

# **THE SOUTH AFRICAN SOCIETY FOR MENTAL HEALTH AND DEAFNESS**

## **CONSTITUTION**

### **1. NAME**

The name of the organization is the SOUTH AFRICAN SOCIETY FOR MENTAL HEALTH AND DEAFNESS (SASMHD), hereinafter referred to as “the Society”.

### **2. BODY CORPORATE**

The Society

- 2.1 Will be registered as a non-profit organisation
- 2.2 Exists in its own right, separately from its members
- 2.3 Will continue to exist even when its membership changes and there are different office bearers
- 2.4 Will be able to own property and other possessions
- 2.5 Will be able to sue and be sued in its own name
- 2.6 Will be entitled to raise and receive funds within the boundaries of South Africa as well as internationally

### **3. AREA OF OPERATION**

The area of operation of the Society is within the boundaries of the Republic of South Africa.

### **4. DEFINITIONS**

- 4.1 “Deaf”: In this Constitution the word “Deaf” refers to all persons with a substantial hearing loss who may consider themselves Deaf. In particular it refers to culturally Deaf persons who use Sign Language as a means of communication, hard of hearing, Deafblind and persons with hearing loss later in life. The word Deaf is spelt with a capital “D” to denote adherence to a particular cultural grouping, viz. Deaf culture.
- 4.2 Use of pronouns:  
Any use of gender specific pronouns, such as he, she, him or her does not exclude reference to persons of the other gender.
- 4.3 Mental health: Mental health is a condition of well-being in relation to self and others characterized by such qualities as (a) positive self-acceptance, (b) accurate perception of others and the world, (c) stability and appropriateness in mood, (d) balance and purposiveness in behavior, (e) dependable sense of identity and values, (f) adaptability to one's environment, (g) ability to engage in productive work and fulfilling love, and (h) commitment to a source of devotion beyond oneself. As such, mental health is an active process, not merely the absence of illness. (Aist 1990)

### **5. VISION**

All Deaf persons (as per definition) will experience optimal mental, physical and social well-being.

## 6. MISSION

The South African Society for Mental Health and Deafness is a national organization that promotes accessible mental health services of high quality and standard for all Deaf persons (as per definition).

## 7. OBJECTIVES

The South African Society for Mental Health and Deafness aims to promote the following:

- 7.1 Respect for the language and culture of the Deaf
- 7.2 Accessible mental health care and services that address the needs of Deaf persons
- 7.3 Accessibility of specialised mental health services
- 7.4 Service providers who render mental health care to Deaf persons
- 7.5 Specialised habilitation and rehabilitation services for Deaf people, to develop or maintain skills for day-to-day functioning.
- 7.6 Awareness of the specific mental health aspects relating to deafness, within the broader society, the Deaf community as well as in the health sector
- 7.7 Training of Deaf as well as hearing persons in the field of Mental Health and Deafness
- 7.8 Development of opportunities where Deaf people are able to render services to Deaf individuals, groups and communities.
- 7.9 A national and international network of interested parties
- 7.10 The gathering and exchange of information pertaining to Mental Health and Deafness.
- 7.11 Research in the area of Mental Health and Deafness
- 7.12 Exchange of ideas with and support for all organisations and interested parties concerned with the area of Mental Health and Deafness

## 8. STRUCTURE

The structure of the Society consists of:

### 8.1 Governing Body

The Governing Body consists of the following:

- The Chairperson of the Society
- Vice chairperson
- Secretary
- Treasurer
- The National Director of the Deaf Federation of South Africa or a representative appointed by him / her
- The National Director of Deafblind South Africa or a representative appointed by him / her
- A Mental Health representative from the World Federation of the Deaf

- The National Director of the South African Federation for Mental Health or a representative appointed by him / her
- Additional members (maximum three)
- The Governing Body may co-opt no more than two (2) members with special expertise. Such members may have debating but not voting rights in Governing Body meetings.

## 8.2 Management Committee

The Management Committee consists of the following members of the Governing Body:

- The Chairperson
- Vice chairperson
- Secretary
- Treasurer
- One additional member appointed by the Governing Body

## 8.3 Membership Individual members

### 8.3.1 Ordinary Members

Persons and professionals with an interest in and / or working in the field of Mental Health and Deafness. Ordinary members have one vote per person.

### 8.3.2 Honorary Members

They pay no dues and have the distinction bestowed upon them at the recommendation of the Management Committee, ratified at the biennial general meeting. Nominations for Honorary membership are to be lodged with the secretary of the Society at least 30 days prior to the annual general meeting. Honorary Members have one vote per person.

### 8.3.3 Mental Health Care Providers

Persons skilled, trained and / or qualified in providing mental health care services to the Deaf. Mental Health Care Provider members have one vote per person

### 8.3.4 Student members

Persons currently studying in related fields. Student members do not have voting power.

### 8.3.5 Group members

### 8.3.6 Constituent Bodies

Mental Health & Deafness organisations, subscribing to the Mission of the Society and whose services and facilities are available to all members of the Deaf community irrespective of race, gender or creed may apply to the Governing Body for constituent status and the Governing Body may grant such status under terms and conditions which are set out in the regulations of the constitution. Constituent bodies have two votes per body.

### 8.3.7 Affiliated Bodies

Any organized association, society, institution or service operating within the aims and objects of the Society may apply to the Governing Body for affiliation. Affiliation may be granted at the Governing Body's discretion under such terms and conditions as it may determine. Affiliated bodies have one vote per body.

#### 8.3.8 Associated Members

Any individual, organization, association, society or institution in the Republic of South Africa or in any African state, which concerns itself with an aspect of mental health & deafness work in terms of the Society's objectives may be offered associate status by the Governing Body. Associate status does not confer any pecuniary right on an associated body but entitles the body to be represented at biennial conferences of the Society, to receive informative material published by the Society and to receive other services from the Society on conditions negotiated with the Governing Body.

8.3.9 Associated bodies do not have voting power.

### 9. VOTING PROCEDURES

At the annual general meeting all paid-up members have voting power as stipulated in terms of clause 8.3 (Membership). Voting shall take place by the show of hands or, if requested, a secret ballot. The decision of the majority of the members present at that meeting, constitutes a decision of the meeting and the Chairperson at that meeting has, in the case of a tie in the voting, apart from his consultative vote, the casting vote.

### 10. GOVERNING BODY

#### 10.1 Term of Office

10.1.1 Members of the Governing Body serve for a period of four years or until the end of the meeting at which elections take place. Members may be re-elected but may not serve for a period of more than two consecutive terms at a time.

10.1.2 The Governing Body may fill an incidental vacancy with notification to the membership.

10.1.3 Any member of the Governing Body may resign in writing to the Chairperson.

10.1.4 Any member of the Governing Body who fails to attend two consecutive meetings of the Governing Body without obtaining leave of absence is not eligible for nomination to the Governing Body for the next term of office.

#### 10.2 Presiding Officer

The Chairperson presides at all meetings of the Governing Body and Management Committee, and in his or her absence, the Vice Chairperson. In the absence of a Vice Chairperson the members elect an interim presiding officer from amongst themselves.

#### 10.3 Honorary Treasurer

The Governing Body elects an Honorary Treasurer whose function it is to liaise with the Chairperson concerning the financial affairs of the Society. The Honorary Treasurer advises the Governing Body and presents the audited financial statements at the annual meeting of the Governing Body and the Quadrennial General Meeting of members. The Honorary Treasurer may not be a paid staff member of the Society.

#### 10.4 External Benefits or Interests

No member of the Governing Body and Management Committee may have an interest in or benefit from any contract, which the Governing Body and Management Committee concludes with any company or individual.

### 11. POWERS OF THE GOVERNING BODY

11.1 The Governing Body determines the policies of the Society in such manner, as it may deem necessary and proper, subject to the provisions of the constitution, decisions of the quadrennial general and special general meetings.

11.2 In particular, the Governing Body has power on behalf of the Society:

11.2.1 to formulate rules and regulations for the implementation of provisions made in the constitution;

11.2.2 to appoint such regional or other sub-committees as it may deem necessary for the achievement of its objectives and to delegate any special powers to such subcommittees;

11.2.3 to collect and receive monies by way of grants from the government, provincial administrations and local authorities and to collect and receive monies and contributions in kind by way of bequests, donations, grants, collections, fees or in any other manner from public and private bodies, from individuals and the general public anywhere in the world, for the furtherance of the work of the Society;

11.2.4 to formulate, develop and implement national plans which are in accordance with the mission of the Society;

11.2.5 to formulate and advocate human rights of Deaf people with mental disorders or intellectual disabilities;

11.2.6 to invite any person or persons whose presence is desired to attend any of the meetings of the Governing Body;

11.2.7 to delegate any task to subcommittees of the Society;

11.2.8 to determine a general staff organization and policy for the Society and to comply with the relevant labour laws.

11.2.9 to appoint, dismiss and determine the conditions of service of staff;

11.2.10 to enter into contracts and agreements for the use and benefit of the Society;

11.2.11 to institute and defend actions and proceedings at law;

11.2.12 to make investments, both long and short term, realise any investments, change the same and re-invest any money, decide on the nature of any loans or investments made and the security to be taken, if any, provided that funds available be invested only with registered financial institutions as defined in Section 1 of the Financial Institutions (Investments of Funds) Act, 1984 or in the acquisition of securities listed on a licensed Stock Exchange as defined in Stock Exchange Control Act, 1985;

11.2.13 to award loans, grants, bursaries and honoraria with or without security to constituent or affiliated bodies, individuals or groups for the purpose of furthering the mission of the Society.

- 11.2.14 to borrow money by means of loans and overdrafts at the most favourable interest rates if such loans and/or overdrafts are necessary for the effective functioning of the Society or for a specific purpose in keeping with the mission and objectives of the Society,
- 11.2.15 to acquire and dispose of property, both movable and immovable; to mortgage and encumber the property and assets of the Society and let any of the property, save that the Society may not acquire immovable property solely for letting purposes nor engage in any speculative transactions;
- 11.2.16 to expend all funds solely in the furtherance of the objectives of the Society and endeavour to expend at least 75 % of the net income of the Society within a period of twelve months from the end of the financial year during which the said income accrued;
- 11.2.17 to form divisions and interest groups such as:
- Parents and Family
  - Deaf professionals
  - Deafblind
  - Psychologists and counsellors (professional and lay)
  - Psychiatrists and general practitioners
  - Professional nurses, staff nurses and assistant nurses
  - Teachers and teacher assistants
  - Social workers and social auxiliary workers
  - Mental Health Care Providers
  - Occupational therapists, assistant occupational therapists and other non-verbal therapists
  - Speech therapists and audiologists
  - Physiotherapists
  - Pastoral counsellors (registered)
  - Health and community workers (including care workers)
  - Interpreters
  - Traditional healers
  - Any other interest groups that the Governing Body may identify
- 11.2.18 to affiliate with any national and international organisation the Governing Body deems appropriate.

## 12. POWERS OF THE MANAGEMENT COMMITTEE

- 12.1 The Management Committee has executive powers to manage the affairs of the Society in such manner that it may deem necessary and proper, subject to the provisions of the constitution and policies determined by the Governing Body.

## 13. MEETINGS

### 13.1 Governing Body

- 13.1.1 The Governing Body meets at least once a year.

- 13.1.2 Fifty percent plus one of the Governing Body members forms a quorum.

13.1.3 Each member of the Governing Body is entitled to one vote. The presiding person is entitled to a casting vote in addition to the deliberative vote.

13.1.4 The following matters are dealt with at meetings of the Governing Body:

13.1.4.1 The presentation of the annual reports and audited financial statements.

13.1.4.2 Matters referred to under section 11 (Powers of the Governing Body)

13.1.4.3 Matters referred by the Quadrennial General Meeting and Special General Meetings

13.1.4.4 Reports of the Management Committee

13.1.4.5 Matters relating to the vision, mission and aims of the Society

13.2 Management Committee

13.2.1 The Management Committee meets at least twice annually.

13.2.2 Fifty percent plus one of the Management Committee members forms a quorum.

13.2.3 Each member of the Management Committee is entitled to one vote. The presiding person is entitled to a casting vote in addition to the deliberative vote.

13.2.4 The following matters are dealt with at meetings of the Management Committee:

13.2.4.1 Matters pertaining to the day to day functioning and relating to the vision, mission and aims of the Society

13.2.4.2 The preparation and submission of reports and financial statements to the Governing Body.

13.2.4.3 Matters referred by the Governing Body

13.2.4.4 Matters referred by the members

13.2.4.5 Matters referred by the Quadrennial General Meeting and Special General Meetings

13.3 Quadrennial General Meeting of members

The Governing Body shall call a Quadrennial General Meeting every four years within six months after the end of a financial year. Written notice of the meeting together with the minutes of the previous meeting shall be sent to all members at least 60 days prior to the meeting. Members or interested parties wishing to raise matters and/or propose motions must give written notice thereof to the Management Committee, which must reach the Secretary at least 45 days before the meeting. The agenda together with the motions and all other relevant documents shall be sent to all members at least 30 days prior to the meeting.

The following matters are dealt with at quadrennial general meetings:

13.3.1 The Chairperson's report

13.3.2 The audited financial statements by the Honorary Treasurer

13.3.3 Approval of minutes and matters arising from minutes

13.3.4 Motions submitted by members

13.3.5 Matters relating to the vision, mission and aims of the Society

13.3.6 Election of office bearers

13.3.7 Recognition of honorary members

- 13.4 **Quadrennial Congress**  
Every four years the Society shall hold a Quadrennial Congress in conjunction with the Quadrennial General Meeting, if possible, to which the following are invited:
- 13.4.1 The Executive staff of the Society
  - 13.4.2 Deaf Federation of South Africa, the South African Federation for Mental Health and other bodies to which the Society is affiliated.
  - 13.4.3 Deaf professionals
  - 13.4.4 Deafblind South Africa
  - 13.4.5 Individual members
  - 13.4.6 Constituent bodies
  - 13.4.7 Affiliated bodies
  - 13.4.8 Associated bodies
  - 13.4.9 Government departments concerned in the activities of the Society
  - 13.4.10 Other organisations that the Management Committee deems appropriate
  - 13.4.11 The purpose of the Quadrennial Congress is to acquaint attendees with the activities of the Society.
  - 13.4.12 The Governing Body will determine the format of the quadrennial congress
- 13.5 **Special General Meetings**  
A special general meeting may be called for a specific purpose(s) at the request of the Governing Body or upon receipt of a written request by at least 25% of paid-up members. The special meeting shall be held within 45 days of receipt of such request. Written notice with regard to the Special meeting and reasons therefore shall be sent to all members 30 days prior to the meeting
- 13.6 **Minutes of Meetings**  
Minutes are to be kept of all meetings and dealt with according to general accepted rules and regulations.
- 13.7 **Quorum**  
At least one third of the members form a quorum for the holding of general meetings.
14. **ELECTION OF OFFICE BEARERS**
- 14.1 The term of office for the Chairperson, Vice Chairperson, the Governing Body and Management Committee members shall be four years.
  - 14.2 Nominations for the Chairperson, Vice-Chairperson, office bearers and members of the Governing Body must include full name, address, age, qualifications and previous management experience together with a summarized account of their involvement with the Deaf. These details shall be made available to all members with voting rights. A nomination must be accompanied by a written undertaking by the nominated member, wherein he/she states his/her willingness to serve on the Governing Body. Nominations must be submitted 30 days prior to the General Meeting.
  - 14.3 The Chairperson of the meeting may call for nominations from the floor. Such nomination must be accompanied by a written undertaking by the nominated member, wherein he/she states his/her willingness to serve on the Governing Body.

14.4 Voting shall take place at the meeting by means of a show of hands or, if requested, a secret ballot. Immediately after the votes have been cast the votes will be counted by a panel of at least three electoral officers appointed for this purpose by the Governing Body.

14.5 The Management Committee is appointed in terms of clause 8.2

## 15. ANNUAL REPORT AND FINANCIAL STATEMENTS

15.1 The financial year is from April 1<sup>st</sup> to March 31<sup>st</sup>. The treasurer / executive staff draws up a Statement of Accounts and Balance Sheet which are audited by a duly qualified auditor appointed by the Management Committee, and this together with an annual report prepared by the chairperson and executive staff, is circulated to constituent bodies of the Society and finally approved by the Governing Body.

## 16. LIMITATION OF RIGHTS AND LIABILITIES

16.1 Representation on the Society or membership of any Committee does not give the members or organisations any proprietary right, title or claim to any interest in any of the property or assets of the Society, nor does a member by virtue of such representation, incur any liability in respect of any claim made or action brought against the Society.

16.2 No person may be enriched by any income or property of the Society except by way of payment in good faith of reasonable remuneration or honoraria to employees or volunteers for services rendered to the Society, as determined by the Governing Body.

## 17. AMENDMENT OF THE CONSTITUTION

The constitution may only be repealed or amended by resolution passed by a vote of two-thirds majority of the voting power of members present at a Quadrennial meeting provided that written notice of any proposed repeal or amendment has been received by the chairperson / executive staff not later than 45 days before the Quadrennial meeting at which such proposal is to be considered. The proposal will be included in the agenda for discussion at such meeting.

## 18. DISSOLUTION OF SOCIETY

18.1 The Society can only be dissolved at a Special General Meeting especially called for that purpose and provided that notice to dissolve the Society has been given in writing at least three months before the meeting at which it is to be discussed.

18.2 A resolution to dissolve the Society must be passed by a majority of two-thirds of the votes of members present in person at the Special General Meeting duly convened for the purpose.

18.3 If a motion to dissolve the Society is passed, it becomes effective only after a period and or conditions as decided at the Special General Meeting referred to in clause 18.1.

18.4 Immediate notice of the decision to dissolve the Society is given to the Director of Non-Profit Organisations, stating the date from which such decision becomes effective.

## 19. DISPOSAL OF ASSETS

19.1 Immediately following a decision to dissolve the Society in terms of article 18, proposals for disposal of the Society's assets, if any, are conceded by the Governing Body according to the decisions taken by the Special General Meeting.

19.2 Funds may be disposed of only to organisations which are exempt from the payment of income tax and which are registered in terms of the Non-profit Organisations Act, 1997.

19.3 In the event of the inability of the Governing Body to constitute a meeting to dissolve the Society in accordance with its constitution, the Directorate of Non-profit Organisations dissolves the Governing Body and for this purpose is vested with all the powers in terms of the Society's constitution and disposes of all assets accordingly.

This constitution was adopted on this 27<sup>th</sup> day of *October 2005* at Worcester



A L Smit  
Chairperson

J S H Viser  
Secretary