

FOR THE SAKE OF OUR INDUSTRY - FOR THE SAKE OF OUR LIVES

# CONSTITUTION OF

## SOUTH AFRICAN PRIVATE SECURITY ORGANISATION

KNOWN IN SHORT TERMS AS



“SAPSO”



Development  
ative Limited

Reg. No: K6/3/9/3127

FOR THE SAKE OF OUR INDUSTRY - FOR THE SAKE OF OUR LIVES

CONSTITUTION OF THE  
SOUTH AFRICAN PRIVATE SECURITY ORGANISATION  
“SAPSO”

FOUNDING STATEMENT.

South African private security industry is diversifying, developing and advancing with socio-economic standard environment of the Republic of South Africa.

This industry was also historically affected by economic spatial planning discrimination and segregation practices that prevailed over the citizens of the Republic of South Africa.

Since South African private security service providers remain socially and economically unequal otherwise as natural or juristic persons while the social affordability, patriotic cooperation, trust and mutual relations remain innate success elements of this industry and security services personnel in it.

Private security services inherent hybrid operational fragmentation and high life risk in nature require the on-going, integrated and coordinative academic knowledge approach and back to back cooperative social upliftment amongst security personnel regardless of different employments to achieve sustainable development for advancement of security practitioners.

A voluntary security practitioner’s organisation in the private security service in strong partnership with juristic and natural security service providers has to emerge to facilitate a participatory development and social upliftment of security personnel.

This organisation must practically help to advance the objects, functions and mandate of the private security industry and accelerating them to be achieved to the inclusive benefit of security service practitioners who are people on the forefront of security economy and country’s economic business safety.

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As a self-funding crime prevention industry, professionally developing, academically advancing and economically diversifying with all classes and categories of security services, social priority exclusion into the economic fabric of economic social justice is no longer desirable or relevant and the quencequences of this inclusion evolved to a need for security industry practitioners’ collective social developmental assistance.

While crime problem has become more complex yet exposing individuals in the industry to a first line of danger with private security becoming one of the biggest career opportunities internationally, prompting security officers to acquire professional and specialised skills in the development of their lives.

Therefore we establish an apolitical non statutory body to rally and assist security service practitioners and to further its aims, goals, functions, objectives, mission and vision in the interest of security service providers for the sake of our industry and for the sake of our lives.

**INTERPRETATION OF TERMS.**

1. In this statute unless the context indicates otherwise, a word or expression to which a meaning is attached in the Private Security Regulatory Act no. 56 of 2001 known as “Psira” shall have a similar meaning and,

Interpretation of this statute shall follow the guidelines developed and adopted by the national conference which are as follows:

**A) LITERAL (ORDINARY OR DICTIONARY MEANING) INTERPRETATION.**

To ensure the importance of the text is not underestimated and the language of this constitution is not neglected.

**B) GENEROUS INTERPRETATION.**

To enable it to continue play a creative and dynamic role in expression and achievement of its founding statement, vision, mission and its resolutions in the private security industry.

**C) POLITICAL HISTORY**

To construe and advance decisive break with the past which perpetuated inequality and irrational discrimination and arbitrary government actions.

**D) CONTEXUAL INTERPRETATION.**

As a whole.

**1. NAME**

The name of the organisation shall be known as “South African Private Security Organisation”, herein in short referred to as “SAPSO”.

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The inclusion of the word “officers” between the words “security” and “organisation” will still construe this organisation.

**2. LOGO.**

The logo and colours of SAPSO are described on the attached schedule.

**3. MOTTO**

The motto of the organisation shall be:

(FOR THE SAKE OF OUR INDUSTRY --- FOR THE SAKE OF OUR LIVES).

**4. AIMS**

To help the citizens and the government to achieve a trustworthy, faithful, professional, equitable, loyal and reliable private security industry personnel.

## 5. OBJECTIVES

1. To facilitate and encourage the security companies to better the living family conditions of security personnel in the Republic of South Africa.
2. To uplift private security as profession of choice by discouraging and combating impoverishing working conditions treatment of security personnel.
3. To assess and establish a database of loyal and compliant security service providers in exposing affordable training, operational equipment and regulatory compliance.
4. To intervene on behalf of individual security service providers where their rightful economic earnings and opportunities are tampered with.
5. To establish a continuous monthly security industry information sharing media.
6. To initiate legislative means for protection of private security personnel and the industry.
7. To facilitate, establish and upgrade recognised official training, medical, and funeral investment fund for private security practitioners.
8. To prioritise development and establishment of a private security providers national skills development centre.
9. To promote participation of security personnel in appointment of Psira council.
10. To support Private Security Regulator and Police Ministry in achieving professional industry for crime combating measures.

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## 6. FUNCTIONS OF SAPSO.

- 1) Shall look after the individual security officers' social security interests and provide collective social security benefits assistance to their families, relatives and dependants as determined by the organisation from time to time.
- 2) Shall cause its members to submit themselves to voluntary compliance audit determined by SAPSO from time to time and be published for public scrutiny.
- 3) Investigate and promote advancement of ownership and control of private security service by thriving disadvantaged South African citizens in order to create diversity jobs and economic building skills.
- 4) Promote and market the services of honest and reliable security personnel to reliable companies without gain.
- 5) File representations to authorities on issues of criminal records, penalties and security operational status of the security personnel where necessary.
- 6) Monitor and recommend advancement of fair job opportunity contract awards and employment practices in the private security practice.

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- 7) Recommend monetary security services awards or in kind on behalf of reliable security service providers to Government institutions and Private sectors.
- 8) Liaise with Police firearm licensing unit on behalf of security personnel and reliable companies on request.
- 9) Facilitate required training skills on behalf of reliable personnel and reliable companies on request.
- 10) Support the welfare of security personnel and their dependants upon effects of disaster.
- 11) Protect and promote the constructive progressive interests of security service personnel on all private security legislative matters.
- 12) Cooperate with Psira on promotion, protection, and enforcement of the security officers rights.
- 13) Execute periodic statistical polls to measure private security personnel workplace treatment by employers.
- 14) Cooperate with Psira and recommend the advancement of persons who were historically disadvantaged through unfair discrimination in the industry.
- 15) To institute constructive hearings and legal actions on matters affecting private security personnel and reliable service providers.
- 16) Engage with the Police ministry and Psira itself about redress on the shortcomings of security regulatory activities, abuse or violation.
- 17) Institute legal proceedings and defend any legal actions against security personnel where acted on behalf of and in the interest of SAPSO functions when so delegated.
- 18) Facilitate operational resources and encourage working cooperative assistance between reliable security service providers in combating crime.
- 19) Monitor security service remuneration payment compliances and take legal steps against intentional non-compliance.

### 7. VISION.

To be a centre of excellence in promoting a faithful private security industry and providing a caring empowerment support service to security personnel.

### 8. MISSION.

To promote maintenance of a trustworthy private safety and security services personnel.

### 9. PILLARS OF SAPSO.

- 1) Faithful Security Provision.
- 2) Professional Actions.
- 3) Reliable Personnel.
- 4) Loyal Professionals.

## 10. CHARACTER OF SAPSO

1. It is a juristic person whose member clients are persons dominantly practicing as security service personnel.
2. It is non-profit making body and non-governmental in its form.
3. It empowers private security personnel to remain economically viable.
4. It executes its duties independently from the government and its member clients.
5. It supports the black economic empowerment within the security industry.
6. It is open and transparent to its members in all its processes and engagements.
7. It is a membership driven organisation welcoming constructive criticism and developmental ideals by its member clients in all its processes.
8. It propagates cooperatives for the benefit of private security community.
9. It promotes stability, social cohesion and order in private security society.

## 11. MEMBER CLIENTS

1. Any individual security person, who is over the age of 18 years, may, on application to the management executing committee, become a member of the South African Private Security Organisation.
2. Any juristic security person, who is duly registered with the relevant authority, may, on application to management executing committee, become a member of the South African Private Security Organisation.

## 12. APPLICATION FOR MEMBERSHIP

1. Application for membership shall be made on the form prescribed for that purpose and shall be accompanied by the membership fee or part thereof.
2. The management executing committee shall consider every application for membership and has the right to accept or reject an application without assigning any reason for doing so.
3. A management executing committee shall, within three months after receipt of an application for membership, cause the applicant to be notified of its decision and, in the event of an application being rejected; any amount paid by the applicant to the organisation shall be refunded.

### **13. COMMENCEMENT OF MEMBERSHIP.**

Subject to the provision of this statute, a person becomes a member of the organisation when his application has been accepted by the management executing committee.

### **14. MEMBERSHIP SUBSCRIPTION FEE.**

1. A membership fee as prescribed from time to time by the management executing committee after consultation with members shall be paid each month provided the applicant may pay off the fees as annual fee in equal monthly instalments within a period of one year from date of application.
2. For the purpose of achieving effective administration, an administration fee is payable upon application for registration. Such shall not be refunded upon termination or cancellation or rejection of an organisational membership.

### **15. REGISTER OF MEMBERS.**

A register of SAPSO members shall be kept at the registered office of the organisation and the following minimum particulars entered therein.

- A) Full names and address of each member.
- B) Amount paid in respect of membership
- C) Date on which person became a member.
- D) Date on which person ceased to be a member.

### **16. MEMBERSHIP CARDS**

Membership cards shall be issued on request of the member and under authority of the management executing committee and shall be in such form the national committee shall determine. Every card shall bear the signature of the management executing secretary and of an officer empowered to do so.

### **17. LIABILITY OF MEMBERS.**

The liability of a member by virtue of his membership shall be limited to the payment of any amount owing by him or her to the organisation.

### **18. TRANSFERE OF MEMBERSHIP**

1. Membership may be transferred from one province to another only with the approval of the management executing committee, which shall certify it that the proposed transferee is qualified to be the member of the organisational team of the receiving province.
2. The management executing committee at any time and without assigning reasons may disagree to approve and register the proposed transferee.

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3. The transferee of any membership shall be in writing in such form and signed in such manner as the management executing committee from time to time may stipulate.
4. When such transferee has taken place the management executing committee shall issue a transferee a membership card.

### CANCELLATION OF MEMBERSHIP

#### 19. CANCELLATION ON DEATH OR DE-REGISTRATION.

1. Upon proof of death of a member by any person, the management executing committee shall cancel such member particulars Or
2. Upon proof of de-registration and or application by a juristic person for cancellation of membership, the management executing committee shall cancel such member particulars if that member is subscribed by the juristic body affiliated to.

#### 20. RESIGNATION OF A MEMBER

1. The resignation of a member comes into operation at the first meeting of the management executing committee held after the written resignation of the member received by the management executing committee secretary.
2. The membership of a member who has resigned shall be cancelled by resolution of the management executing committee and the amount paid in respect of membership shall be forfeited to the organisation.

#### 21. SUSPENSION AND EXPULSION

1. A member who repeatedly contravenes a provision of this statute or who refuses to comply with such provision or to meet an obligation imposed on him or her by the organisation or in terms of this statute or which he agreed to meet, may
  - (A) Upon the resolution of the management executing committee, be suspended as a member for a period to be determined by the organisation but which shall not be longer than the date of the next general meeting, Or
  - (B) By special resolution of the general meeting following such contravention be suspended as a member for a period to be determined by the organisation but which shall not be longer than twelve months from the date of suspension is decided, Or
  - (C) By special resolution be expelled from the organisation and have such decision communicated to any the affected person or public as consumers and to the authorities bearing interest on the contravention.
2. The suspension of a member may be revoked by resolution of the annual general meeting at any time.
3. The member shall not in terms of this clause be suspended or expelled unless given prior written notice of the organisation's management executing committee intention



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- to suspend and recommend to members that he or she be suspended or expelled.
4. The notice to such member shall contain the following particulars:
    - A) The reasons for the proposed suspension or expulsion, and
    - B) A time when, and place where a member may appear in person with or without witness, before the committee or to which he/she may send a written statement signed by the member sending out objections to the proposed suspension or expulsion.
  5. The management executing committee shall if decided to suspend or expel a member, notify him/her in writing of:
    - A) The date on which suspension or expulsion comes to effect.
    - B) The period of time during which the suspension or expulsion shall apply.
    - C) The disciplinary measures, which will be taken if necessary and justifiable.

### 22. DISCIPLINARY MEASURES.

1. While under suspension a member forfeits his right to attend general members meetings.
2. The members by special resolution or the management executing committee may further more stipulate that certain or all transactions with a member shall be suspended for the period of suspension

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3. The membership of an expelled member shall be cancelled by resolution of the general meeting and upon such cancellation the member shall forfeit membership fees.

## GOVERNANCE OF THE ORGANISATION

### 23. MANAGEMENT OF THE ORGANISATION.

1. The affairs of the organisation shall be managed and controlled under the supervision of the elected national management executing committee consisting of additional members who will act as Provincial secretariat as determined from time to time.
2. All the acts of the management executing committee shall be regarded as acts of SAPSO.
3. The management executing committee shall appoint staff comprising of the chief executive officer to head the in-house administration and together with its management executing committee secretary as full time office bearer to head all

external affairs of the organisation to:

- A) Establish administrative structures and any entities necessary for performance of SAPSO functions.
  - B) Manage the day-to-day operations of the organisations and all its components.
  - C) Ensure that all functions of the organisations are performed in terms of this statute.
  - D) Manage, control and oversee the staff of the organisation as well as its performance
  - E) Report to the management executive committee on the performance and functioning of the organisation
  - F) Perform any other functions assigned to them by the management executing committee.
4. The management executing committee may appoint non-members in order to obtain expertise on service plans, position in the meeting or seating of the executive.
  5. Without prejudice to the provision of this statute, executive management appointed no-member shall be endorsed at a general meeting.
  6. Outgoing management executing committee members are legible for re-election.

#### **24. PERSONS NOT QUALIFIED TO BE ELECTED AS REPRESENTATIVES.**

Without prejudice to the provisions of this statute no person shall hold representative office of this organisation if he or she:

- A) Carries on or manages any business or organisation, other than that in respect of organisations, of which the nature of the activities undertaken are such that, in opinion of the management executing committee, they take place in competition with this organisation.
- B) Is a director of non profit body, cooperative, organisation or any body undertaking which, in the opinion of the management executing committee operates in competition with this organisation.

#### **25. TERM OF OFFICE**

The term of office of elected representatives as national management executing committee members shall be five (05) years.

#### **26. NOMINATION OF THE EXECUTING COMMITTEE.**

1. Candidates for the position of management executing committee shall be nominated openly at a general meeting held once in every five (05) years for the purpose of electing representative members.
2. Without prejudice to provision of this statute, a member qualifies for election only if

nominated in terms sub clause (1).

3. (A) If a candidate is nominated without any contestations for that particular portfolio, such candidate shall be declared elected at the ordinary general meeting.
  - (B) If insufficient or no candidates are nominated to fill the vacancy on the management executing committee, such vacancies shall be filled at a special general meeting to be convened for such purpose to take place only after the first annual general.
  - (C) The annual general meeting must ensure and finalise the nomination of the top five management executing committee vacancies deemed as executives who are; Chairperson, Secretariat Officer, National coordinator, Administrator and the National liaison Officer.

#### **27. VOTING OF MEMBERS OF EXECUTIVE COMMITTEE.**

1. At the election of national management executing committee, a member shall vote for as many candidates as there are vacancies to be filled and those candidates receiving highest number of votes shall be declared elected.
2. A member shall be entitled to vote once or single vote per portfolio contestants.
3. A register of elected office bearers shall be kept at a registered office of the organisation which the following particulars in respect of each representative shall be entered into within seven days of election held:
  - (A) Full names and address.
  - (B) The date of elections.
  - (C) The term of office.
  - (D) The name and address of each entity he/she is representing except political bodies.

#### **28. CASUAL VACANCY ON THE EXECUTIVE COMMITTEE**

1. Any casual vacancy occurring in the executive committee shall be filled until the next annual general meeting by the member co-opted by the remaining national representatives excluding for the following positions:
  - (A) a chairperson
  - (B) a secretariat officer, and
  - (C) an administrator
2. If the vacancy occurs on the position of a chairperson, secretariat officer, or an administrator, the following annual general meeting must fill the position or a special election shall be called.
3. While the special election is not yet called or the annual general meeting still pending, the duties of vacant position may be executed by the Chief Executive Officer in a mandate of Acting responsibility.

#### **29. VACATION OF OFFICE.**

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An executive member shall vacate office:

- (A) If he/she become incompetent in terms of the provision of this statute to hold the office of representative member, or
- (B) If he/she absents for more than three consecutive meetings of the organisation without leave of absence unless the absence is on the business of the organisation, or
- (C) Upon the expiry of thirty (30) days or such shorter periods as may be approved by the executive, after have resigned as representative of the organisation.
- (D) If is relieved of office in terms of this statute.

### 30. REPRESENTATIVES MAY BE RELIEVED OF OFFICE.

1. A representative after due notice, may be relieved of office by resolution of a special or annual general meeting of members before expiration of his/her term of office and another qualified member may be elected in place at that meeting.
2. Nominations for the election of such member may be made at such meeting if that meeting does not fill a vacancy it shall be regarded as casual vacancy.
3. A representative so elected shall not hold an office for a period longer than the unexpired portion of the term of office of the vacating member.

### 31. EXECUTIVE MEMBERS MEETING.

1. The chairperson and the secretariat officer of the management executing committee shall convene a meeting.
2. The simple majority of representatives shall constitute the quorum of the executive.
3. Questions arising at meeting of the executive shall be determined by a majority of the representatives present at the meeting and in the case of equality of votes the chairperson or person acting as chairperson shall have a casting vote in addition to deliberative vote.

### 32. MUNITES OF MEETING

1. The organisation shall subject to the provisions of this statute, cause to be kept minutes of all proceedings of meetings of the management executing committee, or
2. Any other entity established thereof and within two months of the date of such meeting cause the said minutes to be entered in one or more books kept for that purpose at the registered office of the organisation.
3. Minutes of the meeting of the management executing committee drawn up in accordance with sub clause (1) shall be submitted to this executive committee representatives as soon as possible but not later than at the first management

executing committee meeting held after the expiry of two months from the date on which the meeting was held.

### **33. ATTENDANCE REGISTER**

1. Every representative present at a meeting of the management executing committee thereof shall enter his/her name under the date of the meeting in a register; such register shall be kept at a registered office of the organisation.
2. At all organisation meetings or affiliated gatherings an attendance register shall be circulated and signed by each person in attendance.

### **34. RENUMERATION**

1. All necessary and out of pocket expenses incurred by representatives by reason of their meeting attendance of the organisation or engaged on the business of the organisation may be refunded to them and the organisation may also at annual general meetings vote to the management executing committee members remuneration for their continued services.

### **35. POWERS OF THE MANAGEMENT EXECUTING COMMITTEE**

- 1) Receive and consider application for membership, registration, and renewals in terms of this constitution.
- 2) Suspend or withdraw the status of the member.
- 3) Appoint and decide on its internal staff and cause its work to be performed by persons employed by it.
- 4) Develop and maintain computer database within formation required for the proper performance of its functions.
- 5) Promote its aims and take steps to achieve them.
- 6) Open accounts with any banking institution or financial body approved by its meetings.
- 7) In the legal manner receive, expend and generally administer funds in accounts.
- 8) In the prescribed manner establish an office to receive process, refer, or deal with complaints regarding security service industry.
- 9) To invest money with financial institution registered in terms of any law.
- 10) Acquire or hire movable or immovable property or hypothecate, let, sell or otherwise dispose of movable or immovable property of the organisation.
- 11) Accept donations with the approval of the national executing meeting.

- 12) Determine charge and collect fees as determined by its national meetings from time to time.
- 13) Raise funds from other sources in the course of normal business and safeguard its properties and manage them.
- 14) Enter into contracts including insurance agreements.
- 15) Conduct or cause to be conducted hearings, investigations and enquiries with regard to any matter falling within its intended scope of work and functions.
- 16) Become a member of an association or organisation, which seek to promote any matter of interest with the organisation.
- 17) Cooperate with any person or body in the performance of an act that by law is permitted.
- 18) Perform generally, any act contributing to attainment of its objectives.

### 36. DELEGATION OF POWERS TO A COMMITTEE

1. The management executing committee may delegate more or one of its powers to the chairperson, secretariat officer, committee, portfolio holder or specialist committee so appointed to perform a duty of the organisation or act as its representative or agent.
2. Any person, committee or agent so appointed shall in the exercise of the powers so delegated, abide by such rules as may be made and follow such instructions as issued, in regard to code of conduct.
3. The provision of clause governing the meeting processes of this organisation shall apply mutatis mutandis to such power delegate.

### 37. INSURANCE

The organisation through its management executing committee shall provide for insurance of the assets of the organisation, including cash against loss or damage, and in respect of liability of the organisation in regard to ordinary business risk and shall provide for such insurance in respect of products and other goods whilst under the care and control of the organisation.

### 38. MEETINGS OF MEMBERS

#### 1. ANNUAL GENERAL MEETINGS

An annual general meeting of members shall be held within 120 days after the end of each financial year of the organisation for the purpose of:

- (A) Considering financial status of the organisation.

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- (B) Electing executive members when necessary to do so.
- (C) Dispose of other matters which in terms of this statute can or must dispose of at a meeting.
- (D) Dealing with any general business, including any complaints that may have been forwarded by the members.

### 39. EXTRA ORDINARY MEETING

#### 2. SPECIAL GENERAL MEETING

Extra ordinary meeting shall be called if there is any urgent matter affecting members and in the opinion of the management executing committee such matter is important to be exposed of by the members.

The extra ordinary meeting shall dispose only of the matters as set out on the notice convening such meeting.

Only this kind of meeting can take special resolution pertaining to this statute.

### 40. EXTENDED MEETINGS.

#### 3. SERVICE PLANS MEETINGS

1. Subject to the provisions of this statute, an extended meeting shall be called to with leadership of entities established by the organisation to dispose of any matter relating to or affecting the well being of the organisation or the entity itself.
2. An extended meeting can be held on request by either one entity supported by another or one entity if national management executing committee on the absence of support so deemed it necessary.

### 41. LEGAL STANDING

1. SAPSO may sue and be sued on its name.
2. This statute may be validated by a signature of both the Administrator and the Secretariat officer only.

### 42. CONTRACTUAL LIABILITY

Only the National Officials who is the executing management committee shall have the authority to bind SAPSO or to create any legal relationship. Any other person purporting to bind SAPSO must produce a written authorization from one of National officials, which must indicate the extent of that person's authority in relation to the proof of the organizational meeting so held and kept in its books.

### 43. BANKING INSTITUTION

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SAPSO shall open a banking institution on its own name with a registered institution in the Republic of South Africa to invest and control the funds of this organization. The National administrator together with the Secretariat Officer shall be signatories to the banking account.

The Secretariat Officer shall provide and table a monthly banking statement to the entire management executing committee which shall certify itself with the banking institution of the financial transactions duly executed where necessary.

The Secretariat Officer shall have a final authority to transfer funds from this account to any recipient being a juristic or individual body.

**44. WINDING UP**

SAPSO may wind up at a request for a special resolution meeting called by its members to convene for that purpose if:

- (1) 30% of its entire membership called for the special resolution meeting to wind up the organization And
- (2) 75% of the entire membership is in attendance and the two third majority vote resolve to wind up the organization And
- (3) The special resolution meeting will be regarded disbanding the organization thereby automatically transferring all services to Private Security Development Cooperative Limited Registration No. K6/3/9/3127 for continuity in a business principle governed by its statute No. 3356.

**45. CERTIFICATION**

As amended by the meeting of the general meeting of the 16<sup>th</sup> January 2016 and adopted by executing management committee at its meeting of the 26<sup>nd</sup> January 2016.

Signed by Representatives of the National Executive committee of SAPSO today the 26<sup>th</sup> January 2016

**46. CONFIRMATION OF THIS CONSTITUTION**

Thus validated under our hand as mandated compliant to this statute and the meeting of the executing management committee.

**Names:** Lathiswa Priscilla Bango Term of office: 2016-01-16 TO 2021-01-16

.....  
National Administrator

**Names:** Tsekane Lukie Tshabalala Term of office: 2016-01-16 TO 2021-01-16

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Secretariat Officer