

CONSTITUTION

EDEN SPORT COUNCIL



5 JUNE 2015

Amended 2 June 2017

CONSTITUTION

INDEX

| | | |
|----|--|----|
| 1 | PREAMBLE | 3 |
| 2 | NAME | 3 |
| 3 | INTERPRETATION | 3 |
| 4 | DEFINITIONS | 4 |
| 5 | OBJECTIVES OF THE EDEN DISTRICT SPORT COUNCIL | 6 |
| 6 | THE ROLE OF THE EDEN DISTRICT SPORT COUNCIL | 7 |
| 7 | STATUS | 7 |
| 8 | LEGAL PERSONALITY | 7 |
| 9 | INDEMNITY | 8 |
| 10 | OFFICIAL LANGUAGE | 8 |
| 11 | FINANCIAL YEAR | 8 |
| 12 | AREA OF JURISDICTION | 8 |
| 13 | HEADQUARTERS | 8 |
| 14 | MEMBERSHIP | 8 |
| 15 | SUBORDINATE STATUS OF MEMBERS | 10 |
| 16 | SUBORDINATE | 10 |
| 17 | MEMBERSHIP RECOGNITION CRITERIA | 11 |
| 18 | MEMBERSHIP MATTERS TO BE REGULATED IN THE RULES AND OR REGULATIONS | 11 |
| 19 | AFFILIATION | 13 |
| 20 | POWERS OF THE EDEN DISTRICT SPORT COUNCIL | 13 |
| 21 | FINANCE | 15 |
| 22 | GOVERNING BODIES | 16 |
| 23 | POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE | 18 |
| 24 | ELECTION OF OFFICERS | 20 |
| 25 | REGISTER OF MEMBERS | 23 |
| 26 | GENERAL MEETINGS OF MEMBERS | 23 |
| 27 | NOTICE OF GENERAL MEETINGS | 24 |
| 28 | PROCEEDINGS AT GENERAL MEETINGS | 25 |
| 29 | REPRESENTATION | 26 |
| 30 | VOTING RIGHTS | 27 |
| 31 | MINUTES AND INSPECTION | 27 |
| 32 | COMPLIANCE WITH THE CONSTITUTION OF WCPSC | 28 |
| 33 | DISPUTE PREVENTION AND RESOLUTION | 28 |
| 34 | AMENDMENT TO THE CONSTITUTION | 29 |
| 35 | COLOURS AND EMBLEM | 29 |
| 36 | DISSOLUTION | 29 |
| 37 | CODE OF CONDUCT | 31 |
| 38 | COLOURS POLICY | 34 |

CONSTITUTION

1 PREAMBLE

1.1 The founding members, which consist of the Eden sporting organisations and sport persons, have unequivocally pledged to unite and commit themselves towards an improved system based upon principles of equal opportunity, non-racialism and non-sexism for all persons, and have dedicated themselves to ensuring equitable development at district and representative level, which ensures the implementing of co-ordinated sport procedures and policies, which would ensure high performance levels of athleticism, thus allowing the delivery of Eden Teams by the pooling of activities, resources, experience and expertise, as well as co-ordinating the preparation and delivery of Eden Teams to any high performance event on district and provincial level.

1.2 **EDEN DISTRICT SPORT COUNCIL [ESC]**, an organisation affiliated to WCPSC, undertakes to respect the provisions of the WCPSC Constitution and to abide by the decisions of WCPSC. Furthermore, the EDEN DISTRICT SPORT COUNCIL undertakes, in accordance with our mission and role at district level, to participate in actions to promote peace and to promote women in sport. The ESC also undertakes to support and encourage the promotion of sport ethics, to fight against doping and to demonstrate a responsible concern for environmental issues.

2 NAME

The name of the organization is the **EDEN DISTRICT SPORT COUNCIL**, hereinafter referred to as the ESC.

3 INTERPRETATION

In this Constitution, in the absence of the an express provision or statement to the contrary -

3.1 the headings are used for reference and convenience only and shall in no way be used to explain, amplify or modify or aid in the interpretation of this Constitution;

3.2 when any number of days is prescribed in this Constitution, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or officially recognized South African public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or officially recognized South African public holiday, and "business day" is any day which is not a Saturday, Sunday or officially recognized South African public holiday;

3.3 where figures are referred to in numerals and in words, if there is any conflict between the two, the word shall prevail;

3.4 where any term is defined within the context of any particular clause in this Constitution, the term so defined, unless it is clear from the clause in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this Constitution, notwithstanding that that term has not been defined in this interpretation clause;

3.5 the expiration or termination of this Constitution shall not affect such of the provisions of this Constitution as expressly provide that they will operate after any such

CONSTITUTION

expiration or termination or which of necessity must continue to have effect after such expiration or termination, notwithstanding that the clauses themselves do not expressly provide for this; and

- 3.6 words importing any one gender shall include the other , words importing the singular shall include the plural and *vice versa* and words importing natural person shall include created entities (whether corporate or not) and *vice versa*.

4 DEFINITIONS

- 4.1 "the Act" the Non-Profit organisation Act 71 of 1997(as amended);
- 4.2 "Articles of Association " means SASCOC's Articles of Association incorporating the Memorandum of Association and registered under 2004/033949/08;
- 4.3 "Athlete's Commission" shall mean athletes presently constituted into the body of members who are currently still active in a particular Sporting Code;
- 4.4 "Annual General Meeting " means the annual general meeting of the membership held in accordance with the provisions of this Constitution;
- 4.5 "Executive Committee" means the Executive Committee of the District Sport Council as constituted from time to time in terms of this constitution.
- 4.6 "CAS" means the Court of Arbitration for Sport, presently constituted and domiciled in Switzerland;
- 4.7 "Calendar Year" means in each year, the period commencing 1 January ending 31 December of the relevant year;
- 4.8 "Constitution" means this constitution of the District Sport Council;
- 4.9 "Constitution of the Republic" means the Constitution of the Republic of South Africa Act 108 of 1996 (as amended);
- 4.10 "Delegate" means a delegate appointed by a Member to represent it at any General Meeting;
- 4.11 "General Assembly" means the general assembly of the District Sport Council as contemplated by clause 2.1.1;
- 4.12 "General Meeting" means any general meeting of the Members and excludes an annual general meeting, and special general meeting or an ordinary general meeting;
- 4.13 "Good Standing" means a member or individual who has not violated the

CONSTITUTION

provisions of this Constitution and/or the Rules and Regulations governing the members.

- 4.14 "MEC" means the Member of the Executive Council responsible for Sport and Recreation in the Province;
- 4.15 "Member" means a member of the District Sport Council in terms of this Constitution.
- 4.16 "National Sports Act" means the National Sport and Recreation Act, no 18 of 2007 as amended or any other Act which replaces it;
- 4.17 "National Sport Federation" means a national sports association that is recognized and accepted by SASCOC and or in terms of the Rules and Regulations of SASCOC
- 4.18 "Notice" shall unless the context indicates otherwise, mean a written communication which has to be delivered to the addressee by ordinary or registered post to its address as notified by it and recorded in the records of the PSC, sent by post or telefaxed transmission or e-mail, to the number or e-mail address provided by the addressee and recorded in the records of the PSC. Any notice sent by post shall be deemed to have been received by the addressee within 5 (five) days of the proven date of posting. Any notice sent by telefaxed transmission shall be deemed to have been received by the addressee on the day after the {proven date of telefax transmission. Any e-mailed notice shall be deemed to have been received by the addressee on the day after the proven date of the e-mail transmission.
- 4.19 ""Province"" means the jurisdictional area of the Provincial Government of South Africa;
- 4.20 "District Federation" means a sport organization recognized as such and affiliated to a Provincial and National Sport Federation, and responsible for coordinating, organizing and managing a sports code in the district;
- 4.21 "District Committees" means the coordinating committee as Recognized/established
4.22 by the ESC as the need arise;
- 4.23 "Quadrennial General Meeting" shall mean a Quadrennial General Meeting held in accordance with the provisions of this Constitution;
- 4.24 "District Sport Council" means the district/metro within the Province as defined by the Provincial Government;
- 4.25 "SASCOC" means the South African Sport Confederation and Olympic Committee as defined in the Sports and Recreation Act, 1997 (as amended)

CONSTITUTION

- 4.26 "South Africa" means the "Republic of South Africa" as defined in the Constitution of the Republic of South Africa, 1996.
- 4.27 "Special General Meeting" means the Special General Meeting of the membership held in accordance with the provisions of this Constitution;
- 4.28 "Financial Year" shall be the period 1 April to 31 March the following Year
- 4.29 "Singular/Plural" In this constitution unless inconsistent with the context, the singular include the plural and vice versa and persons shall include bodies corporate.
- 4.30 "WCPSC" means the Western Cape Provincial Sport Confederation
- 4.31 "WC" Province of the Western Cape
- 4.32 "DSC" refers to District Sport Councils
- 4.33 "ESC" refers to the Eden District Sport Council

5 OBJECTIVES OF THE EDEN DISTRICT SPORT COUNCIL

5.1 The objectives of the **Eden District Sport Council** is to:

- 5.1.1 apply for membership of WCPSC as a structure recognized by SASCOC as a coordinating, evaluation and monitoring structure of sport in the communities within the geopolitical district of the **Eden District**.
- 5.1.2 promote, advance, develop sport initiatives in the **Eden District**;
- 5.1.3 deliver mandates delegated to the ESC, by WCPSC;
- 5.1.4 promote, advance, assist all sporting codes at a district level, in line with the Articles of Association, sporting programs, rules, policies and directives of WCPSC and SASCOC;
- 5.1.5 advise and participate in the consultative process of planning of the **Western Cape Department of Cultural Affairs & Sport**.
- 5.1.6 drive and support transformation of the sport sector and to facilitate sport development in the **Eden District**.
- 5.1.7 co-operate, liaise and work with **Eden District Federations, Western Cape Provincial Federations, Western Cape Department of Cultural Affairs and Sport, Western Cape Provincial Sport Confederation, Local Governments** and with any other organization established to promote sport in the **Eden District**.
- 5.1.8 initiate partnerships with the private and public sector regarding resources needed to support sporting programs.

CONSTITUTION

- 5.1.9 establish strategic partnership with Municipalities on the building needs and usage of facilities.
- 5.1.10 promote the creation of sport structures and efficient management and assist with the creation of all-inclusive sport with unified structures in all sporting codes at a district level; and
- 5.1.11 foster co-operation and build partnership amongst all sectors of society that are committed to sports development within the district;

6 **THE ROLE OF THE EDEN DISTRICT SPORT COUNCIL**

The **Eden District Sport Council** shall be to:

- 6.1 Serve and function in furtherance of the ESC's aims and objective as the custodian for sport and recreation at district level;
- 6.2 Facilitate and foster the spirit of co-operation and collaboration amongst all role players and stakeholders of sport and recreation in the district;
- 6.3 Assist District Sport Federations inclusive of school sport in developing the sport codes in the implementation of sport and recreation programs, inclusive of competitive sporting events, mass participation programs and recreation festivals;
- 6.4 Monitor and evaluate sport development across the district in consultation with all relevant stakeholders.

7 **STATUS**

The **Eden District Sport Council** is established in terms of clause 14.4 of the WCPSC Constitution

8 **LEGAL PERSONALITY**

- 8.1 The **Eden District Sport Council** is a voluntary association having a separate legal existence identity, from that of its Members, and is entitled to own property, whether movable or immovable or otherwise, as well as to sue and be sued in its own name, notwithstanding any change in the composition of its membership from time to time, it shall have perpetual succession.
- 8.2 All movable property or other rights relating to immovable property which may be obtained by the **Eden District Sport Council** from time to time shall be registered in the name of the **Eden District Sport Council**.
- 8.3 The **Eden District Sport Council** shall be a non-profit organization

CONSTITUTION

9 INDEMNITY

9.1 Every office bearer, official or employee of the **Eden District Sport Council** are indemnified by the **Eden District Sport Council** against all losses, charges, costs, damages and all other expenses and liabilities which he or she may incur or become liable for by virtue of any reason or any act, omission in the discharge of his or her duties, unless the loss in question is caused by his or her own negligence, dishonesty or bad faith.

9.2 Every office bearer, official or employee of the **Eden District Sport Council** are indemnified by the **Eden District Sport Council** against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against the **Eden District Sport Council** or against such office bearer, official or employee in his or her representative capacity, provided the indemnity conveyed herein has not extended to private personal acts of such office bearers, official or employee, or cause as a result of negligence, dishonesty or bad faith.

10 OFFICIAL LANGUAGE

The official language of the **Eden District Sport Council** in case of any dispute shall be English.

11 FINANCIAL YEAR

The financial year of the **Eden District Sport Council** shall be from 1 January to the 31 December of each year.

12 AREA OF JURISDICTION

The area of jurisdiction shall be the **Eden District** as defined in the Constitution of the Republic of South Africa. This will cover the following municipal districts:

- 12.1 Kannaland;
- 12.2 Hessequa;
- 12.3 Mossel Bay;
- 12.4 George;
- 12.5 Oudtshoorn;
- 12.6 Bitou;
- 12.7 Knysna

13 HEADQUARTERS

The headquarters of the **Eden District Sport Council** shall be as determined by the MANCO until such time a permanent office be established.

14 MEMBERSHIP

The members of the **Eden District Sport Council** shall consist of the following:

CONSTITUTION

14.1. District Sport Federations

- 14.1.1. District Sport Federations affiliated to the National and WC Federations governing sports on the programme of the Olympic Games;
- 14.1.2. District Sport Federation affiliated to other major National Federations governing sport presently not included in the programme of the Olympic Games;
- 14.1.3. District Sport Federations whose sports are practised in the Paralympic Games;
- 14.1.4. District Sport Federations affiliated to National and WC Federations, which are listed as “Recognized National Federations” by SASCOC;
- 14.1.5. Sport Federations which are not recognized internationally, and do not have an international body, but whose activities are practiced nationally and whose desire it is to affiliate to SASCOC and who are able to fulfil SASCOC’s criteria as set out in this Constitution together with the Rules;
- 14.1.6. The ESC shall not recognize more than one District Sport Federation for each sport governed by a National Federation.

14.2. Associate Members

The ESC may, by a majority vote taken at an Annual General Meeting or Special General Meeting convened *inter alia* for this purpose, grant Associate Member status to any other association operating on a district level and who organize district competitions on a regular basis.

- 14.2.1. Sport Federations/Associations which are multi-sport and cater for special needs and interests of their members, whose sport are being practised by the National and WC Sports Federations;
- 14.2.2. The ESC may, by a majority vote taken at an Annual General Meeting or a Special General Meeting convened *inter alia* for this purpose, grant Special Organisational Member status to any association operating on a district level and who may or may not be affiliated to an International Organisation and who do not organize national competitions on a regular basis; and
- 14.2.3. Special Organisational Members will be entitled to attend and speak at meetings, but do not have voting rights at any ESC meetings.

14.3. Ex-Officio Members

- 14.3.1 One [1] DCAS Member shall also be a Member of the ESC Executive in an *ex-officio* capacity and shall be entitled to attend, speak and but with no voting right

14.4 Local Sport Councils

Local Sport Council is a structure recognised by ESC as the co-ordinating body of sport in each municipality of the Eden District as per the seven [7] geo-political demarcation of the district, and notified as such will be entitled to vote per Local Sport Council at a General Meeting of ESC subject to Article 18.

CONSTITUTION

14.5. Honorary Members

- 14.5.1. The General Meeting, on the proposal of the Executive, may grant the titles of Honorary Member to a person or persons who have rendered meritorious service to the ESC.
- 14.5.2. An Honorary Member shall be invited to attend General Meetings but shall not have the right to vote.
- 14.5.3. The General meeting shall have the power to withdraw the Honorary Membership conferred on any person or persons at any time, on good cause being shown to them.

14.6. Termination of Membership

The ESC may, by resolution at a General Meeting or Special General Meeting, with a 2/3rds (two thirds) of affiliated members present, withdraw the membership contemplated by Articles 8.1 to 8.3 and 8.5 to 8.8 in which event the relevant Member will cease forthwith to be a Member of the ESC.

15 SUBORDINATE STATUS OF MEMBERS

- 15.1. Members shall be subordinate to the ESC and must comply with the Constitution of the ESC and any directives issued by the ESC from time to time subject to the proviso that any directive shall not be in conflict with any requirement of the relevant national body to which the Member is affiliated.
- 15.2. Member's constitutions and any rules or regulations formulated thereunder shall be approved by the ESC and shall not be in conflict with any the constitutions of the ESC, IOC Olympic Charter, and/or the Constitution of SASCOC as well as the Constitutions of the IPC, CGF, IWGA, ISF, Supreme Council for Sport, ANOCA and COSANOC.

16 SUBORDINATE

- 16.1.1 The members of the **Eden District Sport Council** shall be the Eden District Federations, ESC Associate Members and Local Sport Councils, whose applications for membership are ratified by the General Assembly.
- 16.1.2 Any other Sport Governing Body and Controlling Bodies prescribed by the National Sport and Recreation Act and SASCOC Articles of Association in relation to sport activities in the **Eden District.**;
- 16.1.3 The **Eden District Sport Council** shall, in its discretion grant full, special or associate membership to applicants referred to under paragraphs 14.1.2, and 14.1.3 provided that such applicants meet with any required guidelines as may be laid down by the **Eden District Sport Council** from time to time with due consideration to Clause 14.1.2.

CONSTITUTION

16.1.4 An application for membership shall only be considered if the following conditions are complied with:-

- 16.1.4.1 A letter of application as well as the completed prescribed application form.
- 16.1.4.2 A copy of the constitution of the applicant, which complies with the Provisions of the ESC and WCPSC and their respective Provincial and National Federations, as well as written proof from the duly appointed auditor that they are in compliance with the provisions of the Constitution and of corporate governance.
- 16.1.4.3 A list of all affiliates of the applicant,
- 16.1.4.4 And that the application is tabled at either an Annual General Meeting or a Special General Meeting and it appear on the Agenda of the meeting at which it is to be considered.

17 **MEMBERSHIP RECOGNITION CRITERIA** (to be read in conjunction with addendum A)

To be eligible for recognition, organizations which control the development of and participation by local and provincial sporting codes must meet the following criteria:-

- 17.1 must be properly constituted and operate on democratic principles;
- 17.2 have a formal written constitution and acceptable democratically elected committee(s) or structure(s), which operates in a transparent, accountable, and responsible manner; and demonstrate an agreed level of sound management and financial accountability and stability.
- 17.3 the sport body must abide by the anti-doping policy of the institute for Drug Free Sport, and WADA as adopted by the WCPSC and SASCOC
- 17.4 participation must be available to all sections of the community and not be restricted for reasons of finance, gender, disability or any other discriminatory reason.

18 **MEMBERSHIP MATTERS TO BE REGULATED IN THE RULES AND OR REGULATIONS**

The executive committee shall draft such Rules and/or Regulations as may be deemed necessary, for approval by the General Assembly.

- 18.1 The Rules may regulate any matter relating to Membership, including but not limited to the following matters:

CONSTITUTION

- 18.1.1 the criteria and procedure for acceptance of Members;
 - 18.1.2 the colours and emblems of **Eden Sport Council** members;
 - 18.1.3 the membership fees and subscriptions to be paid by Members;
 - 18.1.4 the obligations of Members with respect to financial statements and books of accounts;
 - 18.1.5 the grounds on which Members may be suspended from membership to **Eden District Sport Council**; and
 - 18.1.6 any amendment to any District Sports Council's constitution.
 - 18.1.7 All applications for membership must be ratified at the AGM;
 - 18.1.8 Provisional membership can be allocated by the EXCO and must then be ratified at the first AGM.
- 18.2 The criteria referred to in article 15 above shall, include the following requirements:
- 18.2.1 No Member will be eligible to acquire or to retain membership of the **Eden District Sport Council** unless it has a constitution which provides for:
 - 18.2.1.1 open elections to be held at intervals of not more than four (4) years;
 - 18.2.1.2 minutes of Annual General meetings and approved annual financial statements to be presented to its membership;
 - 18.2.1.3 the member must recognize and accept the authority of the ESC, WCPSC and SASCOC; and
 - 18.2.1.4 after all Eden Federations have complied fully with such provisions of its constitution and has provided written proof of such compliance to the **Eden District Sport Council**.
 - 18.2.1.5 All federations must make provision for all levels of participation within their structures e.g Masters, Adults, Youth, Juniors and Schools.
 - 18.2.1.6 All school sport codes must be part of their relevant and respective federations;
 - 18.2.2 No Member may be affiliated to the **Eden District Sport Council** unless it is entitled to take its own decisions on any matter connected with its affiliation independently of any external body;

CONSTITUTION

- 18.2.3 No Member may be used as a source of profit for its officials or for those who have lent funds to it, provided that the payment of a normal rate of interest to the latter shall be permissible.
- 18.2.4 In the event of a Member wishing to enter into an agreement with any company, which may change the status of the Member and its affiliation with the **Eden District Sport Council**, it shall inform the **Eden District Sport Council** of its intentions in writing and disclose all information of whatsoever nature to the **Eden District Sport Council**, to enable it to consider the affiliation or continued affiliation of the said Member is in the best interests of sport in the **Eden District**.

19 AFFILIATION

- 19.1 The **Eden District Sport Council** shall apply for affiliation to the WCSPC and via the WCSPC to the South African Sport Confederation and Olympic Committee (SASCOC),
- 19.2 The provisions of this Constitution shall be subject to, and not in conflict with the WCSPC Constitution and any rules, policies or regulations of WCSPC. In the event of such conflict, the provisions of the WCSPC Constitution, or rules or policies or regulations shall prevail.

20 POWERS OF THE EDEN DISTRICT SPORT COUNCIL

- 20.1 The **Eden District Sport Council** shall have all powers as may be necessary or reasonably required in law to achieve its objectives as set out in clause 4 above, and for its proper and efficient functioning and administration, it shall have the following powers:
- 20.1.1 it shall be capable to exist on its own and shall continue to exist even after its membership changes;
- 20.1.2 to purchase or acquire in any way land, buildings, agencies, shares, debentures and every other kind or description of movable and immovable property;
- 20.1.3 to manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, turn to account or in any way otherwise deal with all or any part of its property and assets;
- 20.1.4 to accept donations and legacies and raise funds, subject to the express limitation that should the services of a fund raiser be used for collection of contributions, [the expenses remunerations and/or commission included] be negotiated between the EXCO and the other parties.
- 20.1.5 to borrow money;

CONSTITUTION

- 20.1.6 to secure payment of monies borrowed in any manner including the mortgaging and pledging of property and without detracting from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;
- 20.1.7 to invest funds in any manner;
- 20.1.8 to open and operate banking accounts with any registered bank or financial institution in the Republic;
- 20.1.9 to open a banking account and authorize those officials who may sign, issue, accept, endorse, draw and execute on behalf of the **Eden District Sport Council** any negotiable instruments, powers of attorney or other deeds or instruments;
- 20.1.10 to make, draw, issue, accept, endorse and discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments;
- 20.1.11 to enter into indemnities, guarantees and surety ship and to secure payment thereunder in anyway;
- 20.1.12 to sue and to be sued in its own name;
- 20.1.13 as per prior agreement to remunerate any person or persons in cash for services rendered in its formation or in the development of its objects;
- 20.1.14 to enter into contracts and to execute any contracts deeds and documents provided that the **Eden District Sport Council** shall not have the powers to carry on any business, including ordinary operations in the commercial sense, speculative transactions, dividends stripping activities and the letting of property on a systematic or regular basis, and no loans may be made to a patron member, donor or any of their relatives or any private company.
- 20.1.15 To employ staff.
- 20.1.16 To appoint standing committees/commissions deemed necessary for the good governance of sport in the Eden District. These committees will report to the ESC Executive. These committees will meet at least four [4] times per year. The following standing committees/ commissions will be formed:
- 20.1.16.1 ESC Women and Girls Committee
 - 20.1.16.2 ESC Coaches Commission
 - 20.1.16.3 ESC Farm Workers Committee
 - 20.1.16.4 ESC Transformation and Monitoring Committee
 - 20.1.16.5 ESC High Performance Centre [HPC] – Eden Sport Academy
 - 20.1.16.6 ESC Athletes Committee
 - 20.1.16.7 ESC Local Sport Council Committee

CONSTITUTION

- 20.1.16.8 ESC Sport for Disabled Committee
- 20.1.16.9 ESC School Sport Committee
- 20.1.16.10 ESC Federation Committee

21 **FINANCE**

21.1 The activities of **Eden District Sport Council** shall be conducted on a non-profit basis with the intent and purpose that its capital and income from whatever source, shall be applied solely towards the promotion of its objects. Provided that nothing herein contained shall preclude the payment in good faith to an affiliate or any other person in respect of:-

- 21.1.1 reasonable agreed remuneration for the services actually rendered on behalf of the **Eden District Sport Council**;
- 21.1.2 reimbursement of actual costs, expenses or other commitments incurred on behalf of the **Eden District Sport Council**;
- 21.1.3 payment of such monies to affiliates as found advisable for the advancement of sport in the **Eden District**;

Furthermore:-

- 21.1.4 All payments shall be authorized by any two (2) of four (4) duly authorized persons appointed by the **ESC Executive Committee** of which the treasurer must be one. The other person being the President and in his/her absence, the third and fourth person appointed by the Executive will take up the responsibility.
 - 21.1.5 The **Eden District Sport Council** may invest its funds in the manner contemplated in **clause 21** of this constitution;
 - 21.1.6 The **ESC Executive Committee** shall open and maintain a bank account for the **Eden District Sport Council**.
- 21.2 The **ESC Executive Committee** shall from time to time determine whether, or to what extent and at what times, places and under what conditions or regulations the accounting records of the **Eden District Sport Council** or any document may be open to inspection by Members not being **ESC Executive** members or by **Eden District Sport Council's** Membership at the General Assembly.

The **Eden District Sport Council** is prohibited from carrying on any business undertaking or trading activity, otherwise than to the extent that -

- 21.2.1 The undertaking or activity is -
 - 21.2.1.1 integral and directly related to the sole object of the **Eden District Sport Council**;

CONSTITUTION

- 21.2.1.2 carried out or conducted on a basis substantially the whole of which is directed towards the recovery of costs and which would not result in unfair competition in relation to taxable entities; or
- 21.2.1.3 is not integral and directly related to the sole object of the **Eden District Sport Council**, or it should be of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation.
- 21.2.1.4 that the audited financial statement supported by the statement of income and expenditure be circulated to all affiliated members at least fourteen [14] days before the Annual General Meeting. Members must than submit questions to be tabled at the AGM at least seven [7] days before the AGM.

22 GOVERNING BODIES

22.1 **GENERAL COUNCIL**

The **General Council** shall be the supreme decision making body of the **Eden District Sport Council** and shall comprise of all Members meeting at the occasion of a General Meeting.

22.2 **DISTRICT EXECUTIVE COMMITTEE [EXCO]**

- 22.2.1 There shall not be less than (12) Twelve Executive Committee members who are not connected persons in relation to each other, and shall comprise the following Executive members:
 - 22.2.1.1 The **Chairperson**, who shall not be entitled to serve for a period in excess of (three) 3 terms in that office.
 - 22.2.1.2 The **Vice Chairperson**, who shall not be entitled to serve for a period in excess of (three) 3 terms in that office.
 - 22.2.1.3 The **Secretary**;
 - 22.2.1.4 The **Treasurer**;
 - 22.2.1.5 Head of the District Office, DCAS (ex officio, and non-voting)
 - 22.2.1.6 One [1] member representing Sport for persons with Disabilities. This Member shall be nominated by Sport for persons with Disabilities.
 - 22.2.1.7 One [1] member representing School Sport Code Coordinating Committee. [To be nominated by the School Sport Code Coordinating Committee]
 - 22.2.1.8 Two [2] members representing District Sport Federations
 - 22.2.1.9 One [1] member representing Women's Sport. [To be nominated by Women Sport Committee]
 - 22.2.1.10 One [1] member representing Local Sport Councils.
 - 22.2.1.11 One [1] member representing Farm Worker Sport.
 - 22.2.1.12 One [1] member nominated as Transformation Officer by the TMC

CONSTITUTION

- 22.2.1.13 One [1] member nominated by EDEN Sport Academy
- 22.2.1.14 One [1] member nominated by the Coaches Commission
- 22.2.1.15 One [1] member nominated by the DSF athletes

Any **co-opted members**, as determined by the Executive Committee, shall not exceed (four) 4 in number and who shall have no voting powers to vote on any issues before them. It is specifically recorded that if and when such additional co-opted members are appointed, the **ESC** Executive Committee shall take cognisance of any gender or other sensitivity matters which may arise out of the elections. This is to ensure equity and representation.

- 22.1.1 The members of the **ESC** Executive Committee shall be elected in terms of Clause 21.2.1 and shall hold office for a term of four (4) years, but shall not be entitled to serve for longer than three (3) successive terms in their current elected position. Save as aforesaid, all **ESC** Executive Committee members shall be eligible for re-election and shall retain office until their successors have been elected.
- 22.1.2 Any person elected to a position on the **ESC** Executive Committee must vacate his/her position and retire by no later than the end of the calendar year during which he/she attains the age of seventy (70) years.
- 22.1.3 Appointed employees, where applicable, will Ex-Officially form part of the Executive Committee without voting rights;
- 22.1.4 Any other portfolios identified by the **ESC** Executive Committee shall be appointed by the **ESC** Executive Committee.
- 22.1.5 There shall be no more than one [1] Executive Committee Member per district federation.

22.3 **MANAGEMENT COMMITTEE [MANCO]**

22.3.1 The Management Committee shall comprise

- (a) Chairperson,
- (b) Vice Chairperson,
- (c) Secretary
- (d) Treasurer;
- (e) DCAS Ex-Officio Member

22.3.2 The Management Committee shall deal with all matters requiring immediate decision between meetings of the Executive Committee and be responsible for the day-to-day operations of the ESC;

22.3.3 The business of the Management Committee shall ordinarily be conducted at specially convened meetings, provided that in exceptional circumstances, if it is not practical to convene a meeting of the Management Committee, decisions may be reached by means of written communication – including electronic communication, in which case the Executive Committee shall be notified immediately.

CONSTITUTION

22.3.4 All decisions taken by the Management Committee shall be implemented immediately but must be tabled for ratification by the Executive Committee at its next meeting.

23 **POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE**

23.1 The powers of the **Eden District Sport Council** shall be exercised by the **ESC** Executive Committee, who shall have specified powers delegated to them by the General Meeting, in addition to the general powers and authority herein conferred on the **ESC** Executive Committee and without in any way limiting such powers and authority, they shall have the following powers and duties:

- 23.1.1 To oversee, and if necessary manage, the activities of the **Eden District Sport Council**, which shall include and shall not be restricted to:
 - 23.1.1.1 The activities of its Members;
 - 23.1.1.2 Inquiring into the administrative and/or financial affairs of Members, and, where necessary, to recommend corrective measures in this regard, and if these measures are not implemented to make recommendations to take over the administrative and/or financial affairs of the Member until these are placed on a satisfactory footing. In the case of a district federation, this should be conducted in consultation with the Provincial or National Federation.
 - 23.1.1.3 Appoint such sub-committees or commissions upon such terms as it may consider necessary to give effect to its powers;
 - 23.1.1.4 Prepare and monitor a detailed business plan for the **Eden District Sport Council** and its activities, as approved by the General Meeting.
 - 23.1.1.5 Control of monies in terms of a budget as approved by the General Assembly.
 - 23.1.1.6 Appoint standing committees as and when the necessity arises, which standing committees shall consist of a chairperson who shall preferably be a member of the **ESC** Executive Committee and such other members as are deemed necessary. It is specifically recorded that such standing committees shall take cognizance of the composition of the **ESC** Executive Committee in appointing the relevant sub-committees and more in particular shall be cognisant of any imbalances or sensitivities in respect of representivity or equity or disability issues;
 - 23.1.1.7 Suspend, fine and/or terminate the membership of any Member or individual affiliated through their respective Sporting organization or to suspend and/or fine any Member who

CONSTITUTION

infringes the Constitution, the Rules, the Regulations, directives or resolutions of **Eden District Sport Council** or of the WCPSC and SASCOC engages in any act of misconduct, improper practices, misdemeanor, acts of defiance, or bring the **Eden District Sport Council** and/or WCPSC and SASCOC into disrepute

- 23.1.1.8 In matters of mutual interest, the **Eden District Sport Council** and any eligible Members may enter into a written agreement covering issues such as the establishment of a joint liaison committee, communication, competitions whether District, Provincial or otherwise, compensation, levies, disputes, officials, coaches and the like;
- 23.1.1.9 Subject to the Constitution, Rules and Regulations, to delegate any of its powers or functions to the management committee;
- 23.1.1.10 Approve the budget and all intended expenditure of the **Eden District Sport Council**.
- 23.1.1.11 Enact, repeal and amend the Regulations of the **Eden District Sport Council**, provided that:
 - 23.1.1.11.1 the **ESC** Executive Committee may make no regulation which is inconsistent with this Constitution, and
 - 23.1.1.11.2 any regulation made by the **ESC** Executive Committee shall be tabled at the next Annual General Meeting of the **Eden District Sport Council** and will be of no force and effect beyond the date of that Annual General Meeting unless it is ratified at that Annual General Meeting.
- 23.1.1.12. The **ESC** Executive Committee shall meet at least four (4) times per annum.
- 23.1.1.13 The **ESC** MANCO shall meet as deemed necessary;
- 23.1.1.14 Subject to the provisions of this constitution and to any decision of the General Assembly, the **ESC** Executive Committee shall have the authority to do anything or take any steps, which might be done by the **Eden District Sport Council** in the furtherance of its objectives and the policies decided upon by the General Assembly without limiting the generality of the afore-going, this shall include the following:
 - 23.1.1.14.1 to attend to all legal matters on behalf of the **ESC**,

CONSTITUTION

- 23.1.1.14.2 to host, when applicable, any events in conjunction with the appropriate structures and organizations concerned;
- 23.1.1.14.3 generally, to execute any legal act on behalf of the **ESC**, thus doing all that is necessary for the fulfillment of the objectives in the **ESC**, provided that such act is not contrary to the constitution or any instruction of the General Assembly.
- 23.1.1.15 No member of the **ESC** Executive Committee who has any direct or indirect interest in or who would benefit from any contract to be entered into between the **ESC** and a third party, shall be present at the meeting at which such contract is considered, debated and decided.
- 23.1.1.16 The quorum for meeting of the **ESC** Executive Committee shall be 50% plus 1 (one) of its members.
- 23.1.1.17 a simple majority shall be sufficient to carry any decision of the **ESC** Executive Committee.

24 ELECTION OF OFFICERS

- 24.1 Subject to the provisions of this clause, the election of the ESC Executive Committee members shall be by vote of Affiliated Delegates present at an Annual General Meeting.
- 24.2 Only nominees of Members in Good Standing and who are citizens of the Republic shall be eligible for election as a member of the ESC Executive Committee.
- 24.3 Each Delegate present at the General Meeting shall have a vote determined by the voting strength referred to in Clause 28 and 29 in any election of ESC Executive Committee members, provided that no Delegate shall be entitled to vote unless the Member which he/she represents is a Member in good standing.
- 24.4 Any Member in Good Standing shall be entitled to submit nominations for the Chairperson, the Vice Chairperson and the Executive Committee members referred as determined in clause 22.2.1.
- 24.5 A candidate may be nominated for more than one office provided that if and when elected to a particular office, the candidate's remaining nominations shall lapse.
- 24.6 Sixty (60) days prior to the date of the Annual General Meeting the Secretary shall distribute nomination forms to Members per telefax and /or electronic mail.

CONSTITUTION

- 24.7 Members shall submit the original nomination forms to the auditor **Eden District Sport Council** such that they are received at least thirty (30) days prior to the date of the Annual General Meeting . The closing date and time shall be specified in a circular distributed by the Secretary with the nomination forms.
- 24.8 No nomination form will be accepted by the secretary unless:
- 24.8.1 The nomination form is signed by the chairperson and the secretary of the Member submitting the nomination; and
 - 24.8.2 The nominee has submitted to the secretary his/her signed acceptance of the nomination on the form provided for this purpose, or on a copy or facsimile thereof, and this signed acceptance has been received by the secretary at least thirty (30) days prior to the date of the General Meeting.
- 24.9 The onus shall be on the Member concerned to ensure that nominations and acceptances are received by the secretary on or before the closing date.
- 24.10 Employees of the **Western Cape Sports and Recreation Department** are not eligible to stand for election onto the **ESC** Executive Committee and executive Members of the **Eden District Sport Council** are not eligible for full time employment by the **Western Cape Provincial Sports and Recreation Department**. DCAS and appointed officials only serve on the Executive Committee in an Ex-Officio capacity and with no voting rights
- 24.11 Within seven (7) days after the closing date for nominations, the secretary shall submit a list of those persons properly nominated. The original nomination forms shall be retained by the secretary, and shall be available for inspection if required at the Annual General Meeting.
- 24.12 The Secretary shall send the list of nominations as received to all Members along with the agenda for the General Meeting at least twenty one (21) days prior to the date of the meeting.
- 24.13 Prior to the commencement of the elections, the meeting shall appoint an electoral officer and two other persons who are not candidates for office, to conduct the elections.
- 24.14 Should there be fewer nominations than there are vacancies to be filled, those persons presently occupying the office shall continue in office for the further period.
- 24.15 The first person to be elected shall be the Chairperson. Should only one nomination be received, the candidate shall be declared duly elected.
- 24.16 Following the election of the Chairperson, the Vice Chairperson shall then be elected.
- 24.17 Following the announcement of the Vice Chairperson, the Electoral Officer shall call for the election of the Secretary and after the announcement of the successful candidate, the same procedure will be followed in the election of the Treasurer.

CONSTITUTION

- 24.18 The rest of the members to be elected shall follow. Executive Committee members in accordance with clause 22.2.1.6 shall be elected using a single round of voting.
- 24.19 The rest of the Executive Committee that must be nominated will then be accepted after nominations received from the respective committees;
- 24.20 If there is a tie amongst more candidates than there are positions to be filled on the Executive Committee, there will be a second ballot in respect of those candidates. If the second ballot also results in a tie amongst any of those candidates, the electoral officer will draw the name of one or more candidates (as the case may be) who shall be declared the successful candidate/s.
- 24.21 Should any dispute relating to an election arise during the meeting, the electoral officer shall rule thereon, and his/her ruling shall be final and may not be challenged by any candidate, Delegate or Member.
- 24.22 Subject to the provisions of these Clauses, Executive Committee members shall hold office until their successors have been elected at an Annual General Meeting.
- 24.23 A vacancy in any office of the **ESC** Executive Committee shall occur:
- 24.23.1 Upon the death of a member;
 - 24.23.2 If a member is absent from three (3) consecutive meetings of the **ESC** Executive Committee without prior permission unless the **ESC** Executive Committee upon good cause being shown, otherwise decides; or
 - 24.23.3 If a member is found guilty of having conducted himself/herself in any manner likely to prejudice the objects or activities of the **Eden District Sport Council**, the WCPSC or SASCOC and/or whose conduct has the effect of bringing the **Eden District Sport Council** and/or WCPSC and SASCOC and/or sport into disrepute.
 - 24.23.4 If a member becomes of unsound mind;
 - 24.23.5 If a member is sequestered;
 - 24.23.6 If a member proposes a compromise with his/her creditors generally;
 - 24.23.7 If a member resigns his/her office by notice in writing to the **Eden District Sport Council**; and
 - 24.23.8** If a member becomes an employee of the **Western Cape Provincial Sport and Recreation Department**
- 24.24 Should the office of any member of the **ESC** Executive Committee become vacant, the remaining members of the **ESC** Executive Committee shall have the power to co-opt a member in his/her place until the next Annual General Meeting provided that should the office of the Chairperson become vacant, the Vice Chairperson will fill the vacancy until the next Annual General Meeting. When a position becomes vacant, such a position may only be filled by co-option of a member from the specific grouping either sport association of sport council.

CONSTITUTION

- 24.25 At any Annual General Meeting elections will be held to fill offices vacated during the previous year. Candidates for such elections may be nominated only in accordance with the nomination procedures of this Clause 23.9 in each category. Delegates may vote for as many candidates as there are vacancies with the required number of candidates who obtain the highest number of votes in the first round of voting being elected. In the event of a tie, the tie-break mechanisms set out in Clause 23.20 will apply.

25 REGISTER OF MEMBERS

- 25.1 The **Eden District Sport Council** shall maintain the register of Members at the office, or at any other place where the work of making up such register is done.
- 25.2 The register shall be open to inspection by Members.
- 25.3 The **ESC** Executive Committee shall be empowered to make regulations as it thinks fit relating to the opening and closing of such register provided that such register shall not be closed for more than 60 days in any calendar year.
- 25.4 The **Eden District Sport Council** may establish and maintain a district register.

26 GENERAL MEETINGS OF MEMBERS

- 26.1 The **Eden District Sport Council** shall hold at least two General Meetings of Members during a calendar year, of which one shall be the Annual General Meeting to be held not later than six months after the end of the financial year.
- 26.2 The affiliated members of the **Eden District Sport Council** shall preferably hold their respective Annual General Meetings before that of the **ESC**.
- 26.3 The **ESC** Executive Committee may, whenever it thinks fit, convene a Special General Meeting, at any time and place as determined by them. Provided that there are a minimum of three (3) duly elected **ESC** Executive Members at such meeting. In the event of there not being a quorum at the specific meeting, the meeting shall be postponed and thereafter any three (3) members may reconvene a Special General Meeting in the same manner as the previous meeting called by the **ESC** Executive Committee.
- 26.4 A General Meeting shall be called by the **ESC** Executive Committee within 30 days after receipt of a request signed on behalf of one third of the Members in Good Standing. It is specifically recorded that Good Standing shall also mean any member who is fully paid up in respect of any fees, and who has complied fully with the requirements of their respective Constitutions, Rules and Regulations and who is not currently under suspension. The agenda for such meeting shall be specified in the request.
- 26.5 Subject to the provisions of this Clause a General Meeting shall be held at such time and place as the **ESC** Executive Committee shall determine.

CONSTITUTION

- 26.6 The Secretary shall, by telefax or electronic mail, give all Members at least ninety [90] days advance notice of the date of the Annual General Meeting, which date shall be determined by the **ESC** Executive Committee. The Annual General Meeting shall be called no later than 30 June of each calendar year.
- 26.7 Motions to an Annual General Meeting shall be submitted to the Secretary in writing per registered post and/or telefax and/or electronic mail not less than thirty (30) days prior to the date of such Annual General Meeting. The Secretary shall circulate all motions submitted to him together with the agenda and the draft financial statement for the Meeting per telefax and/or electronic mail not less than fourteen (14) days prior to the Annual General Meeting. The audited financial statements of the **Eden District Sport Council** will be presented to all Members at the AGM. This documentation will be confidential until such time as it was approved by the AGM. All queries must be forwarded in writing to the Secretary seven [7] days prior to the AGM.
- 26.8 Members must forward in writing [credentials] to the Secretary the names of the Delegates who will represent them at the Annual General Meeting. Unless such confirmation is received by the Secretary at least seven (7) days before the meeting, the Delegates in question will not be accredited and will not be entitled to participate in the meeting.
- 26.9 The Quorum at any meeting shall be 50% plus one of the affiliated membership.
- 26.10 A simple majority shall be sufficient to carry any decision of the General Assembly, excluding changes to the constitution as per clause 33 and dissolution as per clause 35.

27 NOTICE OF GENERAL MEETINGS

- 27.1 A meeting called for the passing of a Special Resolution shall be called by not less than 21 days' notice in writing and any other General Meeting (other than the Annual General Meeting) shall be called by not less than 14 days' notice in writing. Notice in terms of this clause shall be exclusive of the date on which it is served or deemed to be served and exclusive of the date for which it is given.
- 27.2 The notice of a meeting shall specify:
- 27.2.1 the place;
 - 27.2.2 the date and the hour of the meeting; and
 - 27.2.3 in the case of special business, the general nature of such business, shall be given in the manner hereinafter provided or in such other manner as may be prescribed by the **Eden District Sport Council** in General Meeting and to such persons as are, under the clauses, entitled to receive such notices from the **Eden District Sport Council**.
- 27.3 A General Meeting shall, notwithstanding that it is called by shorter notice than that specified in Clauses 26.1, be deemed to have been duly called if it is so agreed by a

CONSTITUTION

majority in number of the Members having a right to attend and vote at the meeting, who hold not less than 95% of the total voting rights of all the Members.

- 27.4 A General Meeting shall be entitled to deal with special business, the general nature of which has not been notified, if it is so agreed by a majority in number of the Members having a right to attend and vote at the meeting, who between them hold not less than 95% of the total voting rights of the Members.

28 PROCEEDINGS AT GENERAL MEETINGS

- 28.1 The Annual General meeting shall deal with and dispose of all matters, including the consideration of the annual financial statements, the election of the **ESC** Executive Committee, the appointment of an auditor and the fixing of the remuneration of the auditor, and may deal with any other business laid before it and of which notice has been duly given in terms of the clause 26.1 or in respect of which notice has been waived in terms of clause 26.3.
- 28.2 Business may be transacted at a General Meeting only while a Quorum of Members is present.
- 28.3 If within half an hour after the time appointed for the General Meeting a Quorum is not present, the General Meeting, if convened upon requisition of the Members, shall be dissolved. In any other case the General Meeting shall stand adjourned to the same day in the next week at the same time and place, or if that day is not a business day, to the next succeeding business day, and if at such adjourned General Meeting a Quorum is not present within half an hour after the time appointed for the meeting, the Members present in person shall constitute a Quorum, provided that every Member shall have received notice of the adjourned General Meeting not less than 72 hours prior thereto by either electronic mail, facsimile, hand delivery, telegram, telex, post or telephone call.
- 28.4 The Chairperson or, in his/her absence, the Vice Chairperson shall preside as chairperson at every General Meeting and the **ESC** Executive Committee meetings of the **Eden District Sport Council**.
- 28.5 If there is no such chairperson or if at any General Meeting he/she is not present within 15 minutes after the time appointed for the holding of the meeting or if he/she is unwilling to act as chairperson, the **ESC** Executive Committee shall choose one of their number to act as chairperson and, failing any **ESC** Executive Committee member present and willing to act, the Members present shall elect one of their number to be the chairperson of the meeting.
- 28.6 The chairperson of a General Meeting at which a Quorum is present may (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than business left unfinished at the meeting at which the adjournment took place. When a meeting is adjourned, it shall not be necessary to give notice thereof.
- 28.7 A resolution tabled at a General Meeting shall require both a proposer and a seconder.

CONSTITUTION

- 28.8 At any General Meeting a resolution put to the vote shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by the chairperson or by at least two Members entitled to vote at the meeting. No poll shall, however, be demanded on the election of the chairperson of the meeting or on any question of adjournment. Unless a poll is so demanded, a declaration by the chairperson of the meeting that a resolution has, on a show of hands, been carried or carried unanimously or by a particular majority or failed, an entry to that effect in the book containing the minutes of the proceedings of the **Eden District Sport Council** shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution.
- 28.9 If a poll is demanded:
- 28.9.1 the poll shall be taken in such manner and at such time as the chairperson of the meeting shall direct;
 - 28.9.2 the chairperson of the meeting shall be entitled to appoint scrutineers;
 - 28.9.3 no notice of a poll other than an announcement at the meeting at which it is demanded shall be required;
 - 28.9.4 the demand for a poll shall not prevent the continuation of the meeting for the transaction of any business other than the question on which the poll has been demanded;
 - 28.9.5 a demand for such a poll may be withdrawn; and
 - 28.9.6 the result of a poll shall be deemed to be the resolution of the meeting on any question on which the poll is taken.
- 28.10 In the case of an equality of votes, whether by show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place or at which the poll is taken shall if he/she is a Delegate of a Member, have a casting vote. However, no casting vote will be available at any election of members of the **ESC Executive Committee**.
- 28.11 Any objection to the admissibility of a vote on a show of hands or on a poll shall be raised at the General Meeting at which that show of hands or poll is to take place or takes place. That objection shall be determined by the chairperson of that General Meeting and his/her decision thereon shall be final and binding. Accordingly any vote not disallowed at that meeting shall be valid for all purposes.
- 28.12 A resolution shall not be invalid because a vote which should not have been included has been taken into account unless, in the opinion of the chairperson of that meeting (whose decision thereon shall be final and binding), the exclusion of that vote would have altered the result of the voting on that resolution. Conversely a resolution shall not be invalid because a vote which should have been included has not been taken into account unless, in the opinion of the chairperson of that meeting (whose decision thereon shall be final and binding), the inclusion of that vote would have altered the result of the voting on that resolution.

CONSTITUTION

29 REPRESENTATION

- 29.1 Each local sport council shall be entitled to appoint one (1) delegate to represent it at General Meetings.
- 29.2 Each Eden district Federation shall be entitled to appoint two [2] delegates to represent it at General Meetings.
- 29.3 No delegate may be appointed by a Member unless he/she is a duly authorized representative, and the relevant Representation form has been signed by both the Chairperson and Secretary. Such original Representation form shall be brought to the meeting by the representative and shall be available for inspection if need be. It is specifically recorded that in the event of the original document not being available, then such person shall not be allowed to participate in the meeting.
- 29.4 The Ex-Officio delegates of DCAS will be represented by one [1] appointed delegate.

30 VOTING RIGHTS

- 30.1 All Delegates of Members in Good Standing and eligible to vote shall be entitled to vote at any General Meeting of the **Eden District Sport Council**
- 30.2 No Member shall be entitled to obtain any form of proxy vote whatsoever.
- 30.3 One [1] voting member representing the School Sport Code Coordinating Committee
- 30.4 Two [2] voting members per affiliated District Sport Federation
- 30.5 One [1] voting member Sport association for persons with Disabilities
- 30.6 One (1) voting member per affiliated local Sport Council
- 30.7 One [1] voting member representing the Farm Workers Committee
- 30.8 One [1] voting member representing the Coaches Commission
- 30.9 One [1] voting member representing the Women Sport Committee
- 30.10 One [1] voting member representing the Transformation and Monitoring Committee
- One [1]
voting member representing the District Sport Academy
- 30.11 One [1] voting member representing the Athletes Committee
- 30.2 It is specifically recorded that, the number of votes as per voting right can only be executed by each member with a voting right that are physically be present – one person one vote. As per Clause 29.3
- 30.3 For the purpose of the election of the **ESC** Executive Committee:
- 30.3.1 No voting will be done by a show of hands. Voting shall be by secret ballot and each person mandated to vote shall be required to exercise such vote.
- 30.3.2 The Chairperson shall act as chair at all meetings of the **Eden District Sport Council**, except elections, and shall have a deliberative as well as a casting vote.
- 30.4 At the conclusion of the meeting all elected **ESC** Executive members shall immediately take office and constitute the **ESC** Executive Committee.

CONSTITUTION

31 MINUTES AND INSPECTION

31.3 The **ESC** Executive Committee shall record all resolutions of the **Eden District Sport Council** taken at General Meetings in minutes.

31.4 The minutes kept in terms of clause 31.3 (or any extract there from) which purports to be signed by the chairperson of the **ESC** Executive Committee or by any member of the **ESC** Executive Committee or the Secretariat shall be *prima facie* evidence of the matters therein stated.

31.5 The minutes shall be open for inspection.

32 COMPLIANCE WITH THE CONSTITUTION OF WCPSC

The powers of the **Eden District Sport Council** shall not be exercised in a manner which is contrary to the Constitutions of the WCPSC, SASCOC and of the ESC. In the event of a conflict, the Constitution of, first the WCPSC and secondly, SASCOC will take precedence.

33 DISPUTE PREVENTION AND RESOLUTION

33.1 Every Member falling under the jurisdiction of the **Eden District Sport Council** shall ensure that any dispute that it has with a body or individual falling under the jurisdiction of the **Eden District Sport Council** is resolved in accordance with the Dispute Prevention and Resolution Procedures set out in the Constitution, Rules and Regulations of WCPSC.

33.2 Where no specific dispute prevention or resolution procedure is set out in the Constitution, Rules or Regulations, disputes shall be resolved by arbitration in terms of the Rules of the Arbitration Foundation of Southern Africa or its successor or, if appropriate, by CAS in terms of CAS's Rules and Regulations.

33.3 It is recorded that the decision of the Arbitrator or of CAS shall be final and binding on all parties, in all manners whatsoever.

33.4 Subject to the Constitution of the Republic, and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this Clause, no body or individual falling under the jurisdiction of the **Eden District Sport Council** shall approach a Court of Law to decide on a dispute it has with a body or individual affiliated. If all the avenues have been exhausted, only then it might be an option in respect of the Constitution of the Republic of South Africa.

33.5 ARBITRATION CLAUSE

Should any dispute arise which involves the **ESC**, its officials, any municipal sport councils, federations or clubs affiliated with the **ESC**, and any officials, players or members who are subjected 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

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. **The provision of Arbitration Act of 1965 shall apply to such arbitration proceedings, save to an extent modified by the Arbitration Forum rules.**

34 AMENDMENT TO THE CONSTITUTION

34.1 No part of this Constitution shall be amended, altered or rescinded except at the Annual General Meeting or at a Special General Meeting called for that purpose and by way of a resolution of a two-thirds majority of those present and eligible to vote.

34.2 Notice in writing of any proposed alteration shall be received at least thirty (30) days prior to such meeting and the Secretary shall send a copy of such notice to all affiliates at least twenty-one (21) days before such meeting.

34.3 A copy of any amendments to this Constitution shall be submitted to the Commissioner of Inland Revenue for purposes of section 30 of the Income Tax Act No 58 of 1962.

35 COLOURS AND EMBLEM

35.1 The **Eden District Sport Council** acknowledges that awarding of District Colours may be done by the body authorized by the **Eden District Sport Council**. [as per addendum D]

35.2 The **Eden District Sport Council** shall ensure the promotion of and the maintenance of a high standard by sport codes in awarding such District Sport Council colours.

35.3 the **Eden District Sport Council** shall control the design of any colours and /or emblem as approved by the General Assembly and registered by the **Eden District Sport Council**, restrain the unlawful and unauthorized use thereof and take disciplinary or other action in respect of any such unlawful use of the emblem or colours registered by the **Eden District Sport Council**.

35.4 the emblem of the **Eden District Sport Council** shall be the District emblem.

35.5 the colours of the **Eden District Sport Council** shall be the colours registered with the WCPCSC and SASCOC.

36 DISSOLUTION

36.1 The **Eden District Sport Council** may be dissolved at any time by a resolution in favour of dissolution by a majority of not less than four-fifths [80%] of the Members present in person and entitled to vote as set out above at a Special General meeting called specifically for such purpose and of which thirty (30) clear days' notice specifying the intention to propose such a resolution has been given.

36.2 upon the dissolution of the **Eden District Sport Council** its property not consisting of money shall be sold and the proceeds, together with so much thereof as shall consist of money,

CONSTITUTION

shall be applied in satisfaction of the debts and liabilities of the **Eden District Sport Council** and subject thereto, the balance shall be distributed equally among affiliates of the Council, to be determined by the Council at or before the time of its dissolution or, failing such determination, by the court.



Signed on Friday 5 June 2015 at George by:

Chairperson: **Desmond Speelman**

A handwritten signature in black ink, appearing to read 'Desmond Speelman', written over a faint circular stamp.

Secretary: **Dave van der Walt**

A handwritten signature in black ink, appearing to read 'Dave van der Walt', written over a faint circular stamp.

ADDENDUM A:

EDEN DISTRICTS SPORT COUNCIL [ESC]

CODE OF CONDUCT

The **CODE OF CONDUCT** applies to all who participate in the Eden Sports Arena. The ESC consists of the official recognised District Municipalities of Eden and all the affiliated district sport federations and local sport councils.

- 1. PARTICIPANTS are:**
- Sportsmen
 - Sportswomen
 - Coaches
 - Managers
 - Any other officials
 - Any person or persons accompanying the team.

Once Eden Sport colours are bestowed and accepted, all participants are bound by the **CODE OF CONDUCT**.

2.2 Representing the EDEN is an honour reserved for the selected and the ultimate honour would be victory.

2.3 Participants are ambassadors of the EDEN and as such must behave in an exemplary manner and must be a credit to the EDEN.

3.1 Guidelines have been compiled to serve as broad criteria for all those involved in representative participation in order to ensure –

- basic uniformity,
- group unity,
- discipline
- friendly and comfortable disposition within the group or team.

3.2 EDEN Sport Federations within the ESC must ensure that team management consists of seasoned and responsible adults who can provide the necessary guidance to young and or inexperienced team members, especially if participants are travelling for the first time.

3.3. Each EDEN Sport Federation must have a Code of Conduct.

3.4 Every participant shall, during all events and at all times while participating in the sport arena conduct themselves in a true sportmen-like manner. These provisions apply to each participants conduct while within the precincts of each venue or site of the tournament, as well as at any official event or function related to the tournament, including while travelling and while wearing the official colours.

3.4.1 **PUNCTUALITY** must be adhered to.

CONSTITUTION

- 3.4.2 DRESS** – must conform to the standards as set out by the ESCColours Policy. The official dress of the team should be worn at departure and arrival and at official receptions.
- 3.4.3 LEAVING THE PREMISES OF THE SPORTS VENUE** - may only be allowed with the permission of the team management.
- 3.4.4 CEREMONIES** – Opening and Closing Ceremonies must be attended with due respect to all speakers and organisers.
- 3.4.5 CONDUCT** especially when travelling – bad language, rowdy behaviour, singing of vulgar songs will not be permitted. Participants and persons accompanying the team, must respect fellow travellers and must be well behaved in public places, at venues, towards staff or hosts and respect the persons and property of others.
- 3.4.6 UNSPORTSMANLIKE CONDUCT** – participants shall at all times conduct themselves in a sportsmanlike manner and give due regard to the authority of officials and the rights of opponents, spectators and others. If such violation occurs during a event (including a warm-up) the participants shall be subject to disciplinary action.
- 3.4.7 AUDIBLE OBSCENITY** – participants may not use words commonly known and understood to be profane and uttered clearly and loudly enough to be heard by others. This would be considered a violation of the Code of Conduct.
- 3.4.8 VISIBLE OBSCENITY** – participants may not make obscene gestures of any kind. This would also be considered a violation of the Code of Conduct.
- 3.4.9 VISIBLE OBSCENITIES** on clothing or any equipment of participants or persons accompanying the participants would also be considered a violation of the Code of Conduct.
- 3.4.10 VERBAL ABUSE** – participants and persons travelling with the team, shall not at any time directly or indirectly verbally abuse any official, opponent, sponsor, spectator or other person while representing the ESC, while wearing the ESCColours or while travelling with the EDEN team. Verbal abuse is defined as a statement about an official, opponent, sponsor, spectator or other person that implies dishonesty or is derogatory, insulting or otherwise abusive.
- 3.4.11 PHYSICAL AND SEXUAL ABUSE** – participants or persons travelling with the team, may not at any time physically or sexually abuse any official, opponent, spectator or other person. Physical and sexual abuse is the unauthorised touching of or sexual advances to an official, opponent, spectator or any other person.
- 3.4.12 SUBSTANCE ABUSE** – by participants and persons accompanying the team will be regarded as a violation of the Code of Conduct and can lead to disciplinary action.
- 3.4.13 DRUGS**, and the use thereof, will not be tolerated. Subscription drugs must be checked for content. The WADA code will apply and must be adhered to.
- 3.4.14 ALCOHOL** abuse will not be permitted.
- 3.4.15 TOBACCO** use while wearing ESCColours will not be permitted.

CONSTITUTION

4 DISCIPLINARY ACTION

4.1 Any disciplinary action taken by a District Sport Federation must be reported to the ESC EXCO Committee.

4.2 The ESC EXCO Committee reserves the right to implement:

4.2.1. A DISCIPLINARY HEARING

4.2.2. THE SUSPENSION OF PLAYERS

4.2.3. THE WITHDRAWAL OF ESC COLOURS

5 DISCIPLINARY HEARING

5.1 If the Code of Conduct is infringed, disciplinary steps, in the discretion of the ESC Sport Federation and the ESC EXCO may be taken against such participant.

5.2 A participant may be suspended on violation of any grounds appearing under any items as set out above in the Code of Conduct.

5.3 The ESC EXCO Committee reserves the right to withdraw ESC colours which have been awarded to any participant, on any violation of the Code of Conduct.

5.4 The ESC EXCO Committee reserves the right to revise the outcome of any Disciplinary Action taken by any EDEN Sport Federation.

6 LODGING OF COMPLAINTS

6.1 PROCEDURE ON LODGING OF COMPLAINTS

6.1.1 Step 1: A participant or other party must lodge a complaint with their EDEN Sport Federation. The EDEN Sport Federation must inform the ESC EXCO Committee.

6.1.2 Step II: If no satisfactory decision is reached the participant or other party may lodge a complaint with the ESC EXCO Committee.

6.1.3 Step III: If the matter is still not satisfactorily settled, the participant or other party may lodge a complaint with the Western Cape Provincial Sport Confederation.

6.1.4 Step IV: If still no satisfaction is reached, the matter will be referred to the WC Arbitration Forum for final decision.

According to SASCOC policy, all sport related issues of dispute must be kept out of civil court as far as possible for no funds from government will be used for these cases.

ADDENDUM B: ESC COLOURS POLICY

POLICY ON ALLOCATION OF ESC COLOURS

The ESC is the custodian of the EDEN Colours and as such must protect the allocation and use of the colours. The EDEN Logo is the intellectual property of the ESC as it was registered at the Department of Heraldics by the EDEN Sport Forum, the predecessor of the ESC. The route to be followed by federations is as follows:

- 1 Federations must align their constitutions to include the inclusion of dark blue as part of the colour scheme
- 2 Apply for the official use of the Eden Logo and colours – only affiliated members in good standing with the ESC will be allowed to use the official logo and colours of the ESC
- 3 The federation must include in their application the following:
 - The variation on the EDEN Logo to be used
 - The variation on the colours to be used
 - Their colour allocation and control policy
 - Their criteria for the allocation of colours
 - Completed application form
 - Their official supplier[s]
 - Code of conduct for the sport persons and officials
- 4 The ESC EXCO [Colours Committee] will then consider the application and recommend the use by the federation
- 5 The colour codes will be supplied by the ESC to ensure that the correct colours are at all time used for the production of the clothing gear. The ESC will also appoint official suppliers in order to have better control and uniformity of EDEN gear
- 6 A database for the allocation of EDEN colours must be kept by all federations and this must be send to the ESC Colours Committee that will upkeep a master database on all EDEN colour allocation by its members
- 7 The ESC Colours Committee will strive to set uniform criteria for all sport codes and bring it more in line in order to protect the using of EDEN colours
- 8 The basis of the allocation of colours is that a sport person must have taken part for that federation in the tournament he/she has been selected for.
- 9 A copy of the final team selection [including the officials accompanying the team] must be handed to the ESC Colours Committee for scrutiny
- 10 A copy of the final team must also be handed to the official supplier and EDEN sport gear will only be supplied to names on the official list
- 11 The supplier must keep a register of all EDEN sport gear supplied and this register must be submitted to the ESC Colours Committee on a monthly basis
- 12 Each sport person/official must hand in a letter or card of recommendation by his/her federation to the official supplier before obtaining the sport gear. This will also be in force with the re-allocation of colours.
- 13 Each recipient of ESC colours must sign the code of conduct that must be handed to them on selection for the team. The team management will take responsibility for the behaviour of the team members and officials.

CONSTITUTION

14 The ESC as the custodian and owner of the EDEN Logo will have the right to with-hold or refuse the use of the official logo on all sport gear if members don't adhere to this policy.

APPLICATION FORM FOR THE USE OF ESC LOGO AND COLOURS
SECTION A

1 NAME OF MEMBER: _____

2 NAME OF APPLICANT: _____

3 IN CAPACITY AS: _____

3 CONTACT DETAIL: [Cell] _____ [Tel] _____

[Email] _____ DATE: _____

4 SIGNED BY:

Chairperson: _____ Secretary: _____

SECTION B

MOTIVATION:

CONSTITUTION

SECTION C

DOCUMENTATION INCLUDED: [encircle please]

| | | | |
|---|--|-----|----|
| 1 | COLOUR & CONTROL POLICY OF FEDERATION | YES | NO |
| 2 | CODE OF CONDUCT | YES | NO |
| 3 | CRITERIA FOR COLOUR ALLOCATION | YES | NO |
| 4 | SAMPLE/DRAFT OF LOGO TO BE USED | YES | NO |
| 5 | SAMPLE/DRAFT OF COLOUR SCHEME TO BE USED | YES | NO |
| 6 | NAME & CONTACT DETAIL OF OFFICIAL SUPPLIER | YES | NO |
| 7 | HAVE YOUR CONSTITUTION BEEN ALIGNED? | YES | NO |
| 8 | DO YOU KEEP AN OFFICIAL REGISTER/DATA BASE FOR THE ALLOCATION OF YOUR COLOURS? | YES | NO |

FOR OFFICE USE ONLY

RECOMMENDED: YES NO IF NO, SUPPLY THE REASON[S]

SIGNED ON BEHALF OF EDENSC:

CHAIRPERSON

SECRETARY

DATE: _____

CONSTITUTION

