THE CONSTITUTION OF THE SOCIETY OF MEDICAL LABORATORY TECHNOLOGISTS OF SOUTH AFRICA (SMLTSA)

1. NAME
   The name of the Society shall be: THE SOCIETY OF MEDICAL LABORATORY TECHNOLOGISTS OF SOUTH AFRICA, hereinafter referred to as the SOCIETY.

2. DEFINITIONS
   2.1 Affiliated Member
   An Affiliated Member shall be any person interested in medical technology. Such member shall enjoy all privileges of the Society, except the rights to hold office and to vote.

   2.2 Associate Member
   An Associate Member shall be any person registered with the Health Professions Council of South Africa as a medical technologist or medical technician. Such member shall enjoy all privileges of the Society.

   2.3 Fellows
   A Fellow shall be a member who has been an Associate Member for at least three (3) consecutive years and who has obtained his fellowship by Thesis as prescribed by Council. A Fellow who allows his membership to lapse may not use the title of “Fellow of the Society.” Fellows shall enjoy all privileges of the Society.

   2.4 Honorary Life Member
   An Honorary Life Member shall be a person who, upon recommendation of a constituent Branch, has been elected by Council for reason of his services rendered to the Society. Such membership shall carry full privileges.

   2.5 Student Member
   A Student Member shall be registered as a bona fide student medical technologist with the Health Professions Council of South Africa. Such member shall have the right to vote and shall be eligible only for the office of Student Representative in a particular Branch.

   2.6 Student Representative
   Such a person shall be the properly elected representative of all bona fide students in a Branch and shall not qualify for any other office within the Society. Such a person shall be nominated annually and elected only by Student Members and may be re-elected to the same office.

   2.7 Branch
   A Branch shall consist of members as defined in this Constitution and function in terms of paragraph 9 of this Constitution. The minimum number of members constituting a branch will be determined by Council and the creation of all new Branches shall be approved by Council.

   2.8 Council
   Council shall consist of those elected members who enjoy full privileges of the Society. Each Branch may nominate a member to serve on Council. A Branch may nominate another Branch to represent it, if it so wishes, and that representative would then carry the vote of both constituted Branches.

   2.9 Retired or Non-practicing Member
   Medical Technologists who have retired or are no longer practicing may upon application become full members of the Society and enjoy the same privileges as associate members. Registration with the Health Professions Council of South Africa is not obligatory.

3. LEGAL PERSONALITY
   The Society shall enjoy legal personality and therefore -

   3.1 the Society shall have perpetual existence though its members may change;

   3.2 the Society shall become the sole owner of funds and properties, neither being the property of any individual member of the Society.

   3.3 the Society shall not act for gain or profit;

   3.4 the Society shall be competent to act as plaintiff or defendant in its own name in any action in a court of law, or to act for and on behalf of any member of the Society in matters relating to the objects of the Society;

   3.5 the personal liability of a member of the Society shall be restricted to the outstanding amount of money being owed by the member as membership fees.
4. **OBJECTS OF THE SOCIETY**

The objects of the Society shall be:

4.1 to secure for members of the Society such definite status and recognition as may assist them in the discharge of their professional duties;

4.2 to exercise professional supervision over members of the Society;

4.3 to hold meetings and conferences for the delivery of lectures and reading of papers, the discussion of scientific and technical matters and other subjects of general interest;

4.4 to collate and publish any information of service or interest to members and of interest to the public at large;

4.5 to form local branches of the Society wherever deemed necessary;

4.6 to assist in the training and examination of Medical Laboratory Technologists, and to issue a certificate to those who have satisfactorily completed the Fellowship requirements of the Society;

4.7 to co-operate with Southern African or International Societies and other bodies in matters of mutual interest.

5. **LANGUAGE**

All affairs of the Society shall be conducted in English.

6. **FINANCE**

6.1 Fiscal Year

6.1.1 The fiscal year for the Society shall commence on the first (1st) day of February each year.

6.1.2 The fiscal year of a Branch shall commence on the first (1st) day of January each year.

6.2 Audit

6.2.1 The books and records of the Society shall be audited at least once during each fiscal year by a registered chartered accountant.

6.2.2 The auditor shall be appointed by the Executive of the Society

6.2.3 The report of the auditor shall be published annually.

6.3 Signatories

The Executive shall nominate or confirm annually, members of the Executive and staff with authority of signing, to sign on behalf of the Society any particular or all legal financial documents of the Society. All documents referred to above shall be signed by at least two (2) authorised persons.

6.4 Accounts

6.4.1 All monies of the Society and of constituent Branches shall be kept in accounts at financial institutions registered in South Africa.

6.4.2 The aforesaid accounts shall be audited annually.

6.4.3 Certified copies of Branch balance sheets shall be forwarded annually to Council.

6.4.4 If requested by Council, Branches shall submit certified copies of Branch books, accounts and records.

6.5 Subscriptions

6.5.1 On election to membership in any category other than Life Membership, President of the Society, or Vice-President of the Society, an annual subscription, as determined from time to time by Council, shall be payable and will fall due on the first day of January. The subscription shall be payable only on approval of application for membership.

6.5.2 Council shall be competent to reduce subscriptions for members who have retired from the profession.

6.6 Refund to Officers

The Council of the Society shall, when funds permit, attempt to refund all reasonable travelling and reasonable accommodation expenses of Executive and Council Members attending Meetings, on presentation of acceptable proof of their expenses.

6.7 Interest, Payment and Donations to the Society

All monies paid by any members of the Society, donations to the Society, institution donations to the Society and/or monetary institutions contributing interest to any Branch, shall always be the sole property of the Society and therefore controlled by Council.

6.8 Branch Funds

Branch management will receive funds for Branch expenses. The amount will be determined by Council from time to time from subscriptions collected each year from members by the National Office. The remainder and all other monies originating from any other source, unless authorised by Council, shall be transferred to the Treasurer of Council not later than 31st January each year for deposit in the Society's account.

6.9 No Branch shall be authorised to have control over Society monies. Control of all monies and assets of the Society shall be vested solely in the Council of the Society.
7. **MEMBERSHIP**

7.1 **Application for Membership**

7.1.1 Applications for Membership of the Society must be made on the prescribed form and bear the signatures of a Proposer and Seconder who shall be Associate Members of the Society.

7.1.2 All applications must be forwarded to the National Administration Office for approval.

7.1.3 In the event of an application being refused, the applicant may apply to Council for admission; whereafter Council shall consult the National Administration Office and/or Branch Committee concerned.

7.1.4 Council shall not be under any obligation to furnish reasons for its subsequent decision, which shall be final.

7.2 **Termination of Membership**

7.2.1 Any member who has failed to pay his/her subscription by 31st March in any year shall ipso facto cease to be a member.

7.2.2 Any member who has had his name removed from the Register held by the Health Professions Council of South Africa due to misconduct, shall cease to be a member.

7.2.3 Any member who attempts to use the Society as a means of personal monetary gain, or who attempts to misappropriate the funds or assets of the Society, shall have his/her membership terminated.

7.2.4 Any member who is convicted of a serious criminal offence may, at the discretion of Council, have his/her membership terminated.

7.2.5 Any member shall, for gross misconduct, have his/her membership terminated. The power of expulsion shall be vested in Council.

7.2.6 Any person whose Membership of the Society has been revoked, shall have the right of appeal. Such appeal must be made in writing within thirty (30) days of the notification of the loss of membership and must contain reasons justifying the appeal. In such event the Branch Committee shall be consulted before a final decision is made by Council. The decision of Council shall be final.

7.2.7 Members shall give one month's written notice of termination of membership, subscriptions being due until the end of the current financial year.

7.2.8 On termination of membership, the right to display the Society emblems in any form shall, together with all privileges of the Society, be forfeited.

7.2.9 On termination of membership no pro rata refund of subscriptions shall be paid to any ex-member.

7.3 **Disciplinary Charges and Hearings**

7.3.1 (a) Council shall be empowered to nominate a Disciplinary Committee consisting of five (5) members of Council (b) Such Disciplinary Committee shall be competent to co-opt a maximum of two (2) persons to assist it.

7.3.2 Any person who is aware that a member has engaged in conduct detrimental to the Society or to the profession of Medical Laboratory Technology or has violated the Code of Ethics of the Society may file a written complaint with Council.

7.3.3 Upon receipt of the written complaint, the Chairman shall within thirty (30) days, forward it to the members of the Disciplinary Committee, who shall review the complaint and decide whether or not sufficient grounds exist for a formal charge to be made.

7.3.4 The Disciplinary Committee may require written corroboration of the complaint by another person before taking action on the complaint.

7.3.5 The Chairman shall, within sixty (60) days, convene a meeting of the Disciplinary Committee to hear the charge.

7.3.6 The respondent shall be notified of the date, time and place of the hearing and of the nature of the complaint at least thirty (30) days before the date of the hearing.

7.3.7 At the hearing of the charge before the Disciplinary Committee, the respondent may appear in person, with or without counsel, or may be represented by counsel in his absence, and the Committee may engage counsel to assist it at the hearing.

7.3.8 The Disciplinary Committee and the respondent may call witnesses at the hearing. Following the evidence and submissions, the Disciplinary Committee shall convene to render its decision. In order for the charge to be sustained, two-thirds (2/3) of the Disciplinary Committee must, by written vote, vote in favour of sustaining the charge.

7.3.9 In the event that the charge is sustained, the Disciplinary Committee shall have the power to impose any one or more of the following penalties:

7.3.9.1 reprimand the member;

7.3.9.2 suspend the member for a definite period, which shall not be less than one (1) year and not more than three (3) years;

7.3.9.3 suspend the member for an indefinite period, provided that at the end of three (3) years, the member may apply to Council for re-instatement to membership and the member shall be re-instated by a two-thirds (2/3) written vote of Council;

7.3.9.4 expel the member from membership.

7.3.10 The decisions of the Disciplinary Committee, including the penalties, shall be in writing and the Chairman shall forward to the respondent written notice of the decision within fourteen (14) days of the hearing.
7.3.11 The respondent may appeal against the decision of the Disciplinary Committee within thirty (30) days of notification of the decision. Such appeal shall be to Council and Council shall hear the appeal at its next regularly scheduled meeting or within one hundred and twenty (120) days of receipt of the appeal. The appeal shall be made in writing to the Chairman and shall state the grounds for the appeal.

7.3.12 No evidence shall be led at the hearing of the appeal but only arguments on the grounds of appeal.

7.3.13 Council shall be competent to vary the penalty imposed by the Disciplinary Committee by a majority vote.

The appellant shall be notified in writing of the outcome of his appeal within thirty (30) days after decision has been pronounced.

8. STRUCTURE AND MANAGEMENT OF THE SOCIETY

8.1 Structure of the Society

8.1.1 The Society shall consist of constituent Branches in Southern Africa.

8.1.2 The management of the Society shall be vested in the Executive of the Society, as defined in this constitution, which will be responsible to the Council for its actions.

8.1.3 The constituent Branches shall be autonomous bodies with legal personality equivalent to that of the Society and as described in paragraph 3 of this Constitution, provided that:

8.1.3.1 Branches accept and agree with the Constitution of the Society, and

8.1.3.2 Branches shall unite in this Society on the basis described in the Constitution, and

8.1.3.3 Branches shall discharge promptly their obligations to the Society, and

8.1.3.4 Branches shall be represented in the Council of the Society, and

8.1.3.5 Branches shall execute the same objects as the Society, and

8.1.3.6 though Branches may have their own standing these shall not be in conflict with the Constitution of the Society.

8.2 Composition, Powers and Duties of the Executive of the Society and of the Council of the Society

8.2.1 Composition of the Executive of the Society shall be as defined in this Constitution.

8.2.2 Composition of Council shall be as defined in this Constitution.

8.2.3. The duties and powers of the Executive of the Society and of Council shall be -

8.2.3.1 to execute and attain all objects of the Society on a national basis, and

8.2.3.2 to prescribe the rules and requirements for the Fellowship, and such other examinations as the Society shall require, and

8.2.3.3 to define the functions, duties and procedures (by-laws) of all Committees of the Society, and

8.2.3.4 to purchase, sell, lease, let, exchange, effect transfers, accept donations, donate, to acquire movable and immovable property, (including shares), to invest moneys of the Society, to litigate, to engage chartered accountants and lawyers, to convene meetings, and to do anything deemed necessary for the achievement of the objects of the Society in a legal and responsible manner, and

8.2.3.5 to institute all committees as required for the effective and proper administration of the Society.

8.2.4 The Council and or Executive shall be competent to create a permanent Secretariat and to appoint the required staff for that purpose. Such members of staff shall have no voting rights.

8.2.5 Council shall decide where to choose domicilium citandi et executandi for the Society. Such place of domicile shall be regarded as the headquarters of the Society, and should a Secretariat be created, also accommodate the said Secretariat.

8.2.6 Co-opted Members

The Council of the Society and the Executive of the Society shall have the power to co-opt as members of the Executive and of Council, any person or persons deemed to have special knowledge of any subject under discussion. Such co-opted members shall not possess a vote.

8.3 Officers of the Society

8.3.1 Council of The Society

The Council of the Society shall consist of the elected members of the Executive of the Society, the Secretary, Treasurer and one representative from each of the constituent Branches of the Society.

8.3.2 The Executive

8.3.2.1 Past-President. On retirement the President shall become the Past-President and shall be an ex-officio member of the Executive of Society for the next term.

8.3.2.2 The Executive Committee shall consist of five members elected by national ballot and will hold office for a period of four years

8.3.2.3 President. The President shall be elected by Council from the five elected Executive Committee Members and shall
hold office for a period of four years and will not be eligible for immediate re-election to this office. The President shall be
the Chairperson of the Executive of the Society and of Council.

The President shall be inducted into office at the opening ceremony of the National Congress.

8.3.2.4 Vice-President. The Vice-President shall be elected from the five elected Executive Committee Members and shall
hold office for a period of four years.

8.3.2.5 The Executive shall have the power to co-opt up to four additional members if deemed necessary. Co-opted mem-
bers shall not possess a vote.

8.3.2.6 All elected officers of the Executive shall have a vote and the Chairperson shall have a deliberative and casting vote.

8.3.2.7 Notwithstanding the above, any officer may retire within a term of office by resignation, including to become avail-
able for another office, for the remainder of the relevant term.

8.4 Procedure at Council Meetings

8.4.1 Council shall meet every two years. Funding of Council representatives shall be set out in the by-laws of the Constitution.
The funding of Executive members shall be borne by the Administrative Office.

8.4.2 In the event of confidential matters being discussed, the meeting shall be in camera

8.4.3 In the event of dispute as to the procedure to be followed, the Chairperson’s decision shall be final.

8.4.4 Quorum

At any meeting of Council representation from the majority of constituent Branches and the Executive must be present.

8.4.5 Voting

8.4.5.1 Each member shall be entitled to one (1) vote with the Chairperson having a deliberative and casting vote. In the
event of a Branch not being represented, that Branch may cede its vote to the representative of another Branch. A letter of
proxy ceding its vote to another Branch must be handed to the Chairperson before the start of the meeting.

In the event of an Executive member representing a Branch that member shall only possess one vote.

8.4.5.2 All matters shall be resolved by a majority vote of Council Members present except in the case of a change in the
Constitution which shall require a two-thirds (2/3) majority.

8.4.6 Notice of meeting.

Due notice of all meetings of Council shall be given to members. The notice convening the meeting shall be accompa-
nied by the agenda setting out the business to be dealt with at the meeting. No subject which does not appear on the agenda shall
be considered by Council unless the majority of members present agree thereto within the first hour of the first session of the
Council Meeting.

8.4.7 Minutes

Minutes of all proceedings of Council shall be maintained in a permanently bound book kept for that purpose. Minutes of the
previous meeting shall be circulated to members within eight (8) weeks of that meeting of Council.

8.4.8 Extraordinary Council Meetings

The Executive of the Society may, whenever they deem fit, and shall, upon application in writing signed by at least 50% of vot-
ing members of Council, convene an extra-ordinary Council Meeting. Such application shall express the reason for calling the
Meeting.

Upon receipt of such a request the Executive of the Society shall forthwith proceed to convene an Extraordinary Council Meet-
ing within twenty-eight (28) days. If the Committee fails to convene the Meeting within twenty-eight (28) days of receipt of the
application, the applicants themselves may convene a Meeting, and submit a report of all proceedings to Council. If then two
thirds (2/3) of Council members agree with the issues, the Executive have to call an Extraordinary Council meeting.

8.5 Procedure at Executive Meetings

8.5.1 The Executive should meet at least every six months.

8.5.2 Quorum.

At any meeting of the Executive a simple majority of elected members shall form the quorum.

8.5.3 Voting.

Each elected member shall be entitled to one (1) vote with the Chairperson having a deliberative and casting vote.

8.5.4 Notice of Meeting.

Due notice of all meetings of the Executive shall be given to members. The notice convening the meeting shall be accompa-
nied by the agenda setting out the business to be dealt with at the meeting.

8.5.5 Minutes.

Minutes of all proceedings of the Executive shall be maintained. Minutes of the previous meeting shall be circulated to all
members of the Executive and to all Branches within eight (8) weeks of that meeting.
8.6 Performance and Accountability

8.6.1 All officers of Council of the Society are accountable for their actions to Council.

8.6.2 If for any reason an elected or appointed Officer of the Executive or Council of the Society does not perform the task(s) allocated, action may be taken by the Executive of the Society.

9. BRANCHES

9.1 Formation and Affiliation of Branches

9.1.1 Where there are at least twenty (20) Associate Members within a reasonable distance of each other, they may apply in writing to the Council of the Society for formation and affiliation of their Branch with the Society, in terms of paragraph 8.1.3

9.1.2 Notwithstanding the above, membership of the Society may be conferred upon medical technologists or medical technicians in isolated areas qualifying as members. Such members shall enjoy all privileges according to their status, and they shall exercise their rights within the nearest Branch.

9.2 Control of Branches

Branches shall be controlled by a Committee which shall be composed as follows:

9.2.1 Chairman, who shall have a casting vote only in the event of tie votes. The Chairman shall decide upon the procedure to be followed in the Branch-meetings, in the absence of by-laws fixing the procedure.

9.2.2 Vice-Chairman

9.2.3 A Secretary/Treasurer or a Secretary and Treasurer.

9.2.4 A minimum of three (3) members who shall be elected from Fellows or Associates.

9.2.5 One Student Representative, representing bone fide students of Medical Technology, who may be nominated, seconded and voted for only by Student Members. Such Student Representative shall be a student of Medical Technology for any period of the year of office and shall hold office for one (1) year but be eligible for re-election.

9.2.6 All office bearers shall be elected at the Annual General Meeting.

9.2.7 Members of the Branch Committee shall be elected for three (3) years, one third (1/3) of whom shall retire annually - the three (3) year period of office of the Chairman, Vice-Chairman and Secretary shall not run concurrently with each other; retiring members shall be eligible for re-election.

9.3 Duties of Branch Committees

9.3.1 The Secretary shall be responsible for keeping a true and accurate record of all proceedings of the Branch.

9.3.2 The Committee shall be empowered to appoint such sub-committees as may be deemed necessary from time to time.

9.3.3 The Branch Secretary shall convene all meetings of the Branch except under paragraph 9.5 below. The Branch Committee shall meet at least once every three (3) months. The minutes of these meetings shall be submitted to the Administrative Office of the Society.

9.3.4 Treasurer or Secretary/Treasurer

9.3.4.1 The Treasurer or Secretary/Treasurer shall be responsible for the monies of the Branch, and through his/her Branch Committee, responsible to Council for the finances of the Branch.

9.3.4.2 The Treasurer and one other member shall have the power to sign.

9.3.5 Copies of financial balance sheets and minutes of all Branch Annual General Meetings shall be submitted to the Secretary of the Council of the Society.

9.3.6 The Branch Committee shall be responsible to Council for the failure to exercise proper control over members and the violation of the objects of the Society.

9.3.7 A quorum at Branch Committee shall be a simple majority of members.

9.4 Annual General Meeting

9.4.1 All Branches shall hold their Annual General Meetings after 1st February and before 31st March in each year.

9.4.2 The Secretary shall inform all members of the date and venue of the Meeting. Such notice shall be accompanied by the agenda setting out the business to be discussed at the meeting.

9.4.3 Members should provide proof of membership or have their names checked against a list of members currently entitled to vote on the arrival at the Annual General Meeting.

9.4.4 Voting slips shall be issued only to paid-up members.

9.4.5 The following items shall appear on the agenda:

- 1. Minutes of the previous Annual General Meeting,
- 2. Matters arising,
- 3. Chairman’s or Secretaries report for the past year,
- 4. Financial statement together with the Auditor’s report for the past year.
5. Election of Officers of the Branch
6. Any other business

9.4.6 All nominations for the above offices shall be in the hands of the Branch Secretary at least three (3) weeks prior to the date of the Annual General Meeting.

9.4.7 All voting shall be by secret ballot and retiring Officers shall be eligible for re-election.

9.4.8 The Chairman shall appoint two (2) scrutineers to supervise the voting at the Annual General Meeting.

9.4.9 In the event of a quorum not being present, the Chairman may reconvene the meeting after 15 minutes and members then present shall constitute a quorum.

9.5 Extra-ordinary General Meetings

The Branch Committee may, whenever they deem fit, and upon application in writing signed by at least ten (10) voting members of the Branch, convene an Extra-ordinary General Meeting. Such application made by the members shall express the reason for calling the meeting. Upon receipt of such request the Committee shall forthwith proceed to convene an Extra-ordinary General Meeting within twenty-eight (28) days. If the Committee fails to convene the Meeting within twenty-eight (28) days of receipt of the application, the members themselves may convene a Meeting, and submit a report of all proceedings to Council, whereafter Council, after having consulted with the local Branch Committee, may take disciplinary steps depending upon the seriousness of the matter at hand.

10. CHANGES TO THE CONSTITUTION

10.1 The Constitution of the Society shall be subjected to revision from time to time. Amendments must be proposed, seconded, and signed, and must be in the hands of the Secretary of Council at least six (6) weeks prior to the date of the Council Meeting.

10.2 The said Secretary shall notify each Branch of the proposals which shall be considered by Branch Committees and these shall be made available for comment by all members.

10.3 All amendments must be approved by a two thirds (2/3) majority of Council.

11. DISSOLUTION

11.1 Upon dissolution of the Society, or of a Branch, Council or the Executive shall appoint three (3) TRUSTEES to wind up the business of the Society or Branch and dispose of the assets.

11.2 In the case of the total dissolution of a Branch, any assets shall be absorbed by the Society as a whole, provided that all obligations of that Branch have been fulfilled.

11.3 In the case of dissolution of the Society any assets shall be distributed by the TRUSTEES equally amongst those Branches affiliated at dissolution of the Society.