15 An RC may use the name of the Institute with the name of the Province in brackets thereafter only to identify the specific Province. (Does the same apply to PCs?)

17 AMENDMENTS TO THE CONSTITUTION

17.1 The Constitution shall not be amended except at an AGM or at an SGM convened for this purpose in terms of Section 17 of this Constitution, provided that any amendment of this Constitution must be supported by two-thirds of the members present who are entitled to vote at such meeting, and only after all PCs have been notified about the proposed amendment in writing.

17.2 No amendment to the Constitution that is in conflict with the Constitution of the Republic of South Africa, 1996, or any other legislation applicable to the Institute, shall be valid.

18 BOOKS AND RECORDS

18.1 All subscription and examination moneys shall be forwarded to the Treasurer of the PC concerned, from whose office a receipt will be issued.

18.2 All percentages (as determined by the NC) of all subscription moneys received from a Province shall be allocated and paid over to the NC.

18.3 All other moneys received by a Province shall be allocated by the PC of the Province to promote the aims and objectives of the Institute.

18.4 A Provincial Treasurer shall issue a receipt upon receipt of any moneys.

18.5 It shall be the responsibility of a person by whom a payment has been made, to make enquiries within sixty (60) days by pre-paid registered post to the Secretary of the respective Committee, should a receipt for a payment not be received within forty five (45) days from the posting or making of a payment. A person not able to produce a receipt shall be regarded thereafter as not having made an alleged payment.

18.6 Any payments exceeding an amount determined by the NC or PC shall be made by cheque and cheques shall be signed by any two of the following:

18.6.1 National Committee?

- The President
- The Vice-President
- The Secretary
- The Treasurer
- The PRO
- One other member of the National Committee.

18.6.2 Provincial Committees?

- The Chairperson
- The Vice-Chairperson
- The Secretary
- The Treasurer
- The PRO
- One other member of the Provincial Committee.

18.6.3 Regional Committee:

- The Chairperson
- The Vice-Chairperson
- The Secretary
- The Treasurer
- One other member of the Regional Committee.

Q: Are there not perhaps too many people who have power to sign?

18.7 A banking account shall be kept by each Provincial Treasurer as well as the Treasurer of each RC in the name of the Institute, provided that no overdraft facilities may be negotiated by an RC without prior written consent of the PC. Each account shall be operated by the persons mentioned in Section 18.6 (not the auditors, surely?) and shall be audited annually. Banking account kept by NC as well?

18.8 The financial year of the Institute shall run from May 1st in any year up to and including April 30th in the next year.

18.9 The PC shall appoint auditors for the financial affairs of the PC and an RC for the financial affairs of the RC, and each appointment of auditors shall be for at least one financial year. Auditors shall be eligible for reappointment and shall be remunerated by

the Committee which appointed them. All books as set out in Section 18 shall be made available at least once a year or as often as determined by the NC to auditors of the NC.

18.10 Each PC shall submit the audited annual statement of account:

a) to its PAGM; and

b) to the MC not less than thirty (30) days prior to the date set down for an AGM for inclusion in the notice of the meeting together with the annual audited statement of account of the financial affairs of the NC/MC.

19 INTERPRETATION OF THE CONSTITUTION

19.1 All questions concerning the interpretation or application of the Constitution or any other related matter not specifically mentioned herein, shall be submitted to the NC, whose decision shall be final.

19.2 Any decision, interpretation, ruling or rule of a Committee or meeting which conflicts or is not reconcilable with the Constitution of the Republic of South Africa, 1996, or any other legislation applicable to the Institute, shall be null and void.

20 DISCIPLINARY ACTION

20.1 If any complaint of any alleged misconduct by a member is lodged with the NC, the NC, if satisfied that there appear to be prima facie grounds for the complaint, shall cause such complaint to be put in writing and directed to the PC concerned.

20.2 The NC shall personally hand a copy of the complaint to the member concerned, or forward a copy of the complaint to the member by registered post, and call upon him or her to respond to the complaint within fourteen (14) days.

20.3 If the PC, having received and considered the explanation submitted by the member concerned, is satisfied that the complaint is unfounded, the PC shall dismiss the complaint and inform both the complainant and the member of its decision.

20.4 However, if the PC is not satisfied with the explanation received, it may call for further evidence and shall have the power to summon the member concerned to appear in person before it at a specified place and on a day not earlier than fourteen (14) days from the date of summons, which shall be handed to him or her in person or forwarded by registered post, provided that such member shall be entitled, at this hearing, to question the complainant and to be assisted by a legal representative.

20.5 The PC shall cause the proceedings at any such hearing to be recorded

20.6 The PC may elect or appoint a DC at any stage after first receiving a complaint in order to investigate the matter on behalf of the NC and to report its findings and recommended action to the NEC MC?. The NC (this section deals largely with the powers of the PCs) may delegate any of the powers conferred on it by this section To whom?

20.7 If, after hearing both parties and having considered the report of the DC, the PC finds that the complaint was justified, it may take such disciplinary action as it may deem appropriate in the circumstances, including suspending the membership of the member concerned, pending national sanctions. (What are these?)

Q: what other forms of disciplinary action may the DC take? termination of membership, or recommending termination to the PC concerned, to be confirmed by the EC/NC/MC?

20.8 If the member accused of misconduct fails or refuses to appear before the PC on the date set down, the PC shall inform him or her personally in writing, or by registered post that unless he or she gives a satisfactory reason for his or her absence within fourteen (14) days, his or her membership of the Institute will terminate upon the expiry of such fourteen (14) days.

20.9 The PC shall report any decision to terminate membership to the NC and shall at the same time forward a fair copy of the record referred to in section 20.5 to the relevant authority or the employer of the former member, as the case may be.

Q: Should the NC not have the final say here? Is there no appeal against the decision of the PC to the NC? Suggest (i) that the decision be confirmed by the NC at its next meeting if no appeal is lodged; (ii) that provision be made for appeal to the NC.

21 REVOCATION OF PREVIOUS CONSTITUTIONS AND DATE ON WHICH THIS CONSTITUTION COMES INTO EFFECT

The provisions of any Constitution of the Institution hitherto in force are hereby repealed and this Constitution, as amended from time to time, shall be the sole Constitution of the Institute, provided that this provision shall not affect the validity of any action or decision taken in terms of any previous Constitution, provided that such action or decision is not in conflict with the provisions of the Constitution of the Republic of South Africa, 1996, or any other legislation applicable to the Institute.

22 DISSOLUTION OF THE INSTITUTE

22.1 The Institute may be dissolved by a two-thirds majority vote of all members present at a special general meeting convened specifically for this purpose, notice of which shall be given by registered post to all members.

22.2 All assets of the Institute shall on dissolution pass to the Road Safety Association of South Africa (?) or? be placed in trust and held for?

SAIDI CODE OF CONDUCT FOR DRIVING INSTRUCTORS AND DRIVING SCHOOLS
"INTEGRITY IS OUR DRIVING FORCE"

Whereas the goal of the Code of Conduct for SAIDI members and driving schools is to promote a professional driver education and training industry to ensure the development of well-trained and safe defensive drivers in South Africa; and

Whereas SAIDI aims to ensure the highest standards of integrity within the driving school industry;

Now therefore be it resolved that the following code of conduct for driving instructors and driving schools is hereby adopted and shall be signed by driving instructors and owners and employees of driving schools seeking to promote the highest standards of integrity and service delivery within the driver education and training industry.

1. Duty to act in compliance with the law and in a professional manner

1.1 A driving instructor shall provide driving instruction services only when he or she is in possession of a valid Instructor's certificate as required by the National Road Traffic Act, no 93 of 1999, and has been registered under any applicable law to provide driver training and education to the public.

1.2 The owner of a driving school shall ensure that each employee who provides services as a driving instructor is in possession of a valid instructor's certificate as required in terms of the National Road Traffic Act, no 93 of 1999, and is registered under any applicable law to provide driver training and education to the public.

1.3 Each driving instructor and owner of a driving school shall be subject to renewal of his or her registration every three (3) years or as the law stipulates.

1.4 Each driving instructor and owner of a driving school shall ensure that he or she is fully conversant with all relevant national and provincial laws and regulations and undertakes to observe and abide by such legislation, in order to ensure that the public receives the best possible driver education and training instruction.

1.5 Each driving Instructor and owner of a driving school shall ensure that road safety and the public interest in road safety are integral to all driving instruction.

1.6 Each driving instructor and owner of a driving school shall co-operate fully and in good faith with all national, provincial and local government bodies to promote the public

interest in regulating the professional driver education and training industry and road safety.

1.7 Each driving instructor and owner of a driving school shall ensure that any vehicle used for driver education and training is roadworthy, suitably identified and equipped with dual controls, including a service brake.

1.8 Each driving instructor and owner of a driving school shall ensure that any vehicle used for driver education and training instruction is comprehensively insured.

1.9 Each driving instructor and owner of a driving school shall conduct his or her business affairs with scrupulous honesty and shall not engage in any act of fraud, corruption, nepotism, maladministration or any other act which constitutes a legal offence involving dishonesty.

1.10 Each driving instructor and owner of a driving school shall be honest and accountable in dealing with funds received for driver education and training services rendered to driver education students.

1.11 Each driving Instructor and owner of a driving school shall report any evidence of fraud, corruption, nepotism, maladministration or any act which constitutes an offence or which is prejudicial to the public interest, and which relates to the activities of the Institute to the South African Police Service or any other appropriate government agency.

1.12 Each driving instructor and owner of a driving school shall use the appropriate channels to address grievances within the industry and shall promote peaceful means of resolving disputes among driving instructors, driving schools, students and government.

1.13 Each driving instructor and owner of a driving school shall conduct himself or herself in a sober manner and shall not consume alcoholic beverages or any other intoxicating substance when engaging in official duties or using a motor vehicle.

1.14 No driving Instructor and owner of a driving school shall disclose any confidential information received in the course of his or her duties for personal gain.

1.15 No driving instructor and owner of a driving school shall use his or her position to obtain favours, gifts, or benefits, including sexual favours, in the course of performing his or her duties.

1.16 Each driving instructor and owner of a driving school shall charge reasonable rates for his or her services and shall charge only for services reasonably required by driver education and the training of students.

1.17 Each driving instructor and owner of a driving school shall serve the public interest of effective driver education and training in the performance of his or her duties.

1.18 Each driving instructor and owner of a driving school shall be punctual in his or her dealings with driver education students.

1.19 Each driving instructor and owner of a driving school shall encourage initiative, enterprise and constructive competition within the driver training industry by and between driving instructors and driving schools, in order to ensure that road safety and the public interest are served by the industry.

1.20 Each driving instructor and owner of a driving school shall promote unity within the driving school industry to enhance the reputation and standing of the industry.

1.21 Corporate members of SAIDI shall ensure that all their members are in possession of the required certificates, that their registration is in order and that the members adhere to this code of conduct.

2. Relationship with the public

2.1 Each driving instructor and owner of a driving school shall ensure that driver education and training students receive the best possible training from the driving school industry.

2.2 Each driving instructor and owner of a driving school shall ensure that all driver education and training students shall be informed in writing of the following:

- 2.2.1 the duration of each driving lesson;
- 2.2.2 the cost of each individual lesson, and, where applicable, the cost of the course of lessons;
- 2.2.3 the fee for the use of driving school vehicle(s) for the driving test and the services covered by the fee;
- 2.2.4 the conditions under which driving tuition will be conducted;
- 2.2.5 the address (including an e-mail address) and telephone number of the controlling government body with which complaints can be lodged; and
- 2.2.6 the requirements of the driving instructor and/or driving school regarding the keeping of written training records for each student.

2.3 Each driving instructor and owner of a driving school shall be polite, helpful and accessible in his or her dealings with the public, and shall treat members of the public as customers entitled to high standards of service from the driver training industry.

2.4 No driving instructor or owner of a driving school shall discriminate unfairly against any member of the public or driver education and training student on the ground of race, sex, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, belief, culture or language.

2.5 Each driving instructor and owner of a driving school shall refrain from party political activities in the workplace and in his or her dealings with driver education students.

2.6 Disciplinary issues will be addressed

SAIDICONSTITUTION
INTEGRITY IS OUR
DRIVING FORCE

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COMMENCEMENT OF THIS CONSTITUTION

The South African Institute of Driving Instructors
(SAIDI)

PREAMBLE

INTEGRITY IS OUR DRIVING FORCE

SAIDI is a non-racial Institute established in 1977 under the auspices of the National Road Safety Council, Traffic Safety, in order to place driver training on a co-ordinated basis and to lay down professional standards throughout the industry. SAIDI therefore seeks to achieve the aims and objectives set out in this Constitution.

Great strides forward have been made since the inception of SAIDI, and the body is recognized by such bodies as the Council for Scientific and Industrial Research (C.S.I.R), the Provincial Authorities, the Institute of Advanced Motorists of South Africa (I.M.A), the Automobile Association (AA) and the Department of Transport.

In the light of the above, furthermore, SAIDI seeks to achieve the following benefits of membership for driving instructors:

- Recognition by the authorities as professional instructor.
- Instructor training and refresher courses.
- Advanced driving and refresher courses.
- Participation in driver training programs to standardize driver education throughout Southern Africa.
- Participation in decision-making regarding driving in Southern Africa.
- Participation in seminars and workshops.
- Educational aids and pamphlets.
- Opportunity to be part of the future training and testing programs for drivers.
- Reduced fees for advanced driving courses.
- SAIDI newsletter.
- Reduced premiums on vehicle insurance.
- Personal insurance and medical aid.

1. DEFINITIONS

1.1 Annual General Meeting (AGM)

Shall mean a general meeting of the Institute held annually in terms of Section 13 of this Constitution.

1.2 Disciplinary Committee (DC)

Shall mean a Committee consisting of at least three members of the National Committee appointed by the National Committee in terms of section 20.

1.3 Executive Committee (EC)

Shall mean a Committee Elected at an annual general meeting.

Q: no reference to way in which this committee is constituted or how it differs from the NC or the MC.

1.4 General Meeting (GM)

Shall mean an Annual general meeting or a special meeting of members of the Institute.

1.5 Institute

Shall mean the South African Institute of Driving Instructors as founded in terms of this Constitution.

1.6 Management Committee (MC)

Shall mean the Management Committee elected by members of the National Committee from members of the National Committee and shall consist of members as defined by Section 7 of the Constitution.

Q: how does this committee differ from the EC? Why do you need a committee drawn from members of another committee (the NC)? How is this committee constituted?

1.7 Membership

Shall mean all the classes of membership provided for in Section 7 of this Constitution. Each class of membership shall have the meaning as defined in Section 7 of this Constitution and "member" shall have the meaning of a person or body that has acquired any of the classes of membership as set out in Section 7 of this Constitution.

1.8 National Committee (NC)

Shall mean the National Committee elected in terms of Section 14 of this Constitution.

1.9 Objectives

Shall mean the main aims, objectives, or rights as identified in Section 5 of this Constitution and "Main Objectives" shall have the same meaning.

1.10 Organization

Shall mean any driving school, institution, commercial or statutory body or the Government and its departments jointly or severally. More than one organization functioning materially under the same management shall be regarded as a single organization.

1.11 Provincial Committee (PC)

Shall mean members elected at a provincial general meeting.

1.12 Region

Shall mean a geographical area of which the boundaries shall be determined by the Provincial Executive (?) Committee. Why not just the PC?

1.13 Regional Annual General Meeting (RAGM)

Shall mean a general meeting held annually in terms of Sections 13 and 16 of this Constitution and attended by members operating or employed in the region.

1.14 Regional Committee (RC)

Shall mean the regional committee formed for a region in terms of Section 16 of this Constitution.

And elected by members at the RAGM?

1.15 Regional General Meeting (RGM)

Shall mean a Regional Meeting of members of the Institute operating or employed in that region.

And includes a special general meeting?

1.16 Secretary

Shall mean any person responsible for agendas, minutes and other administrative functions as allocated by the Committee on which he or she is to serve. This person may also serve as the Treasurer.

1.17 Southern Africa

Shall mean all the countries, states and regions in which the Institute is registered or represented by a regional committee.

1.18 Special General Meeting (SGM)

Shall mean a General Meeting of members of the Institute held specially in terms of Section 13 of this Constitution.

1.19 Treasurer

Shall mean any person responsible for the financial affairs of the Committee on which he or she is to serve. This person may also serve as the Secretary.

2. NAME AND STATUS OF THE INSTITUTE

2.1. The name of the Institute shall be the South African Institute of Driving Instructors ("SAIDI").

2.2 The Institute is an independent legal entity, separate and distinct from its members; it may, in its own name and independently of its members, sue or be sued and purchase or otherwise acquire, hold, manage and/or dispose of movable or immovable property, or any right or interest therein.

2.3 The Institute does not aim to make any profit or acquire other pecuniary benefits for its Members.

3. PROPRIETARY RIGHTS OF MEMBERS AND LIMITATION OF LIABILITY

3.1 No member, irrespective of class, shall by virtue of his or her membership of, or

affiliation to the Institute, have any proprietary title or claim to, or interest in any property of the Institute.

3.2 The liability of any member of the Institute for any obligation of the Institute shall be limited to the annual contributions of moneys payable by him or her to the Institute in terms of this Constitution.

4. HEADQUARTERS

The headquarters of the Institute shall be situated at a place as determined by the EC (NC?).

5. MAIN AIMS AND OBJECTIVES OF THE INSTITUTE

The main aims and objectives of the Institute, without in any way excluding generally associated aims and objectives, shall be the following:

5.1 To promote and maintain a uniformly high standard of motor vehicle driver training in all its branches.

5.2 To promote the professional advancement of its members, provided that the Institute shall at no time and in no manner whatsoever take or support any action, or permit any action to be taken which may be construed as, or which may have the effect of, converting the Institute into a trading body.

5.3 To promote the high professional status of instructors of motor vehicle drivers, and to make membership of this Institute a prerequisite for an Instructor's Certificate issued by the National Department of Transport.

5.4 To promote and maintain better working conditions for all persons directly involved in the training of motor vehicle drivers.

5.5 To make recommendations to the National Department of Transport (NDOT) as well as other authorities and institutions that can, in the opinion of the Institute, assist in the promotion of these objectives of the Institute.

5.6 To obtain funds, and spend moneys in such manner as the Institute may deem fit.

5.7 To determine the requirements for achieving the aims and objectives of the Institute.

6. POWERS OF THE INSTITUTE

In order to achieve the aims and objectives stated in section 5 of this Constitution, the SAIDI shall have the following powers and competences:

6.1 To arrange lectures and to publicize in any manner by any legal means the aims and objectives of the Institute, as well as any related subject matter that could further the aims of the Institute.

6.2 To produce, use and exhibit training material.

6.3 To accept any gifts of property, moveable or immovable.

6.4 To purchase, take or lease or in exchange or otherwise acquire any fixed property leasehold or freehold, buildings, houses and properties, rights and privileges of every description, real and personal, and all kinds of movable property and equipment which may be deemed necessary or convenient for the achievement of the main objectives of the Institute.

6.5 To sell, manage, lease, mortgage, dispose of or otherwise deal with all or any part of the property of the Institute and generally to develop the resources of and turn to account any of the assets of the Institute.

6.6 To borrow and raise money in such a manner as the Institute may think fit.

6.7 To invest any moneys of the Institute not immediately required for its purpose by any of the following means:

(a) in Treasury Bills or any other securities of any of the Governments of Southern Africa;

(b) in any debentures, debenture stock or loans of any municipal bodies in Southern Africa;

(c) in fixed deposits or savings bank accounts or shares in any bank or other financial institution carrying on business in Southern Africa.

6.8 To establish and support medical aid and benefit schemes, insurance schemes and recreational facilities for present or past ordinary members in South Africa.

6.9 To draw, make, accept, endorse, discount, execute, issue and negotiate promissory notes, bills of exchange, cheques or otherwise negotiate transferable instruments for the purpose of the Institute and to open and operate banking accounts or accounts in a financial institution..

6.10 To do all such other lawful things as are incidental or conducive to the achievement of the main objectives of the Institute.

7 MEMBERSHIP

7.1 The members of the Institute (all classes) shall subscribe to this Constitution, and shall not be limited or confined to any race, colour, creed, sex or religion; membership shall comprise the following classes of members, namely:

7.1.1 Members (MSAIDI)

7.1.2 Fellow Members (FMSAIDI)

7.1.3 Associate Members (AMSAJDI)

7.1.4 Honorary Members (HMSAIDI)

7.1.5 Corporate Members (CMSAIDI)

7.1.6 Members Extraordinary (MEMSAIDI).

7.2 The right to vote at General Meetings of the Institute shall be restricted to the classes of membership set out in Section 7.1.1, 7.1.2 and 7.1.4.

7.3 Membership of the Institute confers the right to use the qualifying initials indicating the different classes set out in Section 7.1.1, 7.1.2, and 7.1.4 and to receive the Institute's membership card, certificate and logo.

7.4 Termination or deprivation of membership for any reason whatsoever shall disqualify a person from using the initials set out in Section 7.1 from the date of termination or deprivation of membership.

8 QUALIFICATIONS FOR MEMBERSHIP

8.2 The qualifications for the various classes of membership are as follows:

8.1 Members (MSAIDI referred to in Section 7.1.1)

8.1.1 Any person who was a member of the Institute in terms of the previous Constitution at the time of the adoption of this Constitution.

8.1.2 Any person who has by examination qualified himself or herself for such membership, provided that his or her financial obligations toward the Institute have been duly met, that such a person has applied for membership and that the application has been approved by the Regional Committee. PC?

8.1.3 Any person, whether he or she is required to be in possession of an Instructor's Certificate in terms of road traffic legislation or not, who is legally an instructor of motor vehicle drivers (a) for his or her own account or (b) in the service of a driving school, institution, commercial statutory body or the Government.

8.2 Fellow Members (FMSAIDI referred to in Section 7.1.2)

Any member of the class set out in Section 7.1.3 who, by reason of his or her outstanding service to the Institute, or for another reason, is elected as such a member by the National Committee, a Provincial Committee or a Regional Committee.

8.3 Associate Members (AMSAIDI referred to in Section 7.1.3)

8.3.1 Any member of the class set out in Section 7.1.3 who ceases to be an instructor of motor vehicle drivers, as contemplated in Section 8.1.3, may apply to become an Associate Member, and the National, Provincial or Regional Committee may grant or refuse such an application.

8.3.2 Any person who, by virtue of his or her affiliation to driver training or for other reasons, may apply to become an Associate Member.

8.4 Honorary Members (HMSAIDI referred to in Section 7.1.4)

Any person who, by reason of his or her close connection with or knowledge of driver training, or for other reasons is elected as an honorary member by the National Committee. Delegates attending conferences of the Institute shall be regarded as Honorary Members for the duration of the conference. Regional Committees may make recommendations in this regard. Any role for PCs here?

8.4 Corporate Members (referred to in Section 7.1.5)

Any Government Department, statutory body, company or other commercial enterprise or institution that participates in the training or advanced training of motor vehicle drivers or that presents such training or that is approved of by the National, Provincial or Regional Committee, may apply to the National/Provincial/Regional Committee (as the case may be) and the committee in question may grant or refuse such membership.

Q: Would such members be members only of the provincial or regional branch concerned, or of the Institute as such?

9. APPLICATION FOR AND CONDITIONS OF MEMBERSHIP

9.1 Applications for membership of the classes set out in Section 7.1.1, 7.1.3 and 7.1.5 shall be in writing on a form prescribed by the EC/NC/MC? and forwarded to the Secretary of the EC together with the prescribed fees.

Q: At this stage we don't know who the EC is and how they are appointed or how they differ from the MC.

9.2 Each such application received by the Institute will, if the applicant is not disqualified in terms of Section 10 or otherwise, be considered on merit at the following meeting of the EC. If an application for membership is rejected, the EC shall notify the applicant in writing of such rejection, giving reasons therefor and informing the applicant that he or she has a right to re-lodge the application with the EC, furnishing such further facts as may be relevant.

Q: further procedures here? Will the same people hear the re-lodged application?

9.3 Upon a person's admission as member of the Institute, the Secretary shall furnish the member concerned with an appropriate membership certificate. This certificate shall remain the property of the Institute and shall be surrendered to the Secretary of the Institute upon termination of membership.

9.4 Possession of a membership certificate shall not serve as proof that a person has passed an examination of the Institute. While the membership certificate must be returned to the Institute upon termination of membership, any diploma obtained by the member may be retained.

9.5 Entry fees, annual membership fees and examination fees shall be determined by the EC/MC/NC?; provided that annual membership fees shall be increased or decreased only with effect from the first day of the financial year following that in (?) in which the resolution concerned is passed, and provided further, that the decision of the EC in this regard shall be final and binding.

Surely an increase in fees (and even a decrease) must be prospective and not retrospective. This provision makes retrospective changes possible.

9.6 The Institute's badges and other insignia shall be leased/issued to members subject to the condition that such badges or other insignia shall remain the property of the Institute, notwithstanding the fact that the member may have paid for it/them or may have

paid an amount equal to a purchase price for it/them. Such badges or other insignia shall be returned to the Secretary of the Institute on termination of membership.

9.7 The membership of a person who is by law required to be in possession of an Instructor's Certificate, shall be automatically suspended when his/her Instructor's Certificate is withdrawn or the re-issue thereof is refused and the EC shall decide whether the membership of such a person is to be terminated or not.

9.8 Every member shall furnish an address to the Secretary of the Institute in writing. Such address shall serve as his or her domicilium citandi et executandi for all purposes arising from this Constitution and such a member shall be deemed to have received a notice or letter within fourteen (14) days from the date of the posting thereof. Such address may only be changed in writing per prepaid registered post, which change shall apply from the date of receipt signed for such registered post and the post office by the Secretary .

9.8 A member of the Institute may be or become a member of another similar institute of driving instructors only with the written consent of the EC.

10 TERMINATION OF MEMBERSHIP

It may be a good idea to distinguish between cases where membership is terminated automatically and those where the EC?MC?NC? exercises a discretion to terminate membership. It appears that most of the circumstances set out in 10.1 refer to automatic termination, with a discretion given to the committee concerned to condone the member's "misdemeanour". Yet 10.6 (and even 10.2) refer to termination by the committee.

10.1 A person's membership shall be terminated if:

10.1.1 his or her driver's licence(s) is withdrawn or suspended;

10.1.2 his or her Instructor's Certificate is withdrawn or the re-issue thereof is refused or he or she is barred in any other way from instructing learner drivers or drivers;

10.1.3 he or she is or becomes an unrehabilitated insolvent, unless he or she is declared by the EC to be a fit and proper person to be a member;

10.1.4 he or she is or has been convicted of theft, fraud, forgery, uttering a forged document or perjury, or has been sentenced to serve a term of imprisonment without the option of a fine;

10.1.5 he or she has been removed from an office of trust on account of misconduct;

10.1.6 he or she suffers from any form of mental disorder referred to in the Mental Health Act 18 of 1973, the Mentally Ill Persons' Legal Interests Amendment Act or any subsequent legislation dealing with mental illness and has been classified in terms of such legislation;

10.1.7 he or she has been convicted of the offence of reckless driving, drunken driving, driving with an illegal blood/breath alcohol concentration, grossly negligent driving, overtaking in the face of oncoming traffic, or of such other road traffic

usage or transport-related offence(s) which, in the opinion of the EC, renders such a person unfit to act as an instructor of learner drivers or drivers;

10.1.8 his or her subscription is more than one year in arrears, in terms of the provisions of section 11.

10.1.9 he or she has been found guilty of misconduct in terms of section 20 of this Constitution.

10.2 Any person whose membership has been withdrawn or suspended or who has become ineligible for membership, may reapply or apply for membership if he or she otherwise qualifies for membership and the EC/MC/NC must consider and may grant or refuse such application.

Q: when may membership be suspended?

10.3 A certificate issued by the Central Road Traffic Bureau or similar organization or the SAP 69 or similar type of form, whether extracted from physical or computerized records or otherwise, shall furnish conclusive proof of previous convictions (or the absence thereof) of a person for all relevant purposes of this Constitution.

10.4 Any member who wishes to retire shall signify such desire in writing to the Secretary, whereupon his or her name shall be removed from the list of members and he or she shall be deemed to have retired. He or she may, however, reapply for membership in terms of Section 7.1.3 of this Constitution.

10.5 If a member's membership is terminated on account of his or her retirement or for any other reason, the Secretary shall inform the relevant authorities in writing within one month of the termination of membership.

10.6 An appeal against a decision of the EC to terminate or suspend the membership of a member may be lodged only at a General Meeting and to no other authority or tribunal. The appeal shall be considered at that meeting in accordance with the rules of administrative law, whereafter the decision of the General Meeting shall be final.

11 FEES OR SUBSCRIPTIONS

11.1 Membership fees shall fall due on the first day of January of each year.

11.2 A member whose membership fees are outstanding for more than three months shall not be entitled to vote at any meeting convened by the Institute.

11.3 Should a member's subscription be more than one year in arrears, his or her membership shall terminate automatically, provided that EC may extend the time for payment and for the imposition of these penalties upon receipt of a request from the member concerned within twenty one (21) days of the date of notification of the termination of membership.

11.4 The EC may consider the re-admission of an ex-member whose membership has been terminated due to the non-payment of membership fees. The normal entrance and annual subscription fees which are applicable to the specific class of membership shall be payable on readmission.

11.5 A member whose subscription is unpaid for the current year, shall not be eligible to write any examination of the Institute.

11.6 The EC may consider exempting any person or members of a specific class of membership from paying membership fees.

Check EC/MC/NC throughout.

12 EXAMINATION AND EXAMINATION BOARD

12.1 The EC shall compile or adopt a syllabus in accordance with the requirements of the South African Qualifications Authority (SAQA) for the examination for membership of the Institute, and appoint a Board of Examiners. The Board of Examiners shall, in consultation with the EC, make all the necessary arrangements for the proper conduct of examinations.

12.2 The decision of the EC with regard to any matter pertaining to any examination shall be final and binding on all parties concerned.

12.3 The EC may promulgate regulations governing any matter relating to examinations, including the conduct thereof, and may amend, extend or repeal such regulations from time to time.

12.4 Any person who applies to take any examination of the Institute, may be required to pay an examination fee determined by the EC.

12.5 All candidates shall produce a means of identification to the invigilator, such as a valid identity document, driver's licence or passport.

12.6 Candidates who have passed an examination of the Institute will be issued with a diploma as proof of their success.

13 MEETINGS

13.1 The AGM of the Institute shall be held at such place and on such date as the NC may decide.

13.2 A Provincial Annual General Meeting (PAGM) of the Institute shall be held at such a place and on such date as the PC may decide or, in the absence of such a Committee or decision, at such place and date as the NC may decide. Provincial and

regional meetings may be convened by members from a particular region or province for the purpose of considering matters deemed necessary.

Reference to regions as well as provinces in s 13.3 to 13.6?

13.3 If, for any reason, any AGM or a PAGM (RAGM) cannot be held in terms of Section 13.1 and 13.2 or during any particular financial year, the NC or PC then in office shall continue to hold office until the next GM to be held within six months of the start of the next financial year.

13.4 The NC or the PC may convene Special General Meetings (SGMs) for the Institute or of a Province respectively and such meetings may also be convened on a properly substantiated request in writing signed by at least one third of the members of the Institute or of a Province respectively who are entitled to vote.

13.5 At a GM of the Institute or of a Province, a quorum shall consist of two-thirds of the members of the Institute or Province respectively, provided that in the absence of a quorum the meeting shall stand adjourned for one half hour, after which the members present at the meeting concerned shall constitute a quorum.

13.6 Any member who is unable to attend a GM of the Institute or of a Province, may nominate, in writing, any other member to present him or her at such meetings as proxy, provided that any attending member may act as proxy for only one absent member at a meeting.

Q: inclusion of regions in 13.4, 13.5, 13.6?

13.7 Any member who is unable to attend a meeting may nominate one member to be elected to serve on the Committee concerned, such nomination being in writing, forwarded to and received by the secretary of the relevant committee prior to the meeting; provided that

- Constitution; and
- a) the nominee is eligible to be elected in terms of this
 - b) the nomination is seconded by a member present at the meeting.

13.8 At any meeting of the Institute in respect of which it is deemed necessary to invite a non-member to be present, such person shall be at liberty to address the meeting, but shall not be entitled to vote.

13.9 Notice of a GM shall be forwarded by ordinary post to the addresses of members 15? days before the date set down for the meeting.

13.10 Any member may place a motion or proposal on the agenda of a GM, a meeting of the NC, a meeting of the MC or a meeting of a PC, provided that each such motion or proposal shall:

- fall within the aims and objectives of the Institute;

be submitted to the Secretary not less than forty five (45) days prior to the GM or thirty (30) days prior to a meeting of the NC, MC or the PC at which it is to be discussed;

be subject to the approval of the NC, MC, or PC (as the case may be) prior to being placed on the agenda of the GM at which it is to be discussed.

What about RCs in this context?

14 NATIONAL COMMITTEE

14.1 The NC shall consist of members in terms of section 7.1.1, 7.1.2 and 7.1.4 of this Constitution and shall be elected at the AGM of the NC.

14.2 A member who is not present at such a meeting, may be nominated provided he or she has agreed in writing to accept such nomination.

14.3 The NC shall consist of:

14.3.1 The President of SAIDI?

14.3.2 the Vice-President/s?

14.3.3 the Secretary

14.3.4 the Treasurer

14.3.5 the Public Relations Officer

14.3.6 one representative from each province, designated how?

Chairman/ V-c? elected at meeting? OR Pres to act as chair, failing which V-P?

14.4 The NC shall represent the nine provinces of the Republic of South Africa:

- Gauteng Province
- Western Cape Province
- Free State Province
- Kwa-Zulu Natal Province
- Northwest Province
- Limpopo Province
- Mpumalanga Province
- Eastern Cape Province
- Northern Cape Province

14.5 Five (5) members present at any official meeting of the NC shall constitute a quorum.

14.6 Elected members of the NC shall hold office for two years until their successors have been elected, and shall upon retirement be eligible for re-election.

14.7 Members nominated to serve on the NC must operate or be employed in the province they represent.

14.8 All persons elected to the National Committee shall be members in terms of Section 7.1.1, 7.1.2 or 7.1.4, and must be fully paid up members of the provincial branch concerned.

14.9 A member of the NC who absents himself or herself without leave from three consecutive meetings, or whose annual membership fee is outstanding for more than three months, shall forfeit his or her membership of the NC.

14.10 Meetings of the NC shall be held at least three times every twelve months. Such meetings shall be convened by or on behalf of the Secretary in consultation with the President. (Chairperson, if President does not automatically serve as chair?)

14.11 Any member of the NC who is unable to attend an NC meeting, may delegate any other member in writing to represent him or her at such meeting as proxy.

14.12 The NC may fill any vacancy which may arise on that Committee, provided that the term of office of the member thus appointed shall not exceed that of the member replaced.

14.13 The NC may co-opt any member or any other person by virtue of his or her close connection with, or knowledge of driver training or for other reasons, to serve on the Committee, provided that a non-member shall not be entitled to vote.

14.14 A member of the NC who becomes disqualified from membership in terms of section 10, shall be deemed to have resigned his or her office and shall vacate it forthwith.

14.15 Any vacancy in the office of President or Vice-President shall be filled by the NC from the ranks of the remaining members.

14.16 The NC shall be responsible for the control and management of all matters relating to the Institute and is hereby generally empowered to perform any lawful act necessary for the achievement or furtherance of the objectives of the Institute.

14.17 The NC shall keep a minute book in which minutes of all the meetings of the Committee shall be recorded. It shall also keep any other book/s which may be necessary to give a true reflection of the financial transactions entered into by this Committee.

14.18 The NC shall consider the annual report of the President and the audited financial statements at the end of the financial year at the end of April.

14.19 The NC shall have authority on behalf of the Institute:

1. To collect and receive moneys by way of bequests, donations, grants, subscriptions, collections or in any other manner and to use and employ such funds in accordance with the objectives of the Institute.

2. To appoint and dismiss officials and determine their duties and rate of remuneration and to co-opt any person for a specific purpose.

3. To acquire and dispose of any property, movable and immovable, on behalf of the Institute, and to let, mortgage and encumber the property and assets of the Institute.

4. To institute and defend actions and proceedings on behalf of the Institute.

5. From time to time, to borrow from any source whatsoever, any sum or sums of money for the purposes of the Institute, provided that such borrowing must receive the prior approval of the Institute by means of a special resolution at an NGM.

14.20 All arrangements, power of attorney and the like entered into for and on behalf of the Institute, shall be signed by the President or by a person or persons appointed for this purpose by the NMC.

14.21 The NC shall be responsible for the drafting, amendment and enforcing of a Code of Ethics, for the members of this Institute. Such Code shall be in writing and shall be made available to each member personally or sent by registered post to every member's last known address.

14.22 Members of the NC shall not be entitled to remuneration or refund of costs for attending meetings of the NC from the funds of the Institute, provided that the NMC may authorize ex gratia grants from funds under control of the NC.

15. PROVINCIAL COMMITTEES (PCs)

15.1 The PC for each province shall consist of members in terms of Section 7.1.1, 7.1.2 and 7.1.4 of this Constitution, elected at a PAGM, provided that the Secretary and the Treasurer may be persons who are not members.

Q: Can it possibly make sense for PCs to be elected by the NC? I can't really see how.

15.2 A member who is not present at the meeting at which the election takes place may be nominated, provided that he or she has agreed in writing to accept such nomination.

15.3 Each PC shall consist of:

15.3.1 The President Chairperson?

15.3.2 The Vice - President V-C?

15.3.3 The Secretary

15.3.4 The Treasurer

15.3.5 The public relations officer

15.3.6 Not more than four (4) additional members.

15.4. The PC shall have power on behalf of the Institute:

a) to collect and receive money by way of bequests, donations, grants, subscriptions, collections or in any other manner and to use such funds in accordance with the objectives of the Institute;

b) to appoint and dismiss officials and determine their duties and rate of remuneration and to co-opt any person for a specific purpose.

c) to perform any lawful act necessary for the achievement or furtherance of the objectives of the Institute within that province or for the carrying out of any duties or functions which are either expressly or by implication assigned to it by any provision of this Constitution, excluding, however, any matters which are specifically reserved by this Constitution to be dealt with by the MC (?)

15.5 The PC shall endeavour to fill any vacancy which may arise in that Committee, provided that the term of office of the substitute member shall not exceed that of the member replaced.

15.5.1 The PC may co-opt any member or any other person by virtue of his/her close connection with, or knowledge of driver training or for other reasons, to serve on the Committee, provided that a co-opted person shall (not?) be entitled to vote. Over and above the 4 additional members?

15.6 A member of the PC who, without leave of absence, absents himself or herself from three consecutive meetings, or whose annual membership fee is outstanding for more than three months, shall forfeit his or her membership of that Committee. Similar provision for NC?

15.7 Meetings of the PC shall be held at least every four months. Such meetings shall be convened by or on behalf of the Secretary in consultation with the Chairperson.

15.8 A member of the PC who becomes disqualified from membership shall be deemed to have resigned his or her office and shall vacate it forthwith.

15.9 Five (5) members present at any official meeting of the MC (PC?) shall constitute a quorum.

15.10 Elected members of the PC shall hold office for two years until their successors have been elected, and shall upon retirement be eligible for re-election.

15.11 The PC shall keep a minute book in which minutes of all the meetings of this Committee shall be recorded. It shall also keep any other books which may be necessary to give a true reflection of the financial transactions entered into or authorized by this Committee.

15.12 All resolutions of the PC must be reported to the NEC (MC?) at the next meeting of the EC. (MC?)

15.13 Members of the PC shall not be entitled to remuneration or refund of costs for attendance of meetings of the PC from the funds of the Institute, provided that the PC may authorize ex gratia grants from funds under its control.

15.14 A PC shall have the right to suspend the functioning of a RC of a region within the province concerned and to convene an RGM to discuss and decide on the actions of the suspended RC or of one or more of its members whenever deemed necessary by the MC (PC?).

15.15 The PC may delegate to an RC? some of its functions and responsibilities in writing under such terms and conditions as may be prescribed by the PC.

16 REGIONAL COMMITTEES (RCs)

16.1 RCs shall consist of members in terms of Sections 7.1.1, 7.1.2 and 7.1.4 of this Constitution and shall be elected by a RAGM subject to the same provisions as those contained in Section 13.9.

Q: was the intention that these should be elected committees? If not, then what - subcommittees of PCs? If elected, this must be reflected throughout the Constitution.

16.2 The RC shall consist of:

A Chairperson

A Vice-Chairperson

A Secretary

A Treasurer

At least four (4) additional members designated by the relevant PC or elected at the RAGM ?

16.5 The Chairperson and Vice-Chairperson of an RC shall be elected by the members of the Provinces (?) or be appointed by the RC. Simply appointed by RC or elected at AGM? Same system as for PCs?

16.6 The powers, responsibilities and terms of office of an RC shall be exercised only in respect of the region concerned and subject further to delegation in terms of Section 15.15 or limitations or conditions as determined by the PC of the province concerned?.

16.7 Five (5) members of the RC shall hold office for two (2) years until their successors have been elected, and shall be eligible for re-election upon retirement.

16.8 Persons nominated to serve on the RC must operate or be employed in that region.

16.9 All persons elected to an RC shall be members in terms of Section 7.1.1, 7.1.2 or 7.1.4, provided that the secretary and the treasurer may be persons who are not members.

16.10 A member of an RC who, without leave of absence, absents himself or herself from three consecutive meetings, or whose annual membership fee is outstanding for more than three months, forfeits his or her membership of that Committee.

16.11 A member of an RC who becomes disqualified from membership shall be deemed to have resigned his or her office and shall vacate it forthwith.

16.12 Meetings of the RC shall be held at least once every month. Such meetings shall be convened by or on behalf of the secretary in consultation with the chairperson.

16.13 The RC shall keep a minute book in which minutes of all the meetings of this Committee shall be recorded. It shall also keep any other books which may be necessary to give a true reflection of the financial transactions entered into or authorized by this Committee. All minutes should be submitted to the National Secretary on a monthly basis.

16.14 The minute book(s) referred to in Section 18, and all other documents of a region shall be open for inspection, re-auditing, and perusal. Copies of such documents may be made by or on behalf of the MC. Financial reports shall be submitted to the NC on a quarterly basis with a membership list included.

16.15 An RC may use the name of the Institute with the name of the Province in brackets thereafter only to identify the specific Province. (Does the same apply to PCs?)

17 AMENDMENTS TO THE CONSTITUTION

17.1 The Constitution shall not be amended except at an AGM or at an SGM convened for this purpose in terms of Section 17 of this Constitution, provided that any amendment of this Constitution must be supported by two-thirds of the members present who are entitled to vote at such meeting, and only after all PCs have been notified about the proposed amendment in writing.

17.2 No amendment to the Constitution that is in conflict with the Constitution of the Republic of South Africa, 1996, or any other legislation applicable to the Institute, shall be valid.

18 BOOKS AND RECORDS

18.1 All subscription and examination moneys shall be forwarded to the Treasurer of the PC concerned, from whose office a receipt will be issued.

18.2 All percentages (as determined by the NC) of all subscription moneys received from a Province shall be allocated and paid over to the NC.

18.3 All other moneys received by a Province shall be allocated by the PC of the Province to promote the aims and objectives of the Institute.

18.4 A Provincial Treasurer shall issue a receipt upon receipt of any moneys.

18.5 It shall be the responsibility of a person by whom a payment has been made, to make enquiries within sixty (60) days by pre-paid registered post to the Secretary of the respective Committee, should a receipt for a payment not be received within forty five (45) days from the posting or making of a payment. A person not able to produce a receipt shall be regarded thereafter as not having made an alleged payment.

18.6 Any payments exceeding an amount determined by the NC or PC shall be made by cheque and cheques shall be signed by any two of the following:

18.6.1 National Committee?

- The President
- The Vice-President
- The Secretary
- The Treasurer
- The PRO
- One other member of the National Committee.

18.6.2 Provincial Committees?

- The Chairperson
- The Vice-Chairperson
- The Secretary
- The Treasurer
- The PRO
- One other member of the Provincial Committee.

18.6.3 Regional Committee:

- The Chairperson
- The Vice-Chairperson
- The Secretary
- The Treasurer
- One other member of the Regional Committee.

Q: Are there not perhaps too many people who have power to sign?

18.7 A banking account shall be kept by each Provincial Treasurer as well as the Treasurer of each RC in the name of the Institute, provided that no overdraft facilities may be negotiated by an RC without prior written consent of the PC. Each account shall be operated by the persons mentioned in Section 18.6 (not the auditors, surely?) and shall be audited annually. Banking account kept by NC as well?

18.8 The financial year of the Institute shall run from May 1st in any year up to and including April 30th in the next year.

18.9 The PC shall appoint auditors for the financial affairs of the PC and an RC for the financial affairs of the RC, and each appointment of auditors shall be for at least one financial year. Auditors shall be eligible for reappointment and shall be remunerated by

the Committee which appointed them. All books as set out in Section 18 shall be made available at least once a year or as often as determined by the NC to auditors of the NC.

18.10 Each PC shall submit the audited annual statement of account:

a) to its PAGM; and

b) to the MC not less than thirty (30) days prior to the date set down for an AGM for inclusion in the notice of the meeting together with the annual audited statement of account of the financial affairs of the NC/MC.

19 INTERPRETATION OF THE CONSTITUTION

19.1 All questions concerning the interpretation or application of the Constitution or any other related matter not specifically mentioned herein, shall be submitted to the NC, whose decision shall be final.

19.2 Any decision, interpretation, ruling or rule of a Committee or meeting which conflicts or is not reconcilable with the Constitution of the Republic of South Africa, 1996, or any other legislation applicable to the Institute, shall be null and void.

20 DISCIPLINARY ACTION

20.1 If any complaint of any alleged misconduct by a member is lodged with the NC, the NC, if satisfied that there appear to be prima facie grounds for the complaint, shall cause such complaint to be put in writing and directed to the PC concerned.

20.2 The NC shall personally hand a copy of the complaint to the member concerned, or forward a copy of the complaint to the member by registered post, and call upon him or her to respond to the complaint within fourteen (14) days.

20.3 If the PC, having received and considered the explanation submitted by the member concerned, is satisfied that the complaint is unfounded, the PC shall dismiss the complaint and inform both the complainant and the member of its decision.

20.4 However, if the PC is not satisfied with the explanation received, it may call for further evidence and shall have the power to summon the member concerned to appear in person before it at a specified place and on a day not earlier than fourteen (14) days from the date of summons, which shall be handed to him or her in person or forwarded by registered post, provided that such member shall be entitled, at this hearing, to question the complainant and to be assisted by a legal representative.

20.5 The PC shall cause the proceedings at any such hearing to be recorded

20.6 The PC may elect or appoint a DC at any stage after first receiving a complaint in order to investigate the matter on behalf of the NC and to report its findings and recommended action to the NEC MC?. The NC (this section deals largely with the powers of the PCs) may delegate any of the powers conferred on it by this section To whom?

20.7 If, after hearing both parties and having considered the report of the DC, the PC finds that the complaint was justified, it may take such disciplinary action as it may deem appropriate in the circumstances, including suspending the membership of the member concerned, pending national sanctions. (What are these?)

Q: what other forms of disciplinary action may the DC take? termination of membership, or recommending termination to the PC concerned, to be confirmed by the EC/NC/MC?

20.8 If the member accused of misconduct fails or refuses to appear before the PC on the date set down, the PC shall inform him or her personally in writing, or by registered post that unless he or she gives a satisfactory reason for his or her absence within fourteen (14) days, his or her membership of the Institute will terminate upon the expiry of such fourteen (14) days.

20.9 The PC shall report any decision to terminate membership to the NC and shall at the same time forward a fair copy of the record referred to in section 20.5 to the relevant authority or the employer of the former member, as the case may be.

Q: Should the NC not have the final say here? Is there no appeal against the decision of the PC to the NC? Suggest (i) that the decision be confirmed by the NC at its next meeting if no appeal is lodged; (ii) that provision be made for appeal to the NC.

21 REVOCATION OF PREVIOUS CONSTITUTIONS AND DATE ON WHICH THIS CONSTITUTION COMES INTO EFFECT

The provisions of any Constitution of the Institution hitherto in force are hereby repealed and this Constitution, as amended from time to time, shall be the sole Constitution of the Institute, provided that this provision shall not affect the validity of any action or decision taken in terms of any previous Constitution, provided that such action or decision is not in conflict with the provisions of the Constitution of the Republic of South Africa, 1996, or any other legislation applicable to the Institute.

22 DISSOLUTION OF THE INSTITUTE

22.1 The Institute may be dissolved by a two-thirds majority vote of all members present at a special general meeting convened specifically for this purpose, notice of which shall be given by registered post to all members.

22.2 All assets of the Institute shall on dissolution pass to the Road Safety Association of South Africa (?) or? be placed in trust and held for?

SAIDI CODE OF CONDUCT FOR DRIVING INSTRUCTORS AND DRIVING SCHOOLS
"INTEGRITY IS OUR DRIVING FORCE"

Whereas the goal of the Code of Conduct for SAIDI members and driving schools is to promote a professional driver education and training industry to ensure the development of well-trained and safe defensive drivers in South Africa; and

Whereas SAIDI aims to ensure the highest standards of integrity within the driving school industry;

Now therefore be it resolved that the following code of conduct for driving instructors and driving schools is hereby adopted and shall be signed by driving instructors and owners and employees of driving schools seeking to promote the highest standards of integrity and service delivery within the driver education and training industry.

1. Duty to act in compliance with the law and in a professional manner

1.1 A driving instructor shall provide driving instruction services only when he or she is in possession of a valid Instructor's certificate as required by the National Road Traffic Act, no 93 of 1999, and has been registered under any applicable law to provide driver training and education to the public.

1.2 The owner of a driving school shall ensure that each employee who provides services as a driving instructor is in possession of a valid instructor's certificate as required in terms of the National Road Traffic Act, no 93 of 1999, and is registered under any applicable law to provide driver training and education to the public.

1.3 Each driving instructor and owner of a driving school shall be subject to renewal of his or her registration every three (3) years or as the law stipulates.

1.4 Each driving instructor and owner of a driving school shall ensure that he or she is fully conversant with all relevant national and provincial laws and regulations and undertakes to observe and abide by such legislation, in order to ensure that the public receives the best possible driver education and training instruction.

1.5 Each driving Instructor and owner of a driving school shall ensure that road safety and the public interest in road safety are integral to all driving instruction.

1.6 Each driving instructor and owner of a driving school shall co-operate fully and in good faith with all national, provincial and local government bodies to promote the public

interest in regulating the professional driver education and training industry and road safety.

1.7 Each driving instructor and owner of a driving school shall ensure that any vehicle used for driver education and training is roadworthy, suitably identified and equipped with dual controls, including a service brake.

1.8 Each driving instructor and owner of a driving school shall ensure that any vehicle used for driver education and training instruction is comprehensively insured.

1.9 Each driving instructor and owner of a driving school shall conduct his or her business affairs with scrupulous honesty and shall not engage in any act of fraud, corruption, nepotism, maladministration or any other act which constitutes a legal offence involving dishonesty.

1.10 Each driving instructor and owner of a driving school shall be honest and accountable in dealing with funds received for driver education and training services rendered to driver education students.

1.11 Each driving Instructor and owner of a driving school shall report any evidence of fraud, corruption, nepotism, maladministration or any act which constitutes an offence or which is prejudicial to the public interest, and which relates to the activities of the Institute to the South African Police Service or any other appropriate government agency.

1.12 Each driving instructor and owner of a driving school shall use the appropriate channels to address grievances within the industry and shall promote peaceful means of resolving disputes among driving instructors, driving schools, students and government.

1.13 Each driving instructor and owner of a driving school shall conduct himself or herself in a sober manner and shall not consume alcoholic beverages or any other intoxicating substance when engaging in official duties or using a motor vehicle.

1.14 No driving Instructor and owner of a driving school shall disclose any confidential information received in the course of his or her duties for personal gain.

1.15 No driving instructor and owner of a driving school shall use his or her position to obtain favours, gifts, or benefits, including sexual favours, in the course of performing his or her duties.

1.16 Each driving instructor and owner of a driving school shall charge reasonable rates for his or her services and shall charge only for services reasonably required by driver education and the training of students.

1.17 Each driving instructor and owner of a driving school shall serve the public interest of effective driver education and training in the performance of his or her duties.

1.18 Each driving instructor and owner of a driving school shall be punctual in his or her dealings with driver education students.

1.19 Each driving instructor and owner of a driving school shall encourage initiative, enterprise and constructive competition within the driver training industry by and between driving instructors and driving schools, in order to ensure that road safety and the public interest are served by the industry.

1.20 Each driving instructor and owner of a driving school shall promote unity within the driving school industry to enhance the reputation and standing of the industry.

1.21 Corporate members of SAIDI shall ensure that all their members are in possession of the required certificates, that their registration is in order and that the members adhere to this code of conduct.

2. Relationship with the public

2.1 Each driving instructor and owner of a driving school shall ensure that driver education and training students receive the best possible training from the driving school industry.

2.2 Each driving instructor and owner of a driving school shall ensure that all driver education and training students shall be informed in writing of the following:

- 2.2.1 the duration of each driving lesson;
- 2.2.2 the cost of each individual lesson, and, where applicable, the cost of the course of lessons;
- 2.2.3 the fee for the use of driving school vehicle(s) for the driving test and the services covered by the fee;
- 2.2.4 the conditions under which driving tuition will be conducted;
- 2.2.5 the address (including an e-mail address) and telephone number of the controlling government body with which complaints can be lodged; and
- 2.2.6 the requirements of the driving instructor and/or driving school regarding the keeping of written training records for each student.

2.3 Each driving instructor and owner of a driving school shall be polite, helpful and accessible in his or her dealings with the public, and shall treat members of the public as customers entitled to high standards of service from the driver training industry.

2.4 No driving instructor or owner of a driving school shall discriminate unfairly against any member of the public or driver education and training student on the ground of race, sex, gender, ethnic or social origin, colour, sexual orientation, age, disability, religion, political persuasion, belief, culture or language.

2.5 Each driving instructor and owner of a driving school shall refrain from party political activities in the workplace and in his or her dealings with driver education students.

2.6 Disciplinary issues will be addressed in terms of the SAIDI Constitution. in terms of the SAIDI Constitution.