



# CONSTITUTION

2012 VERSION

To simplify the Boland Athletics Constitution, some detailed clauses are added as Schedules. The following schedules exist:

Schedule A:	The Role Of The Commissions
Schedule B:	The Role Of The Committees
Schedule C:	Apparel
Schedule D:	Selection And Preparation Strategy
Schedule E:	5 Star Merit Award System
Schedule F:	Procedure To Affiliate As A Club
Schedule G:	Procedure To Affiliate As An Athlete
Schedule H:	Procedure To Apply For The Staging of An Event
Schedule I:	Disciplinary Code And Policies
Schedule J:	Code of Conduct
Schedule K:	Procedure to Ratify a BA Record
Addendum 1:	Duties and responsibilities of the BA Office
Addendum 2:	BA Levies and Fees
Addendum 3:	Procedures and Scoring at BA Events
Addendum 4:	Referee Report for BA Events

APPROVED AT THE SGM – 3 MARCH 2012

**Amendments Indicated In Red**

## SECTION 1 DEFINITION, NATURE AND OBJECTIVES

### 1 DEFINITION OF TERMS

In this constitution, except where incompatible with the context, the following terms shall have the meanings indicated below:

Note:	<ul style="list-style-type: none"> <li>• Any reference to the masculine gender shall include the feminine gender and vice versa, and any reference to the neuter shall include either the masculine gender.</li> <li>• Any reference to the singular shall include the plural, and vice versa.</li> </ul>
1.1 <u>Addendums</u>	<u>Addendums are elaborations on clauses of the relevant points in the Boland Athletics Constitution. Addendums are always subject to the Boland Athletics Constitution.</u>
1.2 <u>Arbitration Forum</u>	<u>The Arbitration Forum of the Western Cape Provincial Government will deal with all disputes related to this constitution.</u>
1.3 AGM	Annual General Meeting. It constitutes the supreme authority of Boland Athletics
1.4 ASA	Athletics South Africa
1.5 Athlete	Any person who participates in an athletics meeting sanctioned by BA, directly or indirectly through its members, and/or who holds a BA licence number.
1.6 Athletics	Track & Field, Road Running, <u>Ultra Distance Running, Race Walking</u> and Cross Country (including Mountain Running <u>and trial Running</u> ).
1.7 Athletics Club	An athletics club is the most basic form of administration to ensure that the needs of an athlete are catered for.
1.8 Athletics Meeting	An event in Track and Field, Road Running, Race Walking and Cross Country, catering for individual licensed athletes affiliated to clubs in good standing with BA, and including Fun Runs sanctioned by BA, through its members.
1.9 BA	Boland Athletics
1.10 Board	A group of people elected by the Boland Athletics Council at the QGM to manage Boland Athletics on their behalf.
1.11 <u>Excellence Programme</u>	<u>A programme for advanced level capacity building and skills development projects</u>
1.12 CEO	Chief Executive Officer of BA
1.13 <u>Club</u>	<u>A club or society of athletes directly or through a body affiliated to Boland Athletics in accordance with the rules of Boland Athletics.</u>
1.14 Commissions	Bodies established by the Annual General Meetings (AGM's) of BA to manage on behalf of the Board, all or any of the disciplines of athletics in accordance with schedule A.
1.15 <u>Committees</u>	<u>The primary role of the Committees is to fulfil operation functions as defined by the BA Board in accordance with schedule B.</u>
1.16 Constitution	The agreed principles on which Boland Athletics will operate. All schedules as listed on the cover page shall for all intents and purposes form an integral part of this Constitution. Whenever reference is made to this Constitution, the Schedules <u>and addendums</u> shall be deemed to be automatically included in such reference.

1.17 Council	A body of elected representatives from BA Members that ensures that BA operate according to the Constitution.
1.18 Domicile	The place of permanent residence of an athlete in the Boland.
1.19 Eligible	Is one who agrees to abide by the Rules of ASA.
1.20 Event(s)	A competition or cluster of competitions e.g. 10km, 21.1km and a fun run that takes place on the same date, on the same venue and on the same route.
1.21 Fun Runs	Athletics Meetings sanctioned by BA, <u>but</u> not requiring <u>licenses</u> .
1.22 General Meetings	A gathering of elected representatives to decide a specific operational matter(s) as defined by the BA Board.
1.23 <u>Governing body</u>	<u>A representative body of a club or any other body within BA borders which have been democratically elected in accordance with their constitutions.</u>
1.24 Honorary Member	<u>A person honoured</u> for <del>that</del> <u>providing</u> a service of distinction to Boland Athletics.
1.25 IAAF	International Association of Athletics Federations.
1.26 <u>Inter-Club Meetings</u>	<u>A competition involving ASA licenced athletes from more than 1 club, with less than 5 "National Athletes" participating.</u>
1.27 <u>Inter-District Meetings</u>	<u>A competition involving teams from two or more districts within the borders of Boland Athletics</u>
1.28 Inter-Provincial Meetings	A competition involving teams from two or more provincial members of ASA
1.29 <u>Majority</u>	<u>An Absolute Majority is more than half the valid votes cast.</u>  <u>A Simple Majority is the highest number of valid votes cast for a candidate, subject or motion in a specific vote.</u>  <u>A Special Majority is two-thirds of the valid votes cast at a Congress or Special Congress, such two-thirds to represent at least one half of the total voting power of all Members of Boland Athletics.</u>
1.30 Member	<u>A governing body for Athletics affiliated or associated to Boland Athletics.</u>
1.31 <u>Membership</u>	<u>Membership of Boland Athletics.</u>
1.32 National Athlete	A national athlete is an athlete whose name appears on ASA's Register of National Athletes.
1.33 National Championships	Competitions organized by ASA, involving teams representing ASA Members.
1.34 National Meetings	Meetings in which more than three national athletes, from other ASA Provinces, in addition to athletes from the host province participate in.
1.35 Officers	The CEO and such and such personnel employed at the offices of ASA on a part-time basis as may be appointed in writing by the CEO from time to time.
1.36 Office Bearers	Elected members of the BA Executive Board, BA Commissions and or Committees of BA.
1.37 Officers	All the personnel employed at the offices of BA on a part-time or full-time basis.
1.38 Presidium	The body comprising the President, the Vice President and the CEO of BA.
1.39 <u>Provincial Athlete</u>	<u>A provincial athlete is an athlete who represented BA at an ASA National Championships</u>

1.40 Provincial Championships	Competitions organized by BA
1.41 Quadrennial General Meeting (QGM)	Constitutes the supreme authority of Boland Athletics with a specific focus to elect Boland Athletics representatives every four years in accordance with the BA Constitution.
1.42 Regulations	In addition to the Constitution of BA, the BA Board shall make such regulations as may be required for the smooth running of the affairs of BA.
1.43 Rules	A written description of how the sport of athletics will be governed in BA, subject to the rules of ASA.
1.44 <u>Schedules</u>	<u>Schedules are elaborations on clauses of the relevant points in the Boland Athletics Constitution. Schedules are always subject to the Boland Athletics Constitution.</u>
1.45 Special General Meeting (SGM)	A meeting as formulated in Section III dealing with Organization.
1.46 Talent Identification Meetings	Meetings where unlicensed athletes can compete as an opportunity to determine their talent in athletics. These meetings will not enjoy the same level of protection as in the case of meetings where licensed athletes compete.
1.47 Talent Identification Programme	It is a programme of entry level events that forms part of <u>BA's mass participation programme</u> which consists of entry level competitions, Coaching Courses, Technical Officials Courses, Administration Courses, etc.
1.48 <u>Town</u>	<u>The boundaries as determined by Municipal Demarcation Board</u>
1.49 <u>Valid vote</u>	<u>A valid vote is one that conforms to all stated requirements</u>
1.50 <u>Western Cape</u>	<u>A Province in South Africa. A self-governing geographical area of South Africa recognised as an independent province governed by provincial law and provincial governmental bodies.</u>

## **2 NAME AND LEGAL PERSONALITY**

- 2.1 The name of the Federation shall be Boland Athletics (BA).
- 2.2 BA shall remain a sporting organisation with no political or social alignment to anybody or organisation in the Republic of South Africa.
- 2.3 It shall have legal personality and shall, through its authorised representatives:
  - 2.2.1 Have an independent existence from its members and officers;
  - 2.2.2 Be entitled to acquire, encumber or dispose of movable or immovable property;
  - 2.2.3 Incur legal obligations and liabilities independently of its Members, Officers and Office Bearers;
  - 2.2.4 Be entitled to enter into legal transactions and to institute or defend legal proceedings.
- 2.4 BA is the sole organisation administering and controlling athletics in Boland within the boundaries as defined in the Constitution of Athletics South Africa.
- 2.5 BA is the sole Boland Member Federation affiliated to ASA, and as such, controls athletics in the Boland.
- 2.6 A head office shall be established to carry out the administration of Boland Athletics in accordance with the policies of BA at such address as may be determined by the Board from time to time, due regard being had to BA's leasing commitments and/or immovable property holdings from time to time.
- 2.7 BA shall remain a non-profit-making organisation, responsible for the overall development of athletics in Boland.

## **3 VISION, MISSION AND OBJECTIVES**

### **3.1 Vision Statement**

It is the vision of Boland Athletics to make athletics the sport of choice in the Boland Region, both for participants and spectators.

### **3.2 Mission Statement**

To develop Boland Athletics into a role model that is recognized for its level of excellence, and for the leading role it plays to develop, co-ordinate and support athletics.

### **3.3 Objectives**

In the pursuit of the Boland Athletics Vision, the following general objectives are regarded as basic cornerstones of the programme guiding the activities of BA:

- 3.3.1 To establish friendly and loyal co-operation between all members for the benefit of athletics, efficient and effective administration, harmonious co-existence and to promote the best interest of athletes and athletics in the Boland.
- 3.3.2 The maintenance and extension of a system of clubs and provincial associates throughout the Boland open to membership by all members of the population and allowing access to registration, participation, coaching, technical officiating and other services of BA to all members of the community who wish to participate in athletics, and who comply with BA's membership prerequisites;
- 3.3.3 The continual striving to ensure that no form of discrimination, be it based on race, ethnicity, religion, politics, gender or otherwise, be permitted in athletics and to take all practicable measures to prevent such discrimination;
- 3.3.4 The compilation and maintenance of the rules and regulations governing athletics in BA in accordance with the ASA Constitution;
- 3.3.5 The training of athletics officials by the promotion of theoretical and practical courses and examinations accessible to all interested parties and leading to registration as qualified officials, such training to be aimed at ensuring the availability of officials for all authorised athletics meetings;
- 3.3.6 The training of aspirant coaches in the principles and methodology of coaching and the organisation of refresher and advanced courses for qualified coaches and leading to registration as qualified coaches. Such training to be aimed at ensuring the availability of coaches for the benefit of all athletes;
- 3.3.7 The co-ordination of athletics in the Boland with regard to, *inter alia*:
  - 3.3.7.1 the awarding of provincial colours;
  - 3.3.7.2 external liaison and affiliation on the ASA WECSA, WCDSR and any other relevant organisations;
  - 3.3.7.3 licensing of athletes;
  - 3.3.7.4 the monitoring of athletics at all levels;
  - 3.3.7.5 the determination of all domestic fixtures, as well as national meetings;
  - 3.3.7.6 the determination of the areas of jurisdiction of club members
  - 3.3.7.7 development programmes
  - 3.3.7.8 any other relevant matter.
- 3.3.8 The maintenance of the rules affecting the eligibility of athletes to compete at athletics meetings;
- 3.3.9 The overseeing of provincial athletics activities, sanctioning of provincial athletics competitions held in Boland, and the sourcing of the sponsorships for teams to national athletics competitions.
- 3.3.10 The promotion of a spirit of dedication to the basic principles of fair competition in all respects, including the right of every athlete to strive to achieve national titles and colours without being disadvantaged by administrative constraints, rulings, or otherwise;

- 3.3.11 The promotion of athletics meetings and competitions through its members so as to ensure ample and equal access to competition by all athletes from all recognised age groups in accordance with the mission and objectives of BA;
- 3.3.12 The careful consideration of the total environment of athletes under its jurisdiction and the addressing of those factors considered to be detrimental to them with all means at its disposal, including strong representations to the appropriate agencies;
- 3.3.13 The promotion of national and inter-provincial competitions and participation at all levels so as to provide incentives to athletes to achieve their full potential;
- 3.3.14 The identification of local requirements with regard to facilities for training and competition and the promotion of the provision of such facilities through representation to the appropriate authorities and other interested parties;
- 3.3.15 Participation to the full in the affairs of the national governing bodies of athletics and their affiliated associations;
- 3.3.16 To strive for the total and complete unification and transformation of athletics at all levels, and to stem racial discrimination wherever it rears its ugly head.
- 3.3.17 To enforce the ASA Doping Control Regulations by:-
- 3.3.17.1 conducting Out-of-Competition doping control and to submit a report of this control to ASA annually,
  - 3.3.17.2 complying with the ASA's requirements to conduct doping control at BA's Provincial Championships, or any similar meeting, and
  - 3.3.17.3 complying with the ASA's requirements to conduct Out-of-Competition testing on BA's athletes;
- 3.3.18 To ensure that more athletics events are taken to disadvantaged communities, more especially the rural areas;
- 3.3.19 To make athletics accessible in terms of facilities, events, coaching, officiating, administration etc., to all the people of the Boland region, irrespective of gender, colour, religion or geographic location; both for purposes of recreation and excellence;
- 3.3.20 The development of the sport to the highest levels of excellence;
- 3.3.21 To embrace the following further objectives, namely:-
- 3.3.21.1 to achieve all the objectives set out in this Constitution;
  - 3.3.21.2 to eradicate the imbalances of the past by putting a special focus on making the sport of athletics easily and more accessible to:-the disadvantaged people in BA;
    - 3.3.21.2.1 women, and;
    - 3.3.21.2.2 the people with disability.
    - 3.3.21.2.3 to make athletics easily and more accessible, for purposes of recreation and excellence, nationally and internationally to all the people of Boland, without any form of discrimination whatsoever;

- 3.3.21.2.4 to provide quality entertainment to the athletics fraternity and the public at large, through athletics;
- 3.3.21.2.5 to make athletics the number one sport in Boland;

3.3.22 To uphold the following values, namely:-

- 3.3.22.1 all the individual rights as enshrined in the South African Constitution;
- 3.3.22.2 to administer BA as a business which is:-
  - 3.3.22.2.1 highly professional;
  - 3.3.22.2.2 financially sound;
  - 3.3.22.2.3 accountable to its members, and;
  - 3.3.22.2.4 user-friendly to the athletics family and the public at large;
  - 3.3.22.2.5 honesty and respect for the individual.

#### **4 MEANS OF ACHIEVING OBJECTIVES**

The objectives of BA will be achieved by, inter alia:

- 4.1 Affiliation with ASA, Western Cape Department of Sport, Western Cape Academy of Sport, Boland Sport Council;
- 4.2 The acquisition, encumbrance or disposal of such movable or immovable property as may be required to achieve its aims and objectives;
- 4.3 Taking all steps and following all procedure which are lawful and compatible with the aims and objectives of BA;
- 4.4 Raising funds for any purpose which may be deemed necessary;
- 4.5 Prescribing uniform rules and regulations for the administration, control and protection of athletics in the Boland;
- 4.6 Requiring compliance with the provisions of this constitution and with the rules and regulations issued in terms thereof;
- 4.7 Co-ordinating and ratifying the selection of athletes to represent Boland at National level, and in the Boland on the occasion of visits by teams from other provinces;
- 4.8 Hearing and pronouncing upon appeals against the decisions of members in connection with the licensing of or the disciplinary action taken against athletes or members serving on substructures under their jurisdiction;
- 4.9 Providing for the keeping of official lists of records of all athletics performances;
- 4.10 Ensuring that annual provincial championship meetings are held;
- 4.11 Co-ordinating the nature, award and protection of official colours;
- 4.12 Keeping, saving and investing the assets and funds of BA and tendering any share of it as security where it may be required in promoting its aims and objectives;



- 4.13 Subject to the provisions of the Objectives:
- 4.13.1 To ensure that doping does not take place in athletics by means of the compulsory conducting of out-of-competition doping control;
  - 4.13.2 To ensure that doping control is conducted at any event held within the jurisdiction of BA;
  - 4.13.3 To ensure that out-of-competition testing (including challenge testing) is conducted on any licensed BA athlete.
- 4.14 Engaging in any other activity which may assist in achieving the aims and objectives of BA;
- 4.15 Granting club members the responsibility to register and licence athletes within their jurisdiction area, on behalf of BA;
- 4.16 The member clubs will have first claim on registered athletes to participate as club athletes;
- 4.17 Registered athletes will not be allowed to participate in any competitions not approved by BA;
- 4.18 No unregistered athlete will be allowed to participate in any competitions that are approved by BA or which are held under the auspices of BA or any of its Club Members or its Associate Members;
- 4.19 Every athlete licensed under any of the BA member clubs or any of BA's Provincial or Associate Members shall be bound by all the rules, regulations and provisions of this Constitution.
- 4.20 In events identified by BA as Talent Identification Meetings, unregistered athletes in the junior and youth categories will be allowed to participate, within the Rules that govern Talent Identification Meetings, to provide new athletes with an opportunity to enter the sport of athletics.

## SECTION II MEMBERSHIP

### 5 CATEGORIES OF MEMBERSHIP

Membership of BA may be divided into three broad categories:

- 5.1 Member clubs responsible for the administration and promotion of athletics, on behalf of BA, within distinct territorial boundaries. These members include clubs and athletes;
- 5.2 Associate members;
- 5.3 Individual members, namely Office Bearers and Honorary Members.

### 6 MEMBERS OF BA

#### 6.1 CLUBS

- 6.1.1 Any club within the area of control of BA having the fostering of athletics as one of its aims may make application for affiliation to BA.
- 6.1.2 A new club may apply for affiliation to BA any time during the year. If the club adhere to all the points in Schedule F, the club will be constituted as a full member of BA by means of a simple majority at a BA AGM.
- 6.1.3 For an existing club to remain registered as an athletics club, the club must affiliate to BA on an annual basis.
- 6.1.4 Registration fees are due on or before the last day of every year. Registration fees will be accepted on condition that the member adheres to the BA Constitution.
- 6.1.5 Club Membership will consist of;
  - 6.1.5.1 Licensed athletes in the categories junior, senior and master athletics.
  - 6.1.5.2 Non-licensed youth athletes. Schools will have first right to youth athletes during selection of representative teams
- 6.1.6 The club executive will consist of office bearers;
  - 6.1.6.1 representing licensed members in all disciplines of athletics
  - 6.1.6.2 representing non-licenced members of the community with a specific focus on capacity building and development
- 6.2 The affiliation procedure of clubs and the list of clubs shall be as provided in Schedule "F" of the BA Constitution.

#### 6.3 ATHLETES

- 6.3.1 Any athlete within the area of control of BA may make application for affiliation to a club.
- 6.3.2 A new athlete may apply for affiliation to a club any time during the year in accordance with schedule G.
- 6.3.3 For an existing athlete to remain registered as an athlete to a club, the athlete must affiliate to the club on an annual basis.
- 6.3.4 The affiliation procedure of athletes shall be as provided in Schedule G.

#### **6.4 ASSOCIATE MEMBERS**

- 6.4.1 SASA Boland Primary Schools Athletics
- 6.4.2 SASA Boland High/Secondary Schools Athletics
- 6.4.3 Boland Disability Schools Athletics (LSEN)
- 6.4.4 USSA Boland
- 6.4.5 Boland Sport Council
- 6.4.6 Western Cape Defence Force (within Boland Athletics borders)
- 6.4.7 Boland Masters Athletics
- 6.4.8 Western Cape Police Services (within Boland Athletics borders)

#### **6.5 HONORARY MEMBERSHIP**

Honorary membership will be awarded to persons who have served athletics with great distinction, subject to the following:

- 6.5.1 nominations, along with reports of services rendered by the nominee/s to athletics, shall be required to be approved by the Board irrespective of whether any such nominations emanate from the Board itself or from Provincial Members or Associate Members; nominations, along with reports of services rendered by the nominee/s to athletics, shall be required to be approved by the Board irrespective of whether any such nominations emanate from the Board itself or from Provincial Members or Associate Members;
- 6.5.2 once nominations have been approved by the Board, such nominations, together with reports of service, shall then be submitted to members for consideration;
- 6.5.3 members shall vote by ballot and only those nominees who have gained 75% of the votes recorded, shall be short-listed for the award;
- 6.5.4 the names of the final nominees shall be announced at the Council meeting and ratified at the subsequent AGM;
- 6.5.5 notwithstanding anything to the contrary in Clauses 6.6.1 to 6.6.4 contained or implied, no more than two such awards may be made in each decade from the year 2000 onwards.

6.5.6 In addition, the Council, on the recommendation of the Council, may grant the following awards:

**6.5.6.1 BA Veteran Pin**

For long and meritorious service to the cause of BA Athletics activities. Normally, five per Council Meeting shall be awarded on the recommendation of the Members and up to an additional 1 as directly proposed by the Board.

**6.5.6.2 Plaque of Merit**

For exceptional service to the cause of BA Athletics within activities, to be proposed by Members.

**6.5.6.3 Admittance to the Hall of Fame**

For exceptional, meritorious performances of outstanding athletes, and other persons within BA activities.

6.5.7 A suitable BA diploma will be presented to all recipients of the above awards as well as to Honorary Life Presidents, Honorary Life Vice Presidents and Honorary Life Personal Members.

## **6.6 INDIVIDUAL MEMBERS**

These are all the individual people who serve on the Board, the Commissions and Committees of BA as well as all the honorary members.

## **7 PROCEDURE FOR APPLICATION TO BECOME A MEMBER OF BA**

7.1 Application for membership to BA by an aspirant member must be submitted to the BA Office in accordance with Schedule F.

7.2 The Board shall have the power to make a ruling on the application.

7.3 Membership provisionally granted by the Board must be tabled at a subsequent AGM for ratification.

## **8 CODE OF CONDUCT**

8.1 All member clubs, associate members and individual members within the area of control of BA are required to act in accordance with the Boland Athletics Code of Conduct when the member represents Boland Athletics.

8.2 The BA Code of Conduct shall be as provided in Schedule J.

## **9 SUSPENSION AND EXPULSION**

9.1 Any member (including clubs, athletes and office bearers of members of BA) which has engaged in misconduct or has unjustifiably violated the provisions of this Constitution, or which, by its actions, brings BA or the sport of athletics into disrepute, may be suspended for an indefinite period until its case has been referred to BA's Disciplinary Committee for investigation and further action.

9.2 Disciplinary action will take place in accordance with Schedule I.

## 10 DEMARCATED AREAS OF PROVINCIAL MEMBERS

The following areas of jurisdiction of club members shall define the geographical boundaries of BA members. For the purpose of administering athletics in particular areas, the following towns will be controlled by BA:

### 10.1 CAPE WINELANDS DISTRICT:

10.1.1 **The following towns in Stellenbosch Municipality –**  
Stellenbosch, Franschhoek, Klapmuts, Dwarsrivier

10.1.2 **The following towns in Drakenstein Municipality –** Paarl, Mbekweni, Wellington, Hermon, Gouda, Saron

10.1.3 **The following towns in Witzenberg Municipality –** Ceres, Alfred Hamlet, Wolseley, Tulbach, Nduli

10.1.4 **The following towns in Breedevalley Municipality –** Worcester, Rawsonville, De Doorns, Touwsriver, Zwelethemba, Goudini

10.1.5 **The following towns in Breederivier Municipality –** Robertson, Montagu, Ashton, Mc Gregor, Bonnievale

### 10.2 OVERBERG DISTRICT:

10.2.1 **The following towns in Overstrand Municipality –** Hermanus, Hawston, Gansbaai, Stanford, Hangklip/Kleinmond

10.2.2 **The following towns in Theewaterskloof Municipality –** Grabouw, Caledon, Genadendal, Greyton, Riviersonderend

10.2.3 **The following towns in Swellendam Municipality –** Swellendam, Suurbrak, Barrydale, Buffelsjagrivier

10.2.4 **The following towns in Cape Agulhas Municipality –** Bredasdorp, Napier, Elim, Protem, Agulhas, Struisbaai, Arniston

### 10.3 WESKUS DISTRICT:

10.3.1 **The following towns in Swartland Municipality –** Malmesbury, Riebeeck-Kasteel, Riebeeck Wes, Mooresburg, Darling, Yzerfontein, Koringberg, Chatsworth/Riverlands, Abottsdale

10.3.2 **The following towns in Saldanha Municipality –** Saldanha, Vredenburg, Langebaan, Hopefield, St Helea Bay, Paternoster, Stompneusbay

10.3.3 **The following towns in Berg River Municipality –** Aurora, Veddrift, Redelinghuys, Piketberg, Porterville, Eendekuil, Goedverwacht, Wittewater

10.3.4 **The following towns in Cederberg Municipality –** Citrusdal, Clanwilliam, Graafwater, Lambertsbaai, Leipoldville, Elandsbay, Wupperthal

10.3.5 **The following towns in Matzikama Municipality –** Klawer, Vredendal, Van Rhynsdorp, Strandfontein/Doringbaai, Lutzville, Ebenhaeser, Koekenaao, Doornbay, Strandfontein, Papendorp

10.3.6 **The following towns in DMA –** Nuwerus, Bitterfontein, Kliprand, Stofkraal, Molsvlei, Rietpoort

## **11 RIGHTS OF MEMBERS**

Save for special rights and duties vesting in the President, the Board, the Commissions and the Committees, all members as listed in Clause 6 shall have the right to participate in all affairs of BA, as stipulated in this Constitution.

## **SECTION III            ORGANISATION**

### **12 CONSTITUENT SUBSTRUCTURES**

The principal constituent substructures of BA are: -

- 12.1 The Annual General Meeting;
- 12.2 The General Council;
- 12.3 The Executive Board;
- 12.4 The Commissions;
- 12.5 The Committees,
- 12.6 The Member clubs

### **13 THE GENERAL MEETING**

#### **13.1 Annual General Meeting**

- 13.1.1 A general meeting, known as the Annual General Meeting (AGM), shall be convened every year within three months of the financial year-end of BA.
- 13.1.2 The Annual General Meeting constitutes the supreme authority of BA.
- 13.1.3 The members shall receive 42 days (6 weeks) from the BA Office a written notice of the date and venue of the Annual General Meeting.
- 13.1.4 All notices of motions to be dealt with at the Annual General Meeting are to reach the General Secretary less than 28 days (4 weeks) before such meeting.
- 13.1.5 The General Secretary shall notify all Board members, associate members and honorary members of the final agenda 14 days (2 weeks) before the meeting.

#### **13.2 Special General Meeting**

- 13.2.1 The Board or Council may at any time, of its own accord, or shall, upon receipt in writing of a request from at least one third of the member clubs call a general meeting, which will be known as a Special General Meeting, to consider matters beyond the authority of the Council.
- 13.2.2 A Special General Meeting, called for shall be convened within (21) days after receipt of the said request.
- 13.2.3 All Special General Meetings shall be called in writing by the Board and notice shall be given at least 14 days in advance.
- 13.2.4 The notice calling the meeting shall include its agenda.

13.2.5 A Special General Meeting if so convened; the Annual General Meetings Procedure shall apply to the proceedings during such Special General Meeting where appropriate

13.2.6 A Special General Meeting will have the same constitutional status as the Annual General Meeting, but limited to the points as listed on the SGM Agenda.

## **14 REPRESENTATION AT GENERAL MEETINGS**

14.1 The Annual General Meetings (AGM and SGM), shall consist of:

14.1.1 BA Board

14.1.2 BA Commissions

14.1.3 Member Clubs of BA

14.1.4 Associate members of BA

14.1.5 Honorary Members

14.2 Member Clubs shall be entitled, but not obliged, to be represented at the Annual General Meeting by two delegates.

14.3 Associate Members shall be entitled, but not obliged, to be represented by two delegates.

14.4 Representative Provincial and Regional High School and Primary School Athletics Structures, shall be entitled, but not obliged, to be represented by the Chairperson of the Provincial or Regional Schools Athletics Structure, or alternatively a member of the Provincial or Regional Schools Athletics Structure after consultation between the BA President and the Provincial or Regional Schools Athletics Structure .

14.5 Delegates shall be entitled to participate in the business of the Annual General Meeting only if their affiliation requirements have been complied with, and in the case of the clubs, licence fee requirements have been met in full.

14.6 Delegates representing at least 50% plus one of the Provincial Members, Associate Members and Individual Members shall constitute a quorum at any General Meeting.

14.6.1 For the purpose of this Clause, Club Members and Associate Members present shall, irrespective of the number of delegates representing them, only count as one per Club or Associate Member, as the case may be.

14.7 If a quorum is not constituted one hour after the official starting time at the venue of which notice was given, the meeting will be automatically postponed for two weeks and shall be automatically reconvened at the same venue and time without further notice having to be given. Should a quorum not be constituted at the postponed meeting, the delegates then present will constitute a quorum.

## **15 PROCEDURE AT GENERAL MEETINGS**

15.1 At general meetings the President shall preside or in his/her absence the Vice President. If both are absent, the Board shall appoint someone from their midst to chair the meeting.



15.2 The agenda of the Annual General Meeting shall include, but shall not be limited to the matters set out hereunder:

15.2.1 Scrutiny of delegates' credentials

15.2.2 Reading of the notice of the meeting;

15.2.3 Reading (if need be) and adopting of the minutes of the previous Annual General Meeting and of all intervening Special General Meetings;

15.2.4 Dealing with the recommendations/proposals/motions emanating from meetings of the Council;

15.2.5 Submission, discussion and adoption of the annual reports;

15.2.6 Submission of audited financial statements of the previous financial year;

15.2.7 Dealing with any amendments to the Constitution or with any matters proposed and of which due notice has been given;

15.2.8 Quadrennial Election of Office bearers in terms of clause 16;

15.2.9 The BA Board shall attend the Meetings but no members of the BA Board shall represent their own Member.

15.2.10 Honorary Presidents, Honorary Life Vice Presidents and Honorary Life Personal Members may attend the Council Meeting and may speak, but may not vote.

15.3 The agenda of a Special General Meeting shall be disposed of in the order specified below:

15.3.1 Scrutiny of delegates' credential;

15.3.2 Reading of the notice of the meeting;

15.3.3 Dealing only with matters for which the meeting was called, which matters were specified in the notice calling the meeting.

## 16 VOTING AT GENERAL MEETINGS

16.1 Voting on all recommendations/proposals/motions shall be by show of hands or by secret ballot if two members, unopposed, so demand. However, if the demand of two or more members is opposed then the President or Presiding Member, upon consultation with the Board, shall make a ruling on the mode of voting to be employed. In the case of a tie, the Presiding Member shall use his/her casting vote to break the deadlock. This Clause excludes voting for election of Office Bearers.

16.2 Voting for the election of Office bearers shall be by secret ballot.

16.2.1 A valid vote is one that conforms to all stated requirements. The following shall not be counted as valid votes:

16.2.1.1 abstentions;

16.2.1.2 blank votes;

16.2.1.3 votes for more or fewer candidates than the number required;

16.2.1.4 votes declared void by the scrutinisers whose decision shall be final, e.g., unintelligible votes.

16.3 Members will be entitled to the following number of votes:

16.3.1 BA Board Members present: 1 vote per member

16.3.2 Member clubs present: 2 votes per member (and not per delegate)

16.3.3 Associate Members present: 1 vote per member (and not per delegate)

- |  |                   |
|--|-------------------|
| 16.3.4 Members of Commissions present: | 1 vote per member |
| 16.3.5 Honorary members                | 0 vote per member |

16.4 No person shall have more than one vote, irrespective of the number of offices held.

## 17 ELECTION OF OFFICE BEARERS

17.1 The General Council shall hold elections quadrennially by secret ballot.

### 17.2 Quadrennial General Meeting

#### 17.2.1 Nominations Procedure

- 17.2.1.1 There shall be four sets of nomination forms, one for the Board, and one each for the three Commissions.
- 17.2.1.2 The General Secretary will invite nominations by sending blank nomination forms to members and Associate Members, simultaneously with the despatch of the notice convening the General Council.
- 17.2.1.3 The completed nomination forms will be returned to reach the BA office by no later than thirty (30) days before the elections. The nominating member will verify that the nominated person is available for election.
- 17.2.1.4 Lists of the person nominated for specific portfolios and who are available for election will be prepared by the BA Office and sent to reach all members no later than twenty one (21) days before the elections. Ballot papers will also be prepared for the elections.
- 17.2.1.5 Nominees must be active members of the respective Club or Associate Member.

#### 17.2.2 Voting Delegates and Their Voting Power

- 17.2.2.1 Only one delegate per club, per session will be allowed to vote as provided by the BA Election Procedures.
- 17.2.2.2 The voting powers of members shall be as provided by the BA Election Procedures.

#### 17.2.3 Quadrennial Elections Procedure During Elections

- 17.2.3.1 There will be one QGM subdivided onto 3 (three) sessions, namely one session to elect the Executive Board, followed by a session to elect the three Commission Chairpersons, and one session to elect the Additional members
- 17.2.3.2 The Executive Board Session
  - This session will precede the other three sessions, and it will sit to elect the Executive Board, as provided by relevant clauses, and in the order of precedence as provided by relevant clauses.

- The elections shall be held in the following order:-
  - President
  - Vice President
  - Treasurer
- In order to be registered as voting, each Member shall vote for two candidates, no more and no less. If both successful candidates are from the same club or association, then only the one with the most votes shall be declared elected, and, in the next round of voting, only Club Members may participate.
- The Council shall first elect the number of female members which is needed to guarantee a minimum of 30% female members in the Board in accordance with Clause 21.2. In order to be registered as voting, each Member shall vote for this number of female candidates, no more and no less.
- Following election of the female members, the Council shall be informed of the remaining number of individual members to be elected in order to have 4 individual members on the Board and it shall then proceed to elect this number. This second vote is open to males or females. In order to be registered as voting, each Member shall vote for this number of candidates, no more and no less.

#### 17.2.3.3 The Commission Sessions

- These sessions will sit in alphabetical order of precedence (i.e. Cross Country and then Road Running and finally Track and Field) following the Executive Board session.
- The sessions will sit to elect the Members of each Commission, as provided by the relevant clause, and in the order of precedence provided by the relevant clause.

#### 17.2.3.4 The Additional Members Session

- The sessions will sit to elect the additional members of the board as provided by the relevant clause, and in the order of precedence provided by the relevant clause.

17.2.3.5 No member of the Board or any of the Commissions will be allowed to fill more than one position. In other words, as soon as a member is elected onto the Board or any one Commission or, he/she will automatically be unavailable for election into another position for which he/she was nominated (one person one portfolio). save that the Chairperson of each commission automatically sits on the Board.

17.2.4 The candidates need not be present at the QGM.

17.2.5 Outgoing office bearers are automatically deemed to have been nominated for their respective offices.

17.2.6 If no nominations are received for a specific portfolio, nominations may be made from the floor.

17.2.7 In the case of a tie, there is to be a re-vote and if the parties are still tied, then the President or failing him, the person presiding over the meeting shall exercise a casting vote.

### **17.3 Appointment of Committees**

17.3.1 Committees of BA shall be divided into two categories, namely Ad Hoc Committees and Standing Committees.

#### **17.3.2 Ad Hoc Committees**

**17.3.2.1** These are special committees that will be formed on a need (as and when) basis. The number of members in these committees will differ from committee to committee, depending on the task they have to execute.

**17.3.2.2** The procedure for the formation of ad hoc committees will be determined from time to time, and may differ from committee, depending on the circumstances surrounding a specific committee.

**17.3.2.3** Ad Hoc Committees will be formed at the request of: -

- The Board; or
- The Commissions;
- The Chief Executive Officer

**17.3.2.4** Ad hoc committees may be dissolved: -

17.3.1.1.1 As soon as they have achieved the objective for which they were formed, or;

17.3.1.1.1 As the Board may decide.

**17.3.2.5** An ad hoc committee may, in other circumstances, be elevated to the status of a standing committee. If this happens the necessary constitutional amendments should be effected.

#### **17.3.3 Standing Committees**

**17.3.3.1** As opposed to ad hoc committees, standing committees have a permanent existence (in principle and not in composition).

**17.3.3.2** All Committee Chairpersons shall be appointed by the board for a period of four years, unless otherwise decided by Council.

**17.3.3.3** At least a third of the members of the Committee Chairpersons must be female.

**17.3.3.4** The President shall be an ex officio member of all Committees.

**17.3.3.5** All questions will be referred to the relevant Committee

**17.3.3.6** There shall be at least the following Committees in alphabetical order:

17.3.3.6.1 Coaches

17.3.3.6.2 Disciplinary & legal

17.3.3.6.3 Excellence

17.3.3.6.4 Finance Committee

17.3.3.6.5 Masters

17.3.3.6.6 Medical & Anti-Doping

17.3.3.6.7 Race Walking

17.3.3.6.8 Technical

17.3.3.6.9 Women

- 17.3.3.7 The Committee Chairperson will appoint, in consultation with the Board, a minimum of 2 Members to serve on the Committee, within 30 days after the appointment
- 17.3.3.8 All Committees shall meet when summoned by the General Secretary and their recommendations shall be reported to the Board through their respective Committee Chairpersons.
- 17.3.3.9 Individual members of Committees (excluding ex officio members) must come from different clubs.
- 17.3.3.10 All Committees will be of no force or effect provided they are ratified by the Board.
- 17.3.3.11 Standing Committees may be reconstituted (in composition only) at the Board's discretion.
- 17.3.3.12 The roles and responsibilities of the Committees shall be as provided in Schedule B.
- 17.3.3.13 Extraordinary vacancies on BA elected Committees**  
If, at any time, a position of a Committee Chairperson becomes vacant through resignation or otherwise, the Board will appoint a new chairperson in consultation with the relevant Committee

#### **17.4 Disclosure of interests**

- 17.4.1 Each person holding office in BA or members of any organising committee ("LOC") in respect of any event under the auspices of BA or any BA Member or Associate Member, shall disclose to the Board in writing any interest (whether direct or indirect) he may have in any contract or proposed contract or business being considered by BA or the relevant LOC, and shall refrain from discussing or voting upon such business. A person may make a general declaration that he is a member of a particular organisation, so to be regarded as interested in any transaction involving that organisation.
- 17.4.2 No person holding office in BA or any LOC appointed by BA shall use any information that he gains as such a representative of BA for personal, business or otherwise gain.
- 17.4.3 Nothing in this Article shall derogate from the general duty of good faith owed by a member to BA or any LOC appointed by BA.
- 17.4.4 Any gifts and/or gratuities and/or benefits received by any member, including a member of any LOC appointed by BA, where the value thereof exceeds R500,00 shall be required to be declared to BA and in the case of an LOC to the LOC as well. Furthermore, the Board shall have the power to take such action as it deems necessary if it considers the gift, gratuity or benefit to be capable of impairing the dignity and integrity of BA, to require such gift, gratuity or benefit to be dealt with in such manner as it may determine. Should any member of the Board be the subject of this determination, the member shall reclude himself/herself from the Board's deliberations.

#### **18 REMOVAL OF MEMBERS OF THE BOARD, COMMISSIONS AND COMMITTEES**

- 18.1 Notwithstanding anything contained elsewhere in these articles the members may by an ordinary resolution passed at a Special General Meeting remove from office any person. This excludes the officers of BA.
- 18.2 Upon receiving a valid requisition for a Special General Meeting at which a resolution to remove any such person is to be proposed, the Secretary shall give notice in writing of such resolution to the person(s) concerned and shall if required by such person(s) circulate to all Members entitled to receive notice of the Meeting, any written communication of reasonable length provided it does not contain any illegal, offensive or defamatory material.
- 18.3 At the Special General Meeting the person whose removal is proposed shall have the right to address the Meeting.
- 18.4 Any removal of any person shall be without prejudice to any legal claim he may have against BA or that BA may have against him/her in respect of matters arising before such removal.

## 19 THE COUNCIL MEETING

- 19.1 A General Council Meeting shall be convened every year within three months of the ASA Annual General Meeting.
- 19.2 The Council shall consist of: -
  - 19.2.1 BA Board;
  - 19.2.2 The BA Commissions
  - 19.2.3 The chairperson or accredited representative of each club;
  - 19.2.4 The chairperson or accredited representatives of each associate member.
  - 19.2.5 Chairpersons of the Standing Committees.
  - 19.2.6 Honorary members; and
  - 19.2.7 Any other parties as shall be invited by the Board.
- 19.3 The voting process for all Council meetings will be in accordance with the voting process of the AGM
- 19.4 The Council shall meet at least twice a year.
- 19.5 Members of the Council shall receive at least thirty 30 days written notice of Council meetings, such notice to be accompanied by the agenda of the meeting.
- 19.6 All notices of motions to be dealt with at the Council Meeting shall reach the General Secretary not less than twenty 20 days before such meeting.
- 19.7 The General Secretary shall notify all Board Members, Club Members, Individual Members and Honorary Members of the agenda of the Council Meeting within ten (10) days of such meeting.
- 19.8 An absolute majority of the club members present will constitute a quorum for any Council meeting.

19.9 Minutes of all Council meetings will be dispatched to all Council members within 21 days (3 weeks) of Council meetings.

19.10 Recommendations/proposals/motions passed at Council meetings shall be tabled at AGMs for adoption and ratification.

## 20 IMPEACHMENT

Should impeachment proceedings be deemed necessary, then the provisions of Clause 18 shall be invoked, provided however, that the motion for impeachment is supported in writing by not less than four members of the Board or seven of the Member Clubs.

## 21 THE EXECUTIVE BOARD

21.1 The Board shall consist of:

21.1.1 The President

21.1.2 One Vice President

21.1.3 The General Secretary

21.1.4 The Treasurer

21.1.5 The Chairperson of the Cross Country Commission

21.1.6 The Chairperson of the Road Running Commission

21.1.7 The Chairperson of the Track and Field Commission

21.1.8 4 additional members

21.2 At least 30% of the Board shall be women.

21.3 The CEO shall serve on the Board as an ex-officio member, and he will have no vote.

21.4 The Chairperson of the Boland High School Athletics Committee shall serve on the Board as an ex-officio member, and he/she will have no vote.

21.5 The Chairperson of the Boland Masters Athletics Committee shall serve on the Board as an ex-officio member, and he/she will have no vote.

21.6 The Presidium shall be the substructure of the Board facilitating decision-making where necessary, in the office of BA. The Presidium shall consist of the President, the Vice-President, the Treasurer and the CEO

21.7 The Board shall meet every 2<sup>nd</sup> month of a calendar year, or as often as business demands, and at venues determined by the Board.

21.8 Any member of the BA Board who is absent from 2(two) consecutive meetings in succession, or 50% of the meetings held in a 12 months period, may at the discretion of the BA Board be relieved of their duties.

21.9 The President shall call a meeting of the Board, or if requested to do so by at least three members thereof.

21.10 Members of the Board shall receive at least 14 days written notice of meetings together with a copy of the agenda.

- 21.11 Each member of the Board has one vote, except the CEO, while the chairperson of the meeting will also have a casting vote.
- 21.12 Minutes of all meetings of the Board will be sent to members of the Board only, and must be dispatched within 14 days of the meeting.
- 21.13 The Board shall have the power to co-opt any person to serve thereon either in general, or for a definite purpose during a specific meeting, or when dealing with a specific matter.
- 21.14 Anyone co-opted shall be allowed to take part in the proceedings and the discussions of the Board but without a vote.
- 21.15 At least five voting members present at a Board meeting shall form a quorum. The five shall include at least two chairpersons of Commissions and one member of the Presidium.
- 21.16 The activities of the Board are at all times to be transparent and communicated to the members in the form of regular activity reports, and the Board will at all times be accountable to the members.
- 21.17 Members of the Board shall automatically serve in an ex officio capacity on the executive committees.

## **22 POWERS AND DUTIES OF THE BOARD**

In addition to the powers and duties granted to the Board in terms of any provision of the constitution, the following further powers shall vest in the Board: -

- 22.1 To establish policy and direction in line with the provisions of this Constitution, and to approve the yearly business plan and budget;
- 22.2 to keep minutes of all Board meetings;
- 22.3 to appoint, biennially, within three months after the QGM or AGM, all standing committees;
- 22.4 To designate, where desirable, committees to investigate and advise the Board in areas of specialist interest, e.g. marketing, media and television;
- 22.4.1 Office bearers appointed as project leaders and / or receiving remuneration for services rendered will abdicate their powers as office bearers during the execution of the project or services rendered.
- 22.5 To take appropriate action against any member of the athletics family who acts in a manner that brings the sport into disrepute;
- 22.6 To appoint delegates to various bodies which BA is affiliated to or is required to send;
- 22.7 To temporarily or permanently suspend any person, club or member who or which is guilty of misconduct of bringing the sport of athletics into disrepute, or to restore



the status of such a person, club of member by resolution of the Annual General Meeting, subject to the following:

- 22.7.1 To refer disciplinary matters to BA's Disciplinary Committee, and to act on recommendations of the Disciplinary Committee.
- 22.7.2 To do anything which is in the interest of BA, provided that it is in keeping with its mission and objectives and complies with the provisions of this Constitution;
- 22.8 To maintain a BA Office consisting of officers under the control of the CEO, to perform such functions as the BA Board may decide;
- 22.9 To control the financial affairs of BA and to consider financial statements and in this regard:
  - 22.9.1 To borrow or lend money with the necessary guarantees and conditions;
  - 22.9.2 To acquire, encumber or dispose of movable or immovable property;
  - 22.9.3 To open banking accounts for BA and to draw, receive and endorse cheques, bills of exchange and IOU's in connection with the financial business of BA.
  - 22.9.4 To pay out any honoraria upon which has been decided;
  - 22.9.5 To agree to the settlement of the travel and subsistence expenses of any person when justified by the circumstances;
  - 22.9.6 To submit to the Annual General Meeting an audited financial report and an income balance sheet for the previous financial year.
- 22.10 The authority to appoint a Chief Executive Officer
  - 22.10.1 The CEO shall be responsible for the implementation of broad policies, decisions as laid down by the Board, as well as the image and the marketing of the organisation. The CEO will report to the BA Board;
  - 22.10.2 The CEO will be in charge of the administrative functions of the BA Head Office and will be appointed on a full-time basis by the Board.
  - 22.10.3 The CEO will appoint the project leaders and will monitor the execution of the projects.
- 22.11 All television rights in and to BA events (including all events held in Boland) vest in BA. This excludes ASA and IAAF events.

## **23 POWERS AND DUTIES OF THE COUNCIL MEETING**

The powers of the direction of the affairs of BA shall be vested in the Council and, in addition to the powers and duties granted to the Council in terms of any section of this Constitution, the following further powers shall vest in the Council: -

- 23.1 To do anything which is in the interest of BA, provided that it is in keeping with its mission and objectives and complies with the provisions of the Constitution and the directives of the Annual General Meeting;
- 23.2 To make rules and regulations as required for the smooth running of the affairs of BA, subject to ratification by the AGM.

- 23.3 To deliberate on any matters, which may be brought before it, and to make recommendations on the same matters to the AGM?

## **24 POWERS AND DUTIES OF THE COMMISSIONS**

The roles and responsibilities of the Commissions shall be as provided in Schedule A.

## **25 POWERS AND DUTIES OF THE COMMITTEES**

The roles and responsibilities of the Committees shall be as provided in Schedule B.

## **26 DUTIES OF THE PRESIDENT AND OFFICERS OF THE BOARD**

### **26.1 THE PRESIDENT WILL;**

- 26.1.1 Act as Chairperson of all meetings of the Executive Board.
- 26.1.2 The President's function shall be that of a non-Executive President.
- 26.1.3 Reserve the right to presides at all official meetings of BA and upholds the aims and objectives of this constitution.
- 26.1.4 Be the Chief Protocol Officer and the Chief of the Centre of Excellence

### **26.2 THE VICE PRESIDENT**

- 26.2.1 In the absence of the President, the Vice President shall assume the duties of the President and perform any such duties as may be assigned to the position by the Board.
- 26.2.2 The Vice President will be the Chairperson of the Finance Committee.

### **26.3 BOARD MEMBERS**

- 26.3.1 The Board members will act as Chairperson of the Commission the members is elected on, or act as Chairperson of the Committee the members is appointed to.
- 26.3.2 The Chairpersons of each of the Three Commissions, i.e. Track and Field, Road Running and Cross Country shall operate in accordance with Schedule A of the BA Constitution.
- 26.3.3 The Board member's function shall be that of an executive Chairperson.

### **26.4 The General Secretary shall:**

- 26.4.1 take, or cause minutes to be taken, of all meetings of BA;
- 26.4.2 issue notices of all meetings and of all other functions as appropriate;
- 26.4.3 conduct the correspondence of BA;
- 26.4.4 keep in custody the documents, records, books and correspondence belonging to BA;
- 26.4.5 take on duties of the Treasurer should this official become temporarily unable to carry them out;
- 26.4.6 carry out such duties as may be required by the Executive Committee from time to time;

### **26.5 The Treasurer shall;**

- 26.5.1 will prepare and present the BA Board with BA financial statements and balance sheets at BA Board Meetings or as often as business demands
- 26.5.2 receive payment of all sums of money due to BA;
- 26.5.3 keep such books of account as may be necessary, accurately to reflect the financial position of BA.
- 26.5.4 make all payments due by BA

26.5.5 keep in his custody the books of account and other documents of a financial nature belonging to BA;

26.5.6 submit at each Annual General Meeting a duly audited revenue and expenditure account and balance sheet;

26.5.7 make quarterly checks as to the financial books and accounts of the Meeting a report on the accounts of the associations;

26.6 The Chairperson of the Boland High Schools Athletics Committee shall:

26.6.1 Advise the BA Board on matters regarding the development of youth and junior athletes.

26.7 The Chairperson of the Boland Masters Athletics Committee shall:

26.7.1 Advise the BA Board on matters regarding the participation of master athletes

## SECTION IV GENERAL PROVISIONS

### 27 HEAD OFFICE

The head office of BA shall be situated at the venue decided on from time to time by the Board.

### 28 FINANCIAL MATTERS

28.1 The financial year-end of BA shall be in line with the financial year of the Western Cape Department of Sport.

#### 28.2 Membership Fees

28.2.1 Affiliation fees will be determined by the Board.

28.2.2 Affiliation fees are due on or before the last day of every year, or alternatively prior to the issuing of permanent licences, whatever comes first.

28.2.3 If an affiliation fee have not been paid before such date the defaulting member will be automatically suspended from all BA affairs, and shall only be re-instated when the cause for that suspension will have been removed and the Board approved such reinstatement.

28.2.4 If the amount due is paid, including a penalty equal to half of the member's affiliation fee, the executive committee may lift the suspension.

28.2.5 BA shall not distribute its annual surplus funds among its members.

28.2.6 BA is a non-profit organisation and any surplus funds arising shall be used for the benefit of athletics in Boland.

28.2.7 All members of BA shall submit to the office of BA, the minutes of member's AGM, the latest constitution, the contact details of all office bearers and their external audited financial statements annually, before the AGM of BA. Clubs with an income of less than R100000 per annum, can submit external audited statements approved by an upstanding member of the community such as the Pastor, Police Commissioner, etc., on condition that the external auditor is not related in any way to the member's office bearers. Boland Athletics reserves the right to scrutinize any document presented by the member.

#### 28.3 Licence Fees

28.3.1 License fees will be determined by the Board.

28.3.2 License fees are due on or before the last day of February of every year.

28.3.3 Licences not issued by the club on the last day of February must be returned to the BA Office on or before the last day of February.

28.3.4 Clubs will not be reimbursed for licences returned after the last day of February.

28.3.5 If license fee have not been paid before such date, a penalty fee of 10% of the outstanding amount per month will be charged.

- 28.3.6 Licences purchased after the last day of February must be paid for in full when collected from the BA Office.
- 28.3.7 If license fees have not been paid in full within 3 months of the purchase date, the defaulting member will be automatically suspended from all BA affairs and shall only be re-instated when the cause for that suspension will have been removed and the Board approved such reinstatement.
- 28.3.8 Legal fees resulting from regaining outstanding amounts will be covered by the relevant club or third party.
- 28.3.9 If the licence fee due is paid, including a penalty fee, the executive committee may lift the suspension.

## **28.4 Temporary Licences**

- 28.4.1 Temporary licences will be issued to clubs on request from the club.
- 28.4.2 The club must declare what the temporary licences will be used for and when it will be issued.
- 28.4.3 Temporary licence fees are due on or before 7 days after the issuing of the temporary licence.
- 28.4.4 Clubs will not be reimbursed for temporary licences returned after **14** days of the declared event.
- 28.4.5 If temporary license fees have not been paid before such date, a penalty fee of 10% of the outstanding amount per month will be charged.
- 28.4.6 If temporary license fees have not been paid in full within 3 months of the purchase date, the defaulting member will be automatically suspended from all BA affairs and shall only be re-instated when the cause for that suspension will have been removed and the Board approved such reinstatement.
- 28.4.7 Legal fees resulting from regaining outstanding amounts will be covered by the relevant club or third party.
- 28.4.8 If the temporary licence fees due are paid, including a penalty fee, the executive committee may lift the suspension.

## **28.5 Master and Junior Category Tags**

- 28.5.1 Master and Junior Category tags will be issued to clubs on request from the club.
- 28.5.2 A levy will be charged on each tag issued.
- 28.5.3 Tag levies are due on or before 30 days after the issuing of the tags.
- 28.5.4 If tag levies have not been paid before such date, a penalty fee of 10% of the outstanding amount per month will be charged.
- 28.5.5 If tag levies have not been paid in full within 3 months of the purchase date, the defaulting member will be automatically suspended from all BA affairs and shall only be re-instated when the cause for that suspension will have been removed and the Board approved such reinstatement.
- 28.5.6 Legal fees resulting from regaining outstanding amounts will be covered by the relevant club or third party.
- 28.5.7 If the tag levy due is paid, including a penalty fee, the executive committee may lift the suspension.

## **29 RIGHTS PERTAINING TO ATHLETICS EVENTS**

- 29.1 All rights pertaining to athletics events staged under the auspices or within the jurisdiction of BA shall be vested in BA subject thereto that such rights may be ceded to BA members or third parties.
- 29.2 All broadcast rights, namely TV, radio, and any other broadcast rights, to any athletics event taking place in Boland, shall be vested in BA.
- 29.3 The respective members shall have the right to negotiate with regard to the sale of promotional and sponsorship rights thereof, but subject to the provisions of this constitution and BA Rules and Regulations.
- 29.4 All surplus funds derived from any athletics event staged by any person, organisation or member of BA in the area of jurisdiction of BA will be used strictly for the promotion and advancement of athletics within that area of jurisdiction of BA, or as the Board may decide.
- 29.5 In a case, where a right to organise an event is ceded to a third party, protective regulations shall be strictly enforceable, to ensure that no funds are siphoned out of athletics.
- 29.6 No athletes shall be allowed to participate in events sanctioned by BA (or its members) without valid BA licences, unless the Board decides otherwise in exceptional cases.
- 29.7 The two BA licence numbers should always be worn one each on the front and back of the athlete's person. No other licences or race numbers may be worn on the athlete's person without BA's prior approval.
- 29.8 The licence number displayed on the front of the athlete may not be covered unless the right to do so has been bought from BA.
- 29.9 The organisation of Provincial Meetings is the sole prerogative of BA. However, the following exceptions shall apply:
- 29.9.1 If any member of BA wishes to organise such an event, then they should apply to BA in writing for permission to do so, giving full motivation for their application.
- 29.9.2 Clubs can be mandated by the BA Board to host Provincial Meetings.
- 29.10 Only events listed on the BA Events Calendar as defined in Schedule H will enjoy legal status with BA.
- 29.11 Only South African citizens or permanent residents shall be eligible for team prizes in all athletics events.

## **29.12 Provincial Championships**

29.12.1 BA shall hold the following provincial championships:

29.12.1.1 Cross Country;

29.12.1.2 Road Running;

29.12.1.3 Track and Field.

29.12.2 All club members of BA shall be obliged to participate at provincial championships.

29.12.3 Except in exceptional circumstances as shall be determined by the Board, only South African citizen's domicile in the Boland may take part in provincial championships.

### **29.13 Inter-provincial and Inter-Regional Competitions**

29.13.1 Only BA may host an inter-provincial competition.

29.13.2 Any club member of BA may host an Inter-District competition.

29.13.3 To host an Inter- District competition, the member shall timeously apply for permission from BA.

### **29.14 Talent Identification Meetings**

29.14.1 Any club member of BA may host a Talent Identification Meeting.

29.14.2 Talent Identification Meetings will only take place at dates and venues as identified by the Board.

## **30 ATHLETES' REPRESENTATIVES AND MEETING PROMOTERS**

30.1 BA shall specifically prescribe rules, regulations and guidelines for the control, protection and regulation of athletes' representatives and meeting promoters.

30.2 An annual fee, decided by the BA Board, shall be payable by Athletes Representatives.

30.3 A contract between an athlete and an Athletes' Representative is of no force effect unless the Athletes' Representative is registered with BA and such contract has been endorsed by BA.

30.4 No athlete will be granted BA's consent to use an Athletes' Representative, and no Athletes' Representative shall be authorised, unless a written contract exists between the athlete and his/her Representative which contains the minimum terms set out in the IAAF Regulations concerning Federation/Athletes' Representatives.

30.5 No meeting promoter may organise an event of athletics without the express permission of BA.

30.6 Athletes' Representatives are to be licensed by ASA and as a pre-requisite to becoming so licensed, all Athletes' Representatives are required to commit themselves to observe faithfully all ASA's Rules and Regulations and its Constitution. Failure so to commit them will result in ASA refusing to give the required endorsement to the contracts referred to in the Clauses above.

## **31 RULES AND REGULATIONS**

31.1 In addition to the provisions of the constitution the Board shall issue such rules and regulations as may be required for the smooth running of the affairs of BA.

31.2 Such rules and regulations may be issued or amended only by:

31.2.1 an Annual General Meeting; or

31.2.2 a Special General Meeting convened for this purpose.

31.3 The Board shall be the interpreter of the BA Rules. Where no provision exists in the Rules for any particular matter to be dealt with, the ASA Constitution and/or Rules and/or Guidelines shall apply and be invoked mutatis mutandis. All matters not provided for under ASA and BA Rules shall be decided by the Board. Decisions in matters of legislation shall become operative only after the approval of the Annual General Meeting has been given.

#### **31.4 The Domicilium Rule**

31.4.1 A club shall only be a member of one ASA province wherein the club's offices are located.

31.4.2 An athlete shall only represent the ASA province wherein he/she is domicile.

31.4.3 An athlete shall only be a member of a club if the athlete and the club are both domicile in the same ASA province.

31.4.4 With the exception of a National/Provincial Athlete, an athlete shall only be a member of a club if the athlete and the club are both domicile in the same ASA province and the same town.

**31.4.5** A "Provincial Athlete" may belong to a club of his/her choice anywhere within the borders of BA.

31.4.6 No athlete may relocate from one province to another or from one club to another, without being in possession of a written clearance certificate from the former province or club, entitling the athlete to compete in the new province. Failure to obtain such a clearance certificate shall render the athlete ineligible to compete in the new province or club.

31.4.7 Unless otherwise stipulated by the Board, the principle of one club per town or municipal area, as stipulated in the Merger Schedule, applies.

31.4.8 The proviso of 31.7.7 does not apply to the athletics clubs of tertiary institutions and state institutions such as the Correctional Services and the Defence Force.

31.4.9 The transfer procedure of an athlete from one club to another will take place in accordance with Schedule G.

31.5 An athlete may communicate directly with the office of ASA only in exceptional cases where he has not received cooperation both from his/her club and his/her province.

31.6 Officers of BA will serve on the Board, Commission and Committees of BA only in an ex-officio capacity.

#### **31.7 Amendments to the Constitution**

##### **31.7.1 Non-Technical Rules**

31.7.2 Non-technical clauses are clauses that do not relate to technical rules.

31.7.2.1 A proposal to amend the Constitution shall be submitted to the Secretary by a Member, at least 45 days prior to the AGM at which it is



to be considered. All proposals shall be sent by the General Secretary to all members at least 30 days before the AGM. Amendments submitted by the BA Board, Commissions and Committees, will not be considered;

- 31.7.2.2 To be accepted, any such proposals must obtain two thirds of the votes cast, which two-thirds must also represent at least one-half of the aggregate voting power of all Members of BA (a special majority).
- 31.7.2.3 Any subsequent necessary alterations to the wording of statutes passed by the AGM can only be made by the President (or a Board Member nominated by him/her for this purpose), or by the CEO, and this provided that no material change to the decision of the AGM is made.
- 31.7.2.4 Non-technical amendments to the Constitution may only be submitted by the Clubs, the Associate Members and the Board.

### **31.7.3 Technical Rules**

- 31.7.3.1 A proposal (unless this is proposed by the Board, Committees, Commissions) to amend any technical rule, such as changes to the technical standards, shall be submitted to the General Secretary at least three months prior to the AGM at which it is considered. A proposal to amend a technical rule may only be submitted by member clubs, or the Board or a member of the Board or a Commission or any standing Committee.
- 31.7.3.2 Except in exceptional circumstances, amendments to the technical rules will only be considered after approval by the Commission concerned.
- 31.7.3.3 A report, containing the recommendations of the Technical Committee, and the Commission concerned shall be circulated to all Members at least three months before each AGM.
- 31.7.3.4 Where the Board has exercised its power to amend a technical rule or any other rule as an urgent matter, such amendment must also be reported to and confirmed by the next AGM.
- 31.7.3.5 When an amendment to a technical rule adopted by AGM is decided upon by the AGM, a fixed date for the operation of the amendment must be stated, such date to allow adequate time for all members to put into operation simultaneously.
- 31.7.3.6 Any subsequent necessary alterations to the wording of technical rules passed by Board can only be made by the Chairperson of the Technical Committee (or by a member of the Technical Committee nominated by him/her for this purpose) or by the CEO and this provided no material change to the decision of AGM is made.

31.8 Any amendment of the rules and regulations shall be entered in the minutes of the particular meeting at which such amendments have been passed. If the minutes have been duly circulated, as provided for in the constitution, this shall be deemed sufficient notice of such amendments.

31.9 No rule or regulation may be in conflict with the constitution.

31.10 All members of BA, the clubs, associations or bodies or persons affiliated to them shall:

- 31.10.1 be obligated to observe and accept the rules and regulations of BA;
  - 31.10.2 furnish any information required by the Board in connection with any matters falling within the jurisdiction of members' activities;
  - 31.10.3 not introduce any amendments or additions, which are incompatible with the rules and regulations of BA.
  - 31.10.4 not communicate directly with SASCOC, IAAF, CAA, SRSA, ASA other than through the medium of BA.
- 31.11 To the extent to which the rules of the IAAF, ASA and any amendments to such rules are applicable to BA, they shall likewise apply to all activities conducted under the auspices of BA.
- 31.12 The office of BA shall communicate with a club only through the club's registered (with BA) office. The office will not officially communicate directly with individuals, athletes or office bearers of a club, except through the office of the club and vice versa, except in cases where there is a lack of co-operation.
- 31.13 BA reserves the right, at its own discretion, to communicate with any of its members (including athletes, clubs, officers and office bearers of its members) as it deems necessary.
- 31.14 BA has concurrent jurisdiction over all its members (including athletes, clubs, and officers of all its members).
- 31.14.1 In terms of this jurisdiction, BA has the right to take any appropriate disciplinary action against any of its members (including athletes, clubs and officers of its members).
- 31.15 BA shall only recognize constitutions of members which (constitutions) have been approved by BA.
- 31.16 All the structures and substructures of BA and its members shall reflect the demographics of our country, and shall be gender sensitive.
- 31.17 All club members of BA shall hold club championships similar to those held by BA.
- 31.18 In order to facilitate transformation the clubs of BA shall subscribe to the following code:
- 31.18.1 All club structures and substructures shall guarantee equal representation for people from former establishment and non-establishment sectors.
  - 31.18.2 This code shall be enshrined in the club member's constitution.
  - 31.18.3 This code shall remain a temporary measure to ensure that transformation is irreversible.
  - 31.18.4 The member province shall remove the provisions of this code from its constitution only when athletics in the club shall have been fully transformed.
  - 31.18.5 Athletics shall be deemed to be fully transformed in the club as and when a reasonable balance exists between the number of members in the previously disadvantaged townships and/or villages, and the number of members in the town/city suburbs.
  - 31.18.6 The provisions of this code shall be removed from the member's constitution only with BA's written approval.
  - 31.18.7 All provincial members of ASA shall hold provincial championships similar to those held by ASA.

### 31.19 Provincial Super club

- 31.19.1 BA shall determine the criteria/conditions to be met by athletes who would like to be members of a provincial super club.
- 31.19.2 Membership of the super club shall not be made compulsory.
- 31.19.3 Members of the provincial super club may reside in any municipal district of their choice.
- 31.19.4 The provincial super club will operate like any other club save it will draw its membership provincially.
- 31.19.5 At BA championships, members of the provincial super club shall represent clubs wherein they are domicile.

## 32 INTERPRETATION

- 32.1 Decisions of the Council concerning the validity of any provision of this Constitution shall be final and binding.
- 32.2 Difficulties concerning situations not provided for in the Constitution shall be submitted in writing to the Secretary BA and shall be investigated and commented upon by the Board before it is placed on the agenda of the next Council meeting. The decision of the Council shall be final and binding.
- 32.3 This constitution are subject to the interpretation of the Transformation Document of 26 February 1997 compiled by Advocate Norman Arendse in his capacity as Commissioner appointed by the National Sport Council, and any constitutional change should not be in conflict with this Transformation Document.
- 32.4 This constitution is also subject to the Merger Process following the implementation of the Transformation Document

## 33 DISPUTES

- 34 The Arbitration Forum of the Western Cape Provincial Government will deal with all disputes related to this constitution. A dispute will only be declared after all internal remedial process within the Boland Athletics Constitution as been applied, and no satisfactory outcome has been achieved by a special majority of all parties involved.
- 34.1 A reference shall not be accepted by the Arbitration Foundation of South Africa (AFSA) until it is determined: -
  - 34.1.1 that a dispute exists or is declared, and
  - 34.1.2 that all remedies have been exhausted under BA and ASA's Constitution, to resolve the dispute.
- 34.2 Should any dispute arise which involves the Federation, its officials, any clubs affiliated with the Federation, and any officials, athletes or members who are subject to the rules of this constitution, pertaining to any matter arising from the interpretation or implementation of the constitution, or arising from the sports governed by this constitution, then such dispute shall be referred to the Arbitration Forum of the Western Cape Provincial Government, to be dealt with in accordance

with the rules of that forum. Disciplinary processes will take place as indicated in Schedule I.

### **35 BA APPAREL**

- 35.1 The badge and colours of BA will be as decided upon by the Council from time to time.
- 35.2 The anthem to be used, if and when required, will be the National Anthem of South Africa.
- 35.3 The issuing of BA Apparel will take place as indicated in Schedule C.

### **36 BA SELECTION AND PREPARATION STRATEGY**

- 36.1 The BA Selection and preparation Strategy will be as decided upon by the Council from time to time.
- 36.2 The BA Selection and Preparation Strategy will be implemented as indicated in Schedule D.

### **37 BA MERIT AWARDS**

BA Merit Awards will be issued on an annual basis. The BA Merit Award System will be as decided upon by the Council from time to time. The issuing of BA Merit Awards will take place as indicated in Schedule E.

### **38 AMENDMENTS TO THE CONSTITUTION**

- 38.1 The constitution may be amended only at an Annual General Meeting or at a Special General Meeting convened for this purpose.
- 38.2 A proposal to amend the Constitution, unless this is proposed by the Board, must be submitted to the General Secretary by a Member, or by an Associate Member at least one month prior to the Council Meeting at which it is to be considered.
- 38.3 All proposals, together with the recommendations of the Board in relation to such proposals, shall be sent by the General Secretary to the Members at least three weeks before the Council Meeting.
- 38.4 A proposal for amendment to the Constitution may be withdrawn at any time but a withdrawal by a Member must be in writing unless it is made by the head of the delegation of that Member during the Council Meeting
- 38.5 Notice of any proposed amendments shall appear on the agenda in accordance with the procedure laid down in organising an AGM.
- 38.6 The notice shall specify which clause of the constitution it is proposed to amend and shall indicate clearly what should be omitted or inserted.

- 38.7 The constitution may be amended only by a two-thirds majority of the votes recorded.
- 38.8 Any amendments of the constitution shall not take effect before the conclusion of the meeting unless the meeting decides otherwise with a two-thirds majority.  
Amendments to the Constitution adopted by Council shall take effect on the publication of the Constitution, unless otherwise specified by the Council.
- 38.9 Any subsequent amendments that may be necessary to the wording of Articles of the Constitution which have been passed by the Council can only be made by the President (or by any person or persons nominated by him for such purpose) or by the General Secretary, and this provided no material change to the decision of Council is made.

## **39 DISSOLUTION OF BA**

- 40 The dissolution of BA may be affected only in terms of the provisions of relevant clauses provided that the following stipulations are met;
- 40.1 an interim committees be appointed to finalise the affairs of BA;
- 40.2 Such interim committee is constituted by two members of the Board, the Manager of BA's official bank, and the CEO of BA.
- 40.3 The official archives of BA will be placed in the care of the Provincial Government Archives in terms of the provisions of section 13 (l) (B) of the Fund Raising Act, No 107 of 1978 as amended from time to time;
- 40.4 The assets and liabilities of BA will be divided amongst the members of BA on a basis to be determined by the official auditors of BA or be transferred to a body with similar Aims and Objectives as BA.

## **41 AUTHORITY OF THE CONSTITUTION**

- 41.1 This Constitution supersedes any constitution of a member or club in so far as it is in conflict with it.
- 41.2 The provisions of this Constitution shall supersede provisions of any rules and regulations contained in any other BA's official documents, in so far as they are in conflict with them.

## **42 AUTHORITY OF THE ASA RULE**

- 42.1 Any provision in this constitution, which is in conflict with ASA rules, will be superseded by such rules, as amended from time to time.
- 42.2 Resolutions taken by ASA from time to time become automatically binding on all members of ASA, BA inclusive.

## **43 SECTION V SCHEDULES AND ADDENDUMS**

### **43.1 SCHEDULES**

43.1.1 To simplify the Boland Athletics Constitution, some detailed clauses are added as Schedules or addendums.

Pieter Lourens  
Vice President

Dr Harold Adams  
President