



Unveiling the Magic of the Sun

CONSTITUTION

PREAMBLE

.WHEREAS it was recognized by the sporting fraternity of Mpumalanga Province in South Africa that South African sport was played on a divided basis brought about by the system of apartheid.

1 WHEREAS the sporting fraternity of Mpumalanga Province has realized the urgent need to fulfill the historic task of unifying all sports organizations to enable a unified body to prepare its constituents for a united democratic Mpumalanga Province.

2 WHEREAS the Nkangala sports confederation, Gert Sibande sports confederation and Ehlanzeni sports confederation hereby resolve to form a single organization under the Mpumalanga Sport Confederation in conjunction with all Provincial Sports federations and under the Constitution to promote and control sport in the Mpumalanga Province.

3 The resolution above has also been endorsed by member Provincial Sports Federations with good standing within the Provincial Sports Council.

4 AND THAT this policy statement shall form part of this Constitution.

1. NAME

2.1 The name of the organization is the Mpumalanga Sports Confederation, hereinafter referred to as the MSC.

2. INTERPRETATION

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

2.1. 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;

- 2.2. 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;
- 2.3. where figures are referred to in numerals and in words, if there is any conflict between the two, the word shall prevail;
- 2.4. 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;
- 2.5. 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 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
- 2.6. 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*.

3. DEFINITIONS

- 3.1. "the Act" the Non Profit organization Act 71 of 1997(as amended);
- 3.2. "Articles of Association " means SASCOC's Articles of Association incorporating the Memorandum of Association and registered under 2004/033949/08;
- 3.3. "Athlete's Commission" shall mean athletes presently constituted into the body of members who are currently still active in a particular Sporting Code;
- 3.4. "Annual General Meeting " means the annual general meeting of the membership held in accordance with the provisions of this Constitution;
- 3.5. "Executive Committee" means the Executive Committee of the Mpumalanga sports confederation as constituted from time to time in terms of this constitution.
- 3.6. "CAS" means the Court of Arbitration for Sport, presently constituted and domiciled in Switzerland;
- 3.7. "Calendar Year" means in each year, the period commencing 1 January ending 31 December of the relevant year;
- 3.8. "Constitution" means this constitution of the Mpumalanga Sports Confederation;

- 3.9. "Constitution of the Republic" means the Constitution of the Republic of South Africa Act 108 of 1996 (as amended);
- 3.10. "Delegate" means a delegate appointed by a Member to represent it at any General Meeting;
- 3.11. "District Sports Confederation" means the district and/or metro of a district within the Province as defined by the Provincial Government and in terms of the Federation's Sporting Code.
- 3.12. "General Assembly" means the general assembly of the Mpumalanga sports confederation as contemplated by clause 2.1.1;
- 3.13. "General Meeting" means any general meeting of the Members and excludes an annual general meeting, quadrennial general meeting, and special general meeting or an ordinary general meeting;
- 3.14. "Good Standing" means a member or individual who has not violated the provisions of this Constitution and/or the Rules and Regulations governing the members.
- 3.15. "MEC" means the Member of the Executive Council responsible for Sport and Recreation in the Province;
- 3.16. "Member" means a member of the Mpumalanga sports confederation in terms of this Constitution.

- 3.17. “National Sports Act” means the National Sports and Recreation Act, no 18 of 2007 as amended or any other Act which replaces it;
- 3.18. “National Sports Federation” means a national sports association that is recognized and accepted by SASCOC and or in terms of the Rules and Regulations of SASCOC
- 3.19. "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 MSC, 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 MSC. 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.
- 3.20. “Province” means the jurisdictional area of the Provincial Government of South Africa;
- 3.21. “Provincial Federation” means a sports organization recognized as such and affiliated to a

National Sports Federation, and responsible for coordinating, organizing and managing a sports code in the province;

- 3.22. "Quadrennial General Meeting" shall mean a Quadrennial General Meeting held in accordance with the provisions of this Constitution;
- 3.23. "DISTRICT Sport Confederation" means the District within the Province as defined by the Provincial Government and in terms of the Federation's Sporting Code;
- 3.24. "SASCOC means the South African Sports Confederation and Olympic Committee as defined in the Sports and Recreation Act, 1997 (as amended)
- 3.25. "South Africa" means the "Republic of South Africa" as defined in the Constitution of the Republic of South Africa, 1996.
- 3.26. "Special General Meeting" means the Special General Meeting of the membership held in accordance with the provisions of this Constitution;
- 3.27. "Financial Year" shall be the period 1 April to 31 March the following Year
- 3.28. In this constitution unless inconsistent with the context, the singular included the plural and vice versa and persons shall include bodies corporate.

4. OBJECTIVES OF THE MPUMALANGA SPORTS CONFEDERATION

- 4.1. The mandate of the Mpumalanga Sports Confederation is to act as a conduit between the relevant political organizations and civil society, ensuring that the correct principles are conveyed in order to enable the Mpumalanga Sports Confederation to act as an advisory body to the relevant MEC.
- 4.2. To engage, lobby and meet with the relevant MEC on a quarterly basis in relation to the presentation and implementation of the various provincial sporting and recreational strategy for the province.
 - 4.2.1. To apply for membership of SASCOC. Act as a structure recognized by SASCOC as a coordinating and monitoring structure of sport in the communities within the geopolitical province.
 - 4.2.2. To promote, advance, develop sports initiatives in the Province, furtherance of mandates delegated to it by SASCOC;
- 5.1.4 To promote, advance, assist all sporting codes at a provincial level, in line with the Articles of Association, sporting programmes, rules, policies and directive of SASCOC;
- 5.1.5 To act as an advisory body.
- 5.1.6 To participate in the Planning Process of Provincial Departments of Sport and Recreation as well as the Departments of Arts and Culture, where need be.
- 5.1.7 To promote transformation of the sport sector and to facilitate sports development in the Province

- 5.1.8 To facilitate the establishment of community sports hubs and clubs at grass root level within the various districts of the respective districts.
- 5.1.9 To co-operate, liaise and work with Provincial Federations, Provincial Ministry of Sports and Recreation or Departments, Local Government and with any other organization established to promote sports in the Province;
- 5.1.10 To initiate partnerships with the private and public sector regarding resources needed to support sporting programmes.
- 5.1.11 To establish strategic partnership with Municipalities on the building needs and usage of facilities.
- 5.1.12 To promote the creation of sports structures and efficient management and assist with the creation of non-racial and non-sexist sport with unitary structures in all sporting codes at a Provincial level; and
- 5.1.13 To foster co-operation and build partnership amongst all sectors of society that are committed to sports development within the Province;

6 THE ROLE OF THE MPUMALANGA SPORTS CONFEDERATION

The Mpumalanga Sports Confederation shall be to;

- 6.1 Serve and function in furtherance of the SASCO's aims and objective as the monitoring structure for sport development at provincial level across all sporting codes;

- 6.2 Facilitate and foster the spirit of co-operation and collaboration amongst all role players of sport in the Province;
- 6.3 Assist where required with Mpumalanga Sports Federations in developing their Sports codes and in the implementation of their sports development programmes, inclusive of competitive sporting events and mass participation programmes; and
- 6.4 Monitor and evaluate sports development across the province in consultation with all the relevant stake holders.

7 STATUS

The Mpumalanga Sports Confederation is established in terms of clause 6.6 of SASCOC's Articles of Association.

8 LEGAL PERSONALITY

- 8.1 The Mpumalanga Sport Confederation 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 Mpumalanga Sports Confederation from time to time shall be registered in the name of the Mpumalanga sports confederation.
- 8.3 The Mpumalanga Sports Confederation shall be a non-profit organization.

9 INDEMNITY

9.1 Every office bearer, official or employee of the Mpumalanga sports confederation are indemnified by the Mpumalanga Sports Confederation 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 Mpumalanga Sports Confederation are indemnified by the Mpumalanga Sports Confederation against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against the Mpumalanga Sports Confederation 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 Mpumalanga Sports Confederation in case of any dispute shall be English.

11 FINANCIAL YEAR

The financial year of the Mpumalanga Sports Confederation shall be from 1 April to the 31st March of the next year.

12 AREA OF JURISDICTION

The area of jurisdiction shall be the Province of (the) Mpumalanga as defined in the Republic of South Africa's Constitution.

13 HEADQUARTERS

The headquarters of the Mpumalanga Sports Confederation shall be the capital town of the Province.

14 MEMBERSHIP

14.1 The following shall be eligible for membership of the Mpumalanga Sports Confederation:

14.2 14.2

14.1.1 The members of the Mpumalanga Sports Confederation shall be the Provincial Federation and District Sports bodies whose application for membership are ratified by the General Assembly.

14.1.2 Any other Sport Governing Body and Controlling Bodies prescribed by the National Sport and Recreation Act and SASCOC Articles of Association in relation to sports activities in the Province;

14.1.3 Any other civil society comprising of community whether same be area level based clubs, local sports councils;

14.1.4 The Mpumalanga Sports Confederation 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 Mpumalanga Sports Confederation from time to time with due consideration to Clause 14.1.2.

14.1.5 An application for membership shall only be considered if the following

conditions are complied with:-

14.1.5.1 A letter of application as well as the completed prescribed application form.

14.1.5.2 A copy of the constitution of the applicant which shall comply with the provisions of both the SASCOC and the National Federation's Constitution, as well as written proof from the duly appointed auditor that they are in compliance with the provisions of corporate governance.

14.1.5.3 A list of all affiliates of the applicant

14.1.5.4 And that the application is tabled at either an Annual General Meeting or a Special General Meeting and it appears on the Agenda of the meeting at which it is to be considered.

15 Membership Recognition Criteria

15.1 Shall be the criteria as approved by the President's Council and ratified by the Annual General Meeting of SASCOC on 18 August 2012.

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

15.2.4 must be properly constituted and operate on democratic principles;

15.2.5 have a formal written constitution and acceptable democratically elected committee(s) or structure(s), which operates in a transparent, accountable, and responsible manner; and

15.2.6 demonstrate an agreed level of management and financial accountability and stability.

15.2.7 the sports body must abide by the anti-doping policy of the institute for Drug Free Sport, and WADA as adopted by SASCOG

15.2.8 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.

16 SUBORDINATE STATUS OF MEMBERS

16.1 Members shall be subordinate to the Mpumalanga Sports Confederation and must comply with this Constitution, the Regulations, the Rules and any directives issued by the Mpumalanga Sports Confederation from time to time subject to the proviso that any directive shall not be in conflict with any requirement of SASCOG.

16.2 Members' constitutions and any rules or regulations formulated thereunder shall not be in conflict with the SASCOG Constitution.

17 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.

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

17.1.4 the criteria and procedure for acceptance of Members;

17.1.5 the colours and emblems of Provincial Members;

17.1.6 the membership fees and subscriptions to be paid by Members;

17.1.7 the obligations of Members with respect to financial statements and books of accounts;

17.1.8 the grounds on which Members may be suspended from membership to Mpumalanga Sports Confederation; and

17.1.9 any amendment to any DISTRICT Sports Confederation's constitution.

17.2 The criteria referred to in 15 above shall, include the following requirements:

17.2.4 No Member will be eligible to acquire or to retain membership of the Mpumalanga Sports Confederation unless it has a constitution which provides for:

17.2.4.1 open elections to be held at intervals of not more than four (4) years;

17.2.4.2 minutes of meetings and annual financial statements to be presented to its membership;

17.2.4.3 the member must recognize and accept the authority of SASCOC; and

17.2.4.4 it has complied fully with such provisions of its constitution and has provided written proof of such compliance to the Mpumalanga Sports Confederation.

17.2.5 No Member may be affiliated to the Mpumalanga Sports Confederation unless it is entitled to take its own decisions on any matter connected with its affiliation independently of any external body;

17.2.6 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.

17.2.7 In the event of a Member wishing to enter into an agreement with any company, which may change the Member and its affiliation with the Mpumalanga Sports Confederation, it shall inform the Mpumalanga Sports Confederation of its intentions in writing and disclose all information of whatsoever nature to the Mpumalanga Sports Confederation, to enable it to consider the affiliation or continued affiliation of the said Member is in the best interests of sport in the Province.

18 AFFILIATION

- 18.1 The Mpumalanga Sports Confederation shall apply for affiliation to the South African Sports Confederation and Olympic Committee (SASCOC) and will be liable to pay an annual levy as determined by the membership of SASCOC at its general assembly.
- 18.2 The provisions of this Constitution shall be subject to, and not in conflict with the SASCOC's Memorandum and Articles of Association and any rules, policies or regulations of SASCOC. In the event of such conflict, the provisions of the SASCOC's Memorandum and Articles of Association, or rules or policies or regulations shall prevail.

19 MPUMALANGA ACADEMY OF SPORTS

- 19.1 Mpumalanga Academy of Sports shall be established as a high performance wing of Mpumalanga Sports Confederation as per the South African Academies guideline policy framework as promulgated by SASCOC.
- 19.2 Mpumalanga Sports Confederation executive committee shall replace the then board as defined in the old MAS constitution and shall assume the management of MAS
- 19.3 Provincial federations shall work closely with MAS in implementing the sports specific programmes as enshrine in the policy.
- 19.4 Mpumalanga Academy of Sports shall provide the following services:
- 19.4.4 Living expenses (transport to training sessions, meals)
 - 19.4.5 Coaching
 - 19.4.6 Medical assessments, screening and interventions
 - 19.4.7 Scientific support and interventions
 - 19.4.8 Technological support and interventions
 - 19.4.9 Life skills and career counseling and guidance
 - 19.4.10 Information services
 - 19.4.11 Education and Training

19.4.12 International exposure (training camps, competitions, exchange programmes)

19.4.13 Talent identification, development and nurturing

20 POWERS OF THE MPUMALANGA SPORTS CONFEDERATION

20.1 The Mpumalanga Sports Confederation shall have all powers as may be necessary or reasonably required in law to achieve its objectives as set out in clause 5 above, and for its proper and efficient functioning and administration, it shall have the following powers:

20.1.4 it shall be capable to exist on its own and shall continue to exist even after its membership changes;

20.1.5 to purchase or acquire in any way land, buildings, agencies, shares, debentures and every other kind or description of movable and immovable property;

20.1.6 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;

20.1.7 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) may not exceed 15% (fifteen per centum) of the total proceeds of the collection;

- 20.1.8 to borrow money;
- 20.1.9 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;
- 20.1.10 to invest funds in any manner;
- 20.1.11 to open and operate banking accounts with any registered bank or financial institution in the Republic;
- 20.1.12 to open a banking account and authorize those officials who may sign, issue, accept, endorse, draw and execute on behalf of the Mpumalanga Sports Confederation any negotiable instruments, powers of attorney or other deeds or instruments;
- 20.1.13 to make, draw, issue, accept, endorse and discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments;
- 20.1.14 to enter into indemnities, guarantees and suretyship and to secure payment thereunder in anyway;

- 20.1.15 to sue and to be sued in its own name;
- 20.1.16 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;
- 20.1.17 to enter into contracts and to execute any contracts deeds and documents provided that the Mpumalanga Sports Confederation 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.

21 FINANCE

- 21.1 The activities of Mpumalanga Sports Confederation 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:-
 - 21.1.4 reasonable agreed remuneration for the services actually rendered on behalf of the Mpumalanga sports confederation;
 - 21.1.5 reimbursement of actual costs, expenses or other commitments incurred on behalf of the Mpumalanga Sports Confederation;

21.1.6 payment of such monies to affiliates as found advisable for the advancement of sport in the Province;

Furthermore:-

21.1.7 All payments shall be authorized by any two (2) of three (3) duly authorized persons appointed by the Provincial Executive Committee;

21.1.8 The Mpumalanga Sports Confederation may invest its funds in the manner contemplated in clause [18.1.7] of this constitution;

21.1.9 The Executive Committee shall open and maintain a bank account for the Mpumalanga Sports Confederation.

21.2 The 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 Mpumalanga Sports Confederation or any document may be open to inspection by Members not being Provincial Executive members or by the Mpumalanga Sports Confederation's Membership at the General Assembly.

21.3 The Mpumalanga Sports Confederation is prohibited from carrying on any business undertaking or trading activity, otherwise than to the extent that -

21.3.4 The undertaking or activity is -

21.3.4.1 integral and directly related to the sole object of the Confederation;

21.3.4.2 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

21.3.4.3 is not integral and directly related to the sole object of the Confederation, or it should be of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation.

22 GOVERNING BODIES

22.1 The General Assembly

The Mpumalanga Sports Confederation General Assembly shall be the supreme decision making body of the Mpumalanga Sports Confederation and shall comprise all Members meeting at the occasion of a General Meeting.

22.2 Executive Committee

22.2.4 There shall not be less than (15) fifteen Executive Committee members who are not connected persons in relation to each other, and shall comprise the following Executive members:

22.2.4.1 The President, who shall not be entitled to serve for a period in excess of (three) 3 terms in that office and shall be for the purposes of the composition of the Executive Committee, deemed not to represent either a Provincial Sports Federation and/or a DISTRICT Sports Council.

22.2.4.2 The two (2) Vice-Presidents who shall be referred to as the First and Second Vice-Presidents. The Vice-President polling the highest number of votes in terms of the procedure set out below shall be referred to as the First Vice-President; and the second highest referred to as the 2nd Vice-President.

22.2.4.3 Ten (10) additional Executive Committee members.

22.2.4.4 One (1) additional member elected by the Athletes Commission from Sportsmen who are currently still participating in the Sport at a competitive level, and duly elected by current participating athletes in whatever Sporting Code they represent.

22.2.4.4.1 One (1) additional member elected by the Coaches Commission as established by MSC in line with the national coaches framework

22.2.4.5 22.2.4.5

22.2.4.6 Any co-opted members, as determined by the Executive Committee, but shall not exceed four (2) in number and who shall have the full powers to vote on any issues before them. It is specifically recorded that if and when such additional co-opted member are appointed, the Executive Committee shall take cognisance of any gender or other sensitivity matters which may arise out of the elections.

22.2.5 The members of the 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 Executive Committee members shall be eligible for re-election and shall retain office until their successors have been elected.

22.2.6 Any person elected to a position on the 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.

22.2.7 The positions of provincial executive officer and chief financial officer (should they be remunerated positions in terms of a contract of employment) shall be appointed by the elected Executive Committee as employees. Any other portfolios identified by the Executive Committee shall be appointed by the Executive Committee.

22.2.8 The executive committee shall have the right/obligation to establish an administration wing in line with its operation and objective. And shall delegate certain powers to the PEO who shall be the accounting officer of MSC.

22.2.9 The executive committee shall assume the Academy responsibility. Shall establish in consultation with DCSR the provincial and district academies in line with the South African Academies guidelines policy framework as adopted and promulgated by SASCOC.

23 POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

23.1 The powers of the Mpumalanga Sports Confederation shall be exercised by the Provincial 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 Executive Committee and without in any way limiting such powers and authority, they shall have the following powers and duties:

23.1.4 To oversee, and if necessary manage, the activities of the Mpumalanga Sports Confederation, which shall include and shall not be restricted to:

23.1.4.1 The activities of its Members;

23.1.4.2 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 Provincial federation, this should be conducted in consultation with the National Federation.

23.1.4.3 Appoint such sub-committees or commissions upon such terms as it may consider necessary to give effect to its powers;

23.1.4.4 Mpumalanga Sports Confederations shall be responsible for:

23.1.4.5 Establishment and management of Mpumalanga Academy of Sports and shall perform the following roles and duties:

23.1.4.6 Oversee the implementation of the academy System in the province as shall be guided by SASCOC;

23.1.4.7 Monitor the activities of the Provincial Academy in the province as shall be guided by SASCOC;

23.1.4.8 Ensure that Academies are properly governed in

- line with SASCOC's policies and guidelines;
- 23.1.4.9 Consolidate all activities in the Province, including at district level and Sport Schools and provide feedback reports to SASCOC;
- 23.1.4.10 Liaise with District Sports Confederations to ensure there is monitoring of regional programmes in their respective regions;
- 23.1.4.11 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 infringes the Constitution, the Rules, the Regulations, directives or resolutions of Mpumalanga sports confederation or of SASCOC engages in any act of misconduct, improper practices, misdemeanour, acts of defiance, or brings the Mpumalanga Sport Confederation and/or SASCOC into disrepute;
- 23.1.4.12 Prepare and monitor a detailed business plan for the Mpumalanga Sports Confederation and its activities, as approved by the General Meeting.
- 23.1.4.13 Control of monies in terms of a budget as approved by the General Assembly.
- 23.1.4.14 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 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 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;

23.1.4.15 In matters of mutual interest, the Mpumalanga Sports Confederation and any eligible Members may enter into a written agreement covering issues such as the establishment of a joint liaison committee, communication, competitions whether Provincial or otherwise, compensation, levies, disputes, officials, coaches and the like;

23.1.4.16 Subject to the Constitution, Rules and Regulations, to delegate any of its powers or functions to the management committee;

23.1.4.17 Approve the budget and all intended expenditure of the Mpumalanga Sports Confederation.

23.1.4.18 Enact, repeal and amend the Regulations of the Mpumalanga Sports Confederation, provided that:

23.1.4.18.1 the Executive Committee may make no regulation which is inconsistent with this Constitution, and

23.1.4.18.2 any regulation made by the Provincial Executive Committee shall be tabled at

the next Annual General Meeting of the Mpumalanga Sports Confederation 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.

22.1.1.13 The Executive Committee shall meet at least four (4) times per annum.

22.1.1.14 Subject to the provisions of this constitution and to any decision of the General Assembly, the Executive Committee shall have the authority to do anything or take any steps, which might be done by the MSC 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:

22.1.1.14.1 to attend to all legal matters on behalf of the MSC;

22.1.1.14.2 to host, when applicable, any events in conjunction with the appropriate structures and organizations concerned;

22.1.1.14.3 generally to execute any legal act on behalf of the MSC, thus doing all that is necessary for the fulfillment of the objectives in the MSC, provided that such act is not contrary to the constitution or any instruction of the General Assembly.

22.1.1.15 No member of the Executive Committee who has any direct or indirect interest in or who would benefit from any contract to be entered into between the MSC and a third party, shall be present at the meeting at which such contract is considered, debated and decided.

22.1.1.16 The quorum for meeting of the Executive Committee shall be 50% plus 1 (one) of its members.

22.1.1.17 a simple majority shall be sufficient to carry any decision of the Executive Committee.

24 ELECTION OF OFFICERS

24.1 Subject to the provisions of this clause, the election of the Executive Committee members shall be by vote of Delegates present at a Quadrennial 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 Executive Committee.

24.3 Employees of the Provincial Sports and Recreation Department are not eligible to stand for election onto the Executive Committee and executive Members of the Mpumalanga Sports Confederation are not eligible for full time employment by the Provincial Sports and Recreation Department.

24.4 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 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.

- 24.5 Any Member in Good Standing shall be entitled to submit nominations for the President, the two Vice-Presidents and the Executive Committee members referred as determined in clause 21.2.1.
- 24.6 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.
- 24.7 Sixty (60) days prior to the date of the Quadrennial Meeting the Secretary shall distribute nomination forms to Members per registered post, telefax and /or electronic mail.
- 24.8 Members shall submit the original nomination forms to the Mpumalanga Sports Confederation's auditor such that they are received at least thirty (30) days prior to the date of the General Meeting. The closing date and time shall be specified in a circular distributed by the Secretary with the nomination forms.
- 24.9 No nomination form will be accepted by the Mpumalanga Sports Confederation unless:
- 24.9.4 The nomination form is signed by the president/chairperson and the secretary of the Member submitting the nomination; and
 - 24.9.5 The nominee has submitted to the auditor 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 auditor at least thirty (30) days prior to the date of the General Meeting.

- 24.10 The onus shall be on the Member concerned to ensure that nominations and acceptances are received by the auditor on or before the closing date.
- 24.11 Within seven (7) days after the closing date for nominations, the auditor shall submit a list of those persons properly nominated to the Secretary. The original nomination forms shall be retained by the auditor, and shall be available for inspection if required at the Quadrennial General Meeting.
- 24.12 The Secretary shall send the list of nominations as received from the auditor 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 office, shall continue in office for the further period.
- 24.15 The first person to be elected shall be the President. Should only one nomination be received, the candidate shall be declared duly elected.
- 24.16 Following the election of the President, the two Vice-Presidents shall then be elected. Should only two nominations be received, voting procedures will be followed to determine the 1st and second Vice President. Should more than two nominations for these positions be received, then such nominations will be determined by means of a ballot with the two

candidates polling the most number of votes elected to the positions of Vice-Presidents. If the second and/or third ballot does not yield a candidate polling more votes than any other candidate the electoral officer will draw the name of one candidate who shall be declared the successful candidate.

- 24.17 If one candidate polled the highest number votes, he/she will be elected first Vice-President and there will be a second ballot in respect of all candidates who polled the second highest number of votes.
- 24.18 Following the election of the two Vice-Presidents, the Electoral Officer shall announce the names of the successful candidates.
- 24.19 Ten (10) additional Executive Committee members in accordance with clause 21.2.1.3 shall be elected using a single round of voting.
- 24.20 Announce the name of the duly elected athletes' representative who shall be elected by the athletes of the province irrespective of the sporting code, to represent the athletes' needs on the governing body.
- 24.21 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.
- 24.22 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.

- 24.23 Subject to the provisions of these Clauses, Executive Committee members shall hold office until their successors have been elected at an Annual General Meeting.
- 24.24 A vacancy in any office of the Executive Committee shall occur:
- 24.24.4 Upon the death of a member;
 - 24.24.5 If a member is absent from three (3) consecutive meetings of the Provincial Executive Committee without prior permission unless the Provincial Executive Committee upon good cause being shown, otherwise decides; or
 - 24.24.6 If a member is found guilty of having conducted himself/herself in any manner likely to prejudice the objects or activities of the Mpumalanga Sports Confederation or SASCOC and/or whose conduct has the effect of bringing the Mpumalanga Sport Confederation and/or SASCOC and/or sport into disrepute.
 - 24.24.7 If a member becomes of unsound mind;
 - 24.24.8 If a member is sequestered;
 - 24.24.9 If a member proposes a compromise with his/her creditors generally;
 - 24.24.10 If a member resigns his/her office by notice in writing to the Mpumalanga Sports Confederation; and
 - 24.24.11 If a member becomes an employee of the Provincial Sports Department
- 24.25 Should the office of any member of the Executive Committee become vacant, the remaining members of the 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 President become vacant, the Provincial Executive Committee shall, at its next meeting,

elect one of the two Vice-Presidents to act as President 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 or sport council.

- 24.26 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 Mpumalanga Sports Confederation 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 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 Mpumalanga Sports Confederation may establish and maintain a branch register.

26 GENERAL MEETINGS OF MEMBERS

- 26.1 The Mpumalanga Sports Confederation 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 Provincial Executive Committee may, whenever it thinks fit, convene a General Meeting, at any time and place as determined by them. Provided that there are a minimum of three (3) duly elected Provincial 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 General Meeting in the same manner as the previous meeting called by the Executive Committee.
- 26.3 A General Meeting shall be called by the 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.
- 26.4 Subject to the provisions of this Clause a General Meeting shall be held at such time and place as the Provincial Executive Committee shall determine.
- 26.5 The Secretary shall, by registered post, 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 Provincial Executive Committee. The Annual General Meeting shall be called no later than 30 November of each calendar year.

- 26.6 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 for the Meeting and the audited financial statements of the Mpumalanga Sports Confederation to all Members per registered post and/or telefax and/or electronic mail not less than fourteen (14) days prior to the Annual General Meeting.
- 26.7 Members must forward in writing 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.
- 26.8 The Quorum at any meeting shall be 50% plus one of the membership.
- 26.9 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:

27.2.4 the place;

27.2.5 the date and the hour of the meeting; and

27.2.6 in the case of special business, the general nature of such business,

and shall be given in the manner hereinafter provided or in such other manner as may be prescribed by the Mpumalanga sports confederation in General Meeting and to such persons as are, under the clauses, entitled to receive such notices from the Mpumalanga sports confederation.

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 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 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 are 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 President or, in his/her absence, the First Vice-President or the Second Vice-President shall preside as chairperson at every General Meeting and the Executive Committee meetings of the Mpumalanga Sports Confederation.
- 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 Executive Committee shall choose one of their number to act as chairperson and, failing any 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.
- 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 Mpumalanga Sports Confederation 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:
- 28.9.4 the poll shall be taken in such manner and at such time as the chairperson of the meeting shall direct;
 - 28.9.5 the chairperson of the meeting shall be entitled to appoint scrutineers;

- 28.9.6 no notice of a poll other than an announcement at the meeting at which it is demanded shall be required;
- 28.9.7 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;
- 28.9.8 a demand for such a poll may be withdrawn; and
- 28.9.9 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 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.

29 REPRESENTATION

- 29.1 Each DISTRICT Sports Council shall be entitled to appoint three (3) Delegates to represent it at General Meetings.
- 29.2 Each Provincial Federation shall be entitled to appoint three(3) 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 President / Chairman and General 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.

30 VOTING RIGHTS

- 30.1 All Members in Good Standing and eligible to vote shall be entitled to vote at any General Meeting of the Mpumalanga sports confederation.
- 30.2 No Member shall be entitled to obtain any form of proxy vote whatsoever.
- 30.3 Each Provincial Federation shall have three (3) votes and each DISTRICT Sports Council shall have one (1) vote per delegation.

- 30.4 Each Provincial executive member shall have one (1) vote.
- 30.5 It is specifically recorded that, irrespective of the number of Delegates present at the meeting, the Delegate nominated to cast the votes on behalf of his/her respective delegation, shall exercise the number of votes to which that Member is entitled. As per Clause 29.3
- 30.6 For the purpose of the election of the Executive Committee:
- 30.6.4 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.
- 30.6.5 The President shall act as chairperson at all meetings of the Mpumalanga Sports Confederation, except elections, and shall have a deliberative as well as a casting vote.
- 30.7 At the conclusion of the meeting all elected Executive members shall immediately take office and constitute the Executive Committee.

31 MINUTES AND INSPECTION

- 31.1 The Executive Committee shall record all resolutions of the Mpumalanga Sports Confederation taken at General Meetings in a book provided for that purpose.
- 31.2 The minutes kept in terms of clause 31.1 (or any extract there from) which purports to be signed by the chairperson of the Executive Committee or by any member of the Executive Committee or the Secretariat shall be *prima facie* evidence of the matters therein stated.

31.3 The minute book shall be open for inspection.

32 COMPLIANCE WITH THE CONSTITUTION OF SASCOC

The powers of the Mpumalanga Sports Confederation shall not be exercised in a manner which is contrary to the Constitution of SASCOC. In the event of a conflict, the Constitution of SASCOC will take precedence.

33 DISPUTE PREVENTION AND RESOLUTION

33.1 Every Member falling under the jurisdiction of the Mpumalanga Sports Confederation shall ensure that any dispute that it has with a body or individual falling under the jurisdiction of the Mpumalanga Sports Confederation is resolved in accordance with the Dispute Prevention and Resolution Procedures set out in the Constitution, Rules and Regulations of SASCOC.

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 Mpumalanga

Sports Confederation shall approach a Court of Law to decide on a dispute it has with a body or individual affiliated.

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, and without the prior written approval of SASCO.
- 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

- 34.1 The MSC acknowledges that awarding of Provincial Colours may be done by the body authorized by the MSC.
- 34.2 The MSC shall ensure the promotion of and the maintenance of a high standard by sports codes in awarding such provincial colours.
- 34.3 The MSC shall control the design of any colours and /or emblem as approved by the General Assembly and registered by the MSC, 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 MSC.

34.4 the emblem of the MSC shall be the Provincial emblem.

34.5 The colours of the MSC shall be the colours registered with SASCO.

35 DISSOLUTION

35.1 The Mpumalanga Sports Confederation may be dissolved at any time by a resolution in favour of dissolution by a majority of not less than four-fifths 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.

35.2 upon the dissolution of the Mpumalanga Sports Confederation its property not consisting of money shall be sold and the proceeds, together with so much thereof as shall consist of money, shall be applied in satisfaction of the debts and liabilities of the Mpumalanga Sports Confederation and subject thereto, the balance shall be distributed equally among affiliates of the Council which are also registered as a "Public Benefit Organization" in terms of Section 30 of the Income Tax Act, or to some other similar public benefit organization which has been approved in terms of section 30 of the Income Tax Act No 58 of 1962, to be determined by the Council at of before the time of its dissolution or, failing such determination, by the court.

This Constitution was adopted on **23 July 2013** at **NKANGALA DISTRICT MUNICIPALITY – STEVE TSHWETE** and is signed by:

Mr Linda Zwane
President

Mrs Virginia Raseroka
Vice president (admin)

ADOPTED