



# FERTASA

Fertilizer Association of Southern Africa

1. TERMINATION OF MEMBERSHIP BY THE BOARD
  - 1.1 If the Board terminates a Member's membership, the Member will be notified within 7 days from the decision date.
  - 1.2 Membership termination is effective from the date of the Board decision and is final.
  - 1.3 Termination of membership is final. If membership has been terminated by the Board, a new application for membership will be required if the individual or organisation wishes to become a Member of the Company at any future date.
  - 1.4 Termination in terms of the FERTASA Code of Conduct
    - 1.4.1 The Board adjudicates upon all complaints and appeals. The interpretation of the Code of Conduct is vested in the Board.
    - 1.4.2 The Chairman of the Board may, if satisfied that no injustice will result, extend any time period contemplated in the rules pertaining to termination of membership in terms of the FERTASA Code of Conduct.
    - 1.4.3 Any interested party wishing to make a complaint (hereinafter called the complainant) against a FERTASA member in terms of the FERTASA Code of Conduct, must submit a written complaint to the Chairman of the Board. The complainant shall be provided with a copy of the Code of Conduct. The complaint must take the form of a written statement and must contain full particulars of the complaint, copies of all relevant correspondence, the names and addresses of any witnesses, if applicable, and any other evidence, including affidavits in support of the complaint.
    - 1.4.4 The Chairman of the Board must submit a copy of any complainant's statement to the respondent. The respondent must within fourteen days of receipt of such statement submit a written statement to the Chairman of the Board which must set out fully his/her/their defense to the complaint together with reference to supporting evidence where necessary, including the names and addresses of witnesses, if applicable. The Chairman of the Board must submit a copy of the respondent's statement and supporting documents to the complainant.
    - 1.4.5 The Chairman of the Board must determine a date, time and venue for the



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hearing of any Code of Conduct complaint against a FERTASA member.

- 1.4.6 The Chairman of the Board must notify the complainant and the respondent of the date, time and venue of the hearing at which a complaint will be adjudicated upon.
- 1.4.7 The complainant and the respondent must both appear personally at the hearing of the complaint and will be permitted to give oral evidence and call witnesses.
- 1.4.8 The complainant and the respondent will not be entitled to legal representation at the hearing.
- 1.4.9 Any party who gives oral evidence may be cross-examined and questioned by the Board and may be re-examined in accordance with the procedure ordinarily applied in South African Courts of Law.
- 1.4.10 Any party giving evidence at a complaint hearing must take an oath or make affirmation.
- 1.4.11 All oral evidence given at a complaint hearing must be recorded.
- 1.4.12 After all the evidence has been given, both parties will be entitled to address the Board in the order determined by the Chairman of the Board.
- 1.4.13 After a hearing has been completed, the Board must draw its conclusion and prepare a report on its finding. Copies of the report must then be sent to the complainant and the respondent.
- 1.4.14 The Board has the sole right to decide, after considering the report, whether or not to implement the recommendation, including a recommendation to withdraw membership of any member. There is no right of appeal against such a decision.