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## Constitutional Council

### Terms of Reference

#### 1. **GENERAL**

- 1.1. The Judicial Branch consisting of the Constitutional Council, which will function as the advisor to the NEC in regard to constitutional matters, arbitration of differences between chambers and other organizations within the framework of the IWH and as adjudicator of appeals in disciplinary matters between chambers and their members.

#### 2. **SCOPE OF COUNCIL**

- 2.1. The following reference documents have been used to guide the contents of the scope of work to be used by this Council :

- 2.1.1. The Institute for Work at Height Constitution.  
2.1.2. The Institute for Work at Height memorandum of Incorporation.

#### 3. **COUNCIL MEMBERS**

##### 3.1. The Council shall comprise of:

- 3.1.1. The NEC will elect a constitutional council chairperson from its ranks and nominate one member per chamber to serve on the council. These persons may be nominated on an ad-hoc basis to assist the chair in his or her deliberations.

##### 3.1.2. Current persons serving on the Council :

- |          |                   |                      |
|----------|-------------------|----------------------|
| 3.1.2.1. | Mr Brian Randall  | President            |
| 3.1.2.2. | Mr Jean du Randt  | Constitutional Chair |
| 3.1.2.3. | Mr Simon Skhosana | Permanent Member     |

##### 3.2. Criteria for the nomination of persons to serve on the Council

- 3.2.1 Member of the IWH for 2 years or more and in good standing

#### 4. **PURPOSE & OBJECTIVES OF COUNCIL**

- 4.1. The Constitutional council will function as the Judicial Organ of the IWH.  
4.2. The constitutional council chairperson will act as a non-executive chairperson for the purposes of the Act.  
4.3. It will be responsible for advice to the NEC on constitutional amendments, to mediate and adjudicate between chambers and other internal organs / entities and to function as body of appeal for decisions of the disciplinary Council s of chambers in dealing with their members.

#### 5. **OUTCOMES**

The Council after research development and discussion, will propose/recommend in all instances its considered outcome on the issue at hand to the Board.

#### 6. **RESOURCES AND BUDGET**

- 6.1. Will have the power, within approved budgets to appoint persons outside the Council on an ad-hoc basis where Institute for Work at Height Constitution necessary.

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## 7. **GOVERNANCE**

- 7.1. Decision making ideally should be a consensus, failing which it will be on a majority basis.
- 7.2. A quorum at any Council meeting will be reached when at least 65% of voting Council members are present.

## 8. **COMMUNICATION**

- 8.1. The Council shall at all times ensure effective communication of its activities takes place both internally and externally by such means as; e-mail, telephone, skype, meetings, letters etc.
- 8.2. The frequency of the above means will be decided by the Council.
- 8.3. Three formal meetings will be scheduled during a period of 12 months, or when the need arises.
- 8.4. The main form of communication will be via email.

## 9. **RELATIONSHIPS**

The Council will report to the Board taking cognisance of the need to consult with any other standing Council on considered matters of common interest.

## 10. **RELATED POLICIES / STANDARDS**

The Council will ensure to take into account with its deliberations any specific published acts/ policies/ standards.

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