



BOTANICAL SOCIETY
OF SOUTH AFRICA

BotSoc SANBI Collaboration

Member Information Session

Location: Zoom, South Africa | Date: 15 July 2022



BOTANICAL SOCIETY
OF SOUTH AFRICA

Welcome and Purpose

BotSoc Council Chairperson: Kyra Lunderstedt

Location: Zoom, South Africa | Date: 15 July 2022



Draft Agenda

Know, grow, protect and enjoy South Africa's indigenous plants

1. Welcome and purpose
2. Background and history to the collaboration between SANBI & BotSoc
3. Current member benefits
4. Proposed changes to member benefits
5. The Legal Perspective
6. Potential implications for the future of BotSoc's revenue base and membership
7. Current austerity measures undertaken
8. Discussion
9. Thanks and closure



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Collab Background and History
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What is our collaboration with SANBI?



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- Our two separate organisations signed a Collaboration Agreement in 2019
- BotSoc is a Non-Profit Organisation and Public Benefit Organisation
- SANBI is part of the Department of Environment, Forestry & Fisheries
- SANBI is responsible for management and custodianship of National Botanical Gardens
- BotSoc does not own the National Botanical Gardens or have jurisdiction over their management
- The agreement between SANBI and BotSoc enables BotSoc members to enter SANBI gardens free of charge
- SANBI benefits from BotSoc volunteer programmes, support of CREW and fundraising for garden projects
- BotSoc was founded in 1913 to help support Kirstenbosch National Botanical Garden. This has developed into a constructive partnership with SANBI and its predecessor organisations to help support South Africa's National Botanical Gardens
- This collaboration agreement was due for review in December 2021



What rights does this give BotSoc?



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- At establishment of our two organisations we pledged to work together and BotSoc was to support National Botanical Gardens
- The Collaboration Agreement is signed every few years and is reviewed at the same time in order to revise any clauses
- The Review due in December 2021, is currently in process and SANBI and BotSoc still intend to continue as collaborative partners and continue with the 109 year legacy.
- BotSoc members sign up in essence to support BotSoc and its programmes geared towards plant conservation for members to know, grow, protect and enjoy South Africa's indigenous plants.
- Clause 19 of this agreement, which provides access to BotSoc members to National Botanical Garden by virtue of their BotSoc membership, has primarily come into question in this current review process due to the effects of COVID 19 and Auditor General requirements of SANBI.
- Due to the Collaboration Agreement between BotSoc and SANBI, BotSoc has been granted to offer access to the SANBI national Botanical gardens to its members as long as the Collaboration Agreement includes that clause and both parties agree to it.



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Current and Future BotSoc Member Benefits
Member Information Session

Location: Zoom, South Africa | Date: 15 July 2022

BotSoc – *What's on offer to our members excl. NBG access*

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Why support BotSoc?

1. **Quarterly Veld & Flora Magazine**
2. **Monthly Conservation Conversation** mailers
3. **Ongoing social media** posts keeping the public and members informed
4. At least one **Quarterly BotSoc Newsflash**
5. Invitation to and access to participate in **Monthly BotSoc Webinar**, last Thursday of the month
6. **Discounts** at BotSoc **Bookshops**
7. **Technical Support** on plant conservation **Branch level** projects
8. Access to participate in **projects** supported by BotSoc and partner funding, e.g., TSP-CREW & Succulents, Stewardship, Alien Invasive Control, etc., aligned to our conservation strategy.
9. **Volunteer opportunities** at national botanical gardens
10. **Training opportunities** for members involved at Branch level
11. Invitations to and discounts for **BotSoc events**
12. A **network** of plant lovers at branch and national level
13. A **good cause** to get involved in if you are interested in nature based activities



24 Feb 2022
TIME: 5pm
PLACE: ZOOM

The Green Planet
**PLANT CONSERVATION
WEBINAR**
WITH ALISTAIR TONES, DR JOSEPH
WHITE & RUPERT KOOPMAN

We'll be chatting about the making of The Green Planet series with The Green Planet assistant producer Alistair Tones and Dr Joseph White from our Bankenveld branch. This series truly is a first of its kind – and includes special stories from our very own South African plant world.

SANBI
South African National Biodiversity Institute

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WWW.BOTANICALSOCIETY.ORG.ZA





Members benefits- *What changes can be expected and when?*

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What will change?

1. SANBI intends to explore its own garden access loyalty programme in the future - BotSoc has not been provided with a timeframe.
2. BotSoc will endeavor to establish clarity on when this will come into effect to ensure a seamless transition for BotSoc members who wish to take up membership with SANBI, without a break in accessibility to such a facility.
3. All current memberships will run their course for the duration of its annual term of its benefit until the end date.
4. Normal purchases of BotSoc membership will continue until March 2023 with full garden access benefit for all these members until their annual membership expires on or before the end of March 2024.
5. Guest card purchases for anyone signing up for the first time or renewing from the 1st October 2022, will no longer be able for purchase. Only normal memberships will be available for purchase or renewal.



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Members benefits- *What changes can be expected and when?*

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LIFE memberships

- All existing Life memberships will be honoured by SANBI and BotSoc along with their associated guest cards irrespective of the changes to other BotSoc membership garden entry benefits for other categories.
- A clear communication plan will be worked out to ensure that all existing Life members are verified and that they are requested permission to be provided access to the SANBI NBGs via the SANBI system.
- No further Life Memberships with life -time National Botanical Garden access will be available at BotSoc with immediate effect



Members benefits- *What changes can be expected and when?*

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What will change its access rights in April 2023?

1. The current proposal SANBI has put to BotSoc is that existing memberships (that are still valid after 31 March 2023) will still qualify for free access to the gardens until those memberships expire.
2. SANBI are proposing that any memberships renewed or purchased after 31 March 2023 will qualify for a 10% discount on the National Botanical Gardens gate entry fees. In other words, on presentation of their BotSoc membership card each time they enter gardens, members will receive a 10% discount on the amounts payable at the various gardens from 01 April 2023.
3. BotSoc membership has always been primarily to support BotSoc's programmes and operations and presentation of the membership card at SANBI NBG entry will give members a 10% discount for the duration of that membership annual period of validity.
4. This arrangement is currently being offered to BotSoc for a two-year period by SANBI and those memberships expiring after 31 March 2025 will be honoured until 31 March 2026.
5. The terms of the Collaboration Agreement will need to be reviewed before 31 March 2025 to determine the way forward after this period.



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The Legal Perspective
Member Information Session

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Legal Advice to BotSoc



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- For more than 100 years the members of BotSoc have enjoyed entry free of charge to the various botanical gardens currently owned and controlled by SANBI.
- Prior to SANBI coming into existence and taking over ownership and control of the various botanical gardens, that right of free entry was exercised against SANBI's predecessors-in-title.
- I have been asked to advise on this question : does the fact that BotSoc members have, for over 100 years, enjoyed free entry to botanical gardens, oblige SANBI to continue affording BotSoc such free access on an indefinite basis?

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- For the various reasons set out below, the answer to that question is : **NO**.
- In paragraph 2 of the annexure B to the Collaboration Agreement, the following passage appears :
- “The Botanical Society of South Africa’s members will continue to enjoy free entry to National Botanical Gardens, except during special events which should be agreed upon by both Parties”.
- The right of free entry to botanical gardens enjoyed by BotSoc members is accordingly enshrined and recorded in the Collaboration Agreement.
- Clause 19 of the Collaboration Agreement reads as follows :
- “This (Collaboration) Agreement constitutes the entire agreement between the Parties regarding the subject matter hereof. No agreements, guarantees or representations, whether verbal or in writing, have been concluded, issued or made upon which either Party is relying in concluding this Agreement save to the extent set out herein” (emphasis added).
- The effect of clause 19 of the Collaboration Agreement is that, unless there is some perpetual right of free entry to botanical gardens for BotSoc members recorded in the Collaboration Agreement itself, then no such right exists.
- By including clause 19 in the Collaboration Agreement BotSoc and SANBI agreed that what was written in the Collaboration Agreement would be the entire extent of their respective rights and obligations.
- I have been unable to find any provision in the Collaboration Agreement (other than the provision quoted in paragraph 8 above) which affords right of free entry to botanical gardens to BotSoc members. I certainly have found no provision which confers such a right in perpetuity, or beyond the duration of the Collaboration Agreement itself.



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BotSoc's response to SANBI
Member Information Session

Location: Zoom, South Africa | Date: 15 July 2022

Did we fight for BotSoc in this process?



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Negotiation process followed over the last three months

- 3 March SANBI Letter received providing BotSoc background to SANBI position
- 22 March BotSoc response: 100% with additional support offered by BotSoc

April physical meeting in Pretoria

- SANBI CEO & COO provided a detailed explanation of the challenges they are facing, including loss of revenue, challenges with auditor-general, and the treatment of all SANBI partners equitably. SANBI's revenue for 2020/21 was down by **R111 million** which resulted in an overall deficit of **R78 million** for that year. SANBI has an operating budget of around **R700 million**. To put it into perspective, BotSoc has budgeted for **R11 million** of expenditure for 2022/23 including a record **R3.9 million** of direct funding to SANBI. BotSoc's contribution will amount to just under **0.6%** of SANBI's annual expenditure.
- BotSoc strongly emphasized the level of financial & volunteer support provided over many decades as well as the substantial goodwill that BotSoc has built up with its members which has resulted in many millions in donations and bequests over the years.
- The flaws in the SANBI assumptions regarding their perceived loss of gate entry income to BotSoc members was also pointed out in detail – i.e.: using Kirstenbosch Gardens as an example, SANBI estimated total potential income loss of R7 900 350 for the period Aug 2020 – Mar 2021 when **76% of adult entries were repeat visits** and total potential income loss of R9 434 480 for the period Apr – Dec 2021 when **85% of adult entries were repeat visits**.
- BotSoc offered a guarantee of R5 million per annum of direct financial support to SANBI if the free garden entry concessions could be retained. This offer was declined and it was made clear that SANBI is working on its own financial plan. They believe they can do significantly better financially by offering their own loyalty cards to garden users.

Did we fight for BotSoc in this process?



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Negotiations since then

- There have been two exchanges of correspondence since the Pretoria meeting.
- SANBI have made it clear that they are committed to their own garden entry loyalty program to maximize their revenue. The target date that SANBI is working toward to have its garden access loyalty program in place is not known. BotSoc will endeavor to request confirmation and explore working with SANBI towards a seamless transition for members to take up this offering when their full free garden access ends through their BotSoc membership.
- BotSoc has provided SANBI with projections of anticipated future revenue losses and how this would affect BotSoc's ability to support SANBI financially.
- SANBI responded that they are happy for all financial support to be discontinued and that the two organisations could instead collaborate on joint fundraising for specific SANBI projects.
- Attempts were made to persuade SANBI to allow a phasing out of the free garden access over a five or three year period without success.
- The current proposal SANBI has put to BotSoc is to offer BotSoc members a 10% discount on presentation of their BotSoc membership card each time they enter gardens for all memberships that are renewed or purchased after 31 March 2023. This has not been finalized as the negotiation process has not been concluded and they are waiting for our response.
- BotSoc is busy working on the response to SANBI's latest offer. We are committed to trying to secure a seamless transition for our members and to facilitate this process in a way that strengthens the partnership with SANBI and the Botanical Gardens.



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How do we continue to engage on this change and how will this affect BotSoc?

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- Council, the National BotSoc Team and our Branch Chairs and Treasurers are acutely aware that these changes are very hard to digest and difficult to comprehend after such a longstanding relationship. Hence, we understand the need to have information sessions like today. We will follow up later this year with another in October 2022.
- Council has resolved that we will be hosting Branch Convention to map out our medium and long-term vision as this change will fundamentally change Society's revenue profile.
- We need to assure members that it is not the relationship that in question but this one aspect of our collaboration, i.e., garden access.
- BotSoc's Future: We will need to become a plant conservation organization which raises funds for projects for impact outside of and in partnership with SANBI and other organisations.
- We will need to take more of an advocacy role in the conservation sector and our members will play an important role in supporting BotSoc's cause both in kind and financially.



BOTANICAL SOCIETY
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Future Revenue and Austerity Measures
Member Information Session

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Revenue Implications and Austerity Measures Undertaken

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BotSoc has already begun implementing austerity measures:

- A reduction in full-time staff at National Office from 7 to 6 people.
- A 13% reduction in operating expenses was achieved in the second half of last year under the stewardship of the new treasurer, and a further 8% reduction has been budgeted for in 2022/23 (including a 54% decrease in the cost of producing Veld & Flora).
- Significant further reductions will be required in 2023/24 as we anticipate a substantial reduction in membership income during that year once the 100% free access to the botanical gardens is withdrawn. This will inevitably include further staff reductions.
- Membership Fees will be substantially reduced in 2023/24 but only time will tell how many of our loyal members will continue to renew their memberships.
- The Marketing Strategy was recently completed and a Fundraising Committee is being established as a key to future financial sustainability.
- In the future, conservation projects will have to be driven by successful fundraising drives and BotSoc will have to cut its cloth in accordance with its financial means.



Thank you ...*stay safe!*

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We thank all our members for your continued support and wish to urge you to engage with our national BotSoc team if you have any questions.

Please find our contact details here:

<https://botanicalsociety.org.za/contact/>

Read more about what BotSoc is all about and how you can get involved with:

Saving important plant areas and threatened species, Responding to the plant-poaching crisis, Stewardship through partnerships, Growing capacity and awareness, Youth development, Supporting botanical gardens and collections

<https://botanicalsociety.org.za/wp-content/uploads/2022/07/AReport-2022-final.pdf>

