



## CONSTITUTION

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Surfing South Africa is a member of the South African Sports Confederation and Olympic Committee (SASCOC), the African Surfing Confederation (ASC) and the International Surfing Association (ISA), the World governing body for Surfing.

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## PART 1.

### PREAMBLE

1.

#### CONSTITUTION

This constitution, together with duly authorized amendments and addendums thereto, shall be that of Surfing South Africa which is recognized as the governing body for Surfing in South Africa. Surfing South Africa is the recognized governing body for the following surfing disciplines – SURFING, LONGBOARDING, BODYBOARDING, STAND UP PADDLEBOARDING, KNEEBOARDING and ADAPTIVE SURFING. All of these disciplines fall under Surfing South Africa's jurisdiction and sanction and Surfing South Africa ratifies and applies for National Colours via SASCOC for all the disciplines listed.

2.

#### EFFECTIVE DATE

The effective date of the constitution shall be that of the first Annual General Meeting of Surfing South Africa held on June 2<sup>nd</sup> 2001, all the provisions hereof having been duly ratified and adopted at such meeting.

3.

#### INTERPRETATION

In this Constitution, unless the context otherwise indicates, and/or unless inconsistent with the context:

“**SSA**” shall mean Surfing South Africa.

“**Annual report**” shall mean the report submitted by the President to the Annual General Meeting of SSA and shall include such other reports by any members of the Board of Directors, which the Board of Directors considers should be presented in such Annual General Meeting.

“**Club**” shall mean those clubs in good standing, which are affiliated to a District.

“**Permanent Member**” shall mean those members of the Board of Directors appointed in terms of clause 27.1 hereof.

“**Member**” shall mean those provincial organizations affiliated to SSA

“**Provincial Organization**” shall mean those organizations in good standing, which are affiliated to SSA, and who control all aspects of the sport of surfing at provincial level, provided that any provincial organization affiliated to the United Surfing Council of South Africa immediately prior to the effective date shall be deemed to be a provincial organization for the purpose of this constitution.

“**Districts**” shall mean those organisations in good standing, which make up the Provincial Organisations.

“**Surfing**” shall mean the act of riding an ocean or man made wave on a surfboard of any size or dimension whilst in a standing position, and “**surfer**” shall have a corresponding meaning.

“**Surfriding**” shall mean the act of riding an ocean or man made wave on any type of board whilst in a standing, kneeling or lying position. This shall extend to any sport where the primary force that moves the individual's equipment is a wave of natural or artificial source. In addition any activity on the waves on any type of equipment or an activity in open flat water on any type of equipment used for surf riding will be part of this definition.

“**Year**” or “**Financial Year**” shall mean the period of one-year ending on 31 March each year.

4.

#### PERSONA

Notwithstanding anything herein contained to the contrary, words importing the singular number shall include the plural, and vice versa, and words importing the masculine gender shall include females, and words importing persons shall include bodies corporate.

## PART 2.

### OBJECTS AND MEMBERSHIP

#### 5.

##### NAME

The name of the organization shall be Surfing South Africa. (SSA)

#### 6.

##### HEADQUARTERS

The Headquarters of SSA shall be those determined by the Board of Directors from time to time.

#### 7.

##### OBJECTS

- 7.1 The main objects of Surfing South Africa shall be:
- 7.1.1 To be the single governing body for all disciplines of surfing in South Africa and be recognized as such by the International Surfing Association.
  - 7.1.2 To promote the interests of surfing in all its forms, socially, recreationally and competitively, within the provinces of the Republic of South Africa.
  - 7.1.3 To promote and regulate surf riding in line with the requirements of Sport and Recreation South Africa and the South African Sports Confederation and Olympic Committee.
  - 7.1.4 Recognise and adhere to the Articles of Association of SASCOC and the Sport and Recreation Act of 2007.
  - 7.1.5 Recognise the exclusive jurisdiction of SASCOC the Sport and Recreation Act of 2007 and the Court of Arbitration for Sports.
  - 7.1.6 To give specific attention to the development of surfing in South Africa and to generate interest in surfing amongst the youth, disadvantaged communities and those with disabilities while paying special attention to the process of transformation.
  - 7.1.7 To organize and promote all levels of surfing administration and to sanction, foster, organize and manage national and international surfing competitions and championships and to award badges, colours, medallions and certificates in all disciplines, as appropriate.
  - 7.1.8 To cooperate with any bodies, and persons for the improvement of the sport of surfing, and the securing of public recognition and financial support for the sport.
  - 7.1.9 To improve and guard the better interests of the marine environment and ecology, and to actively voice disapproval of environmental or ecological decisions unacceptable to the surfing community.
- 7.2 **Ancillary Objects of SSA shall be:**
- 7.2.1 To draft publish and introduce rules and standards for the management and control of all surfing disciplines, and surfing competitions, and for the judging of surfing competitions. Such rules and standards to conform generally to equivalent international rules and standards in force from time to time.
  - 7.2.2 To coordinate the activities of all provincial organizations.
  - 7.2.3 To promote and encourage the formation and affiliation of provincial organizations.
  - 7.2.4 To promote uniformity of laws for the control and regulation of surfing and to establish national colours and badges and to award same in recognition of surfing, administrative achievement or excellence and meritorious service to surf riding.
  - 7.2.5 To resist, express and show dissatisfaction of any discriminatory laws, whether racial, sexist or the like.
  - 7.2.6 To ensure that participation in surfing is made available to all sectors of the community and is not restricted for reasons of finance, gender, disability or any other type or form of discrimination.

8.

JURISDICTION

This constitution and/or any rules and/or regulations framed hereunder, shall be binding on provincial organizations, national partner associations, districts, clubs and individuals and the Board of Directors shall have the right to take disciplinary action against any of these or any person to enforce the observance thereof.

10.

MEMBERSHIP

- 10.1 The membership of SSA shall be open to all males and females, irrespective of age, health status, ability, race, colour or creed or financial position. Any person who is a full member of a provincial organization shall be eligible to hold any office in SSA.
- 10.2 Membership of SSA shall include members of Provincial Organisations  
No person, whether as player, administrator, spectator, or in any other capacity whatsoever who participates in or is associated with any person or code of sport which practices, perpetuates, fosters, condones or furthers any form of racism, separatism, ethnicism, discrimination, sexism or any other form of double standards in sport or elsewhere, shall be eligible for or entitled to retain membership of SSA.

11.

AFFILIATION AND FEES

- 11.1 Any provincial organization applying for affiliation to SSA, shall forward its constitution (and any amendments thereto) together with its proposed colours, badges or other emblems to SSA, & shall provide such other information as the Board of Directors may require from time to time.
- 11.2 All applications for affiliation to SSA shall be in writing, and be submitted for approval to the National Committee, who may deal with such application in whatever manner it may deem fit.
- 11.3 The National Committee shall, from time to time, determine the affiliation fees to SSA.
- 11.4 Each provincial organization shall be liable to pay a pro rata share of the total affiliation fees required by the National Committee, relative to the number of paid up members affiliated to that provincial organization.
- 11.5 All provincial organizations must submit their complete membership lists, latest audited financial statements, minutes of their most recent AGM and a list of their incumbent office bearers to SSA no later than 45 days prior to July 31<sup>st</sup> of each year to remain in good standing with SSA.
- 11.6 Any provincial organization, national partner association, district, club or person affiliated to, or being a member of SSA, that is in default of payments or has any liability to SSA, shall be liable to such disciplinary action as the Board of Directors in its sole unfettered discretion may see fit to take including suspension of membership for such period or periods as the Board of Directors shall decide.

12.

RECORDS AND INFORMATION

- 12.1 All records, books finances and documents of any organization affiliated to SSA shall be made available for inspection by the Board of Directors or any person or committee delegated thereto by the Board of Directors at such time and place as they shall specify in writing.
- 12.2 The documents and financial records, (including copies) of SSA and its affiliated organizations, shall be kept for a period of three (3) years
- 12.3 All provincial organizations affiliated to SSA shall forward to SSA a certified true copy of their audited annual Balance Sheet and Financial Accounts within thirty (30) days of the holding of their Annual General Meeting.
- 12.4 At least 45 days before July 31<sup>st</sup> of each year, each provincial organization shall submit to SSA a certified record of all its members, such certification to be by the chairperson of such provincial organizations.
- 12.5 There is no provision in this constitution for the loan of SSA funds to any individual, elected or appointed official, nor to any affiliated organization.

**PART 3.**

**MANAGEMENT**

13.

**NATIONAL COMMITTEE (NATCOM)**

The National Committee shall consist of the following officers:

- The President of SSA
- The Vice President of SSA
- The Deputy President of SSA
- The Permanent members of the Board of Directors
- The Patron or Patrons of SSA
- The Chairperson or their nominee of each provincial organization

14.

**THE BOARD OF DIRECTORS (BOD)**

14.1 Permanent Members

14.2 The Board of Directors shall consist of such permanent officers as may be appointed in terms of paragraph 27.1 and shall consist of all or some of the following permanent officers:

- The President of SSA
- The Vice President of SSA
- The Deputy President of SSA
- Five (5) elected members of the Board of Directors

15.

**GENERAL MANAGER**

The General Manager shall be a paid employee and shall be appointed by the Board of Directors as set out in paragraph 18 hereunder.

16.

**PERMANENT STAFF**

Permanent staff shall be appointed by the Board of Directors under the same guidelines used when appointing the General Manager.

## PART 4.

### POWERS AND DUTIES

#### 17.

##### POWERS AND DUTIES OF THE NATIONAL COMMITTEE (NATCOM)

- 17.1 The National Committee shall be the highest authority in SSA. It shall be the policy making body of SSA & shall be empowered, through the Board of Directors, to carry out & achieve the objects of SSA.  
The National Committee shall have the following powers:
- 17.1.1 To submit recommendations to an Annual General Meeting or Special General Meeting of the members of SSA regarding any amendments to the constitution.
- 17.1.2 To approve Rules and Regulations and to give proper effect to any of the powers or duties conferred or imposed upon it by this constitution, or any other law, including anything reasonably necessary or incidental thereto, and also for all or any of the following matters:
- 17.1.3 To instruct the Board of Directors to do any lawful act or thing to advance the objects of SSA.
- 17.1.4 To decide and adjudicate upon any dispute arising from the interpretation of this constitution or any other matter within the affairs of SSA.
- 17.1.5 Upon a two thirds majority decision to remove from office any member of the Board of Directors where the National Committee has satisfied itself that such member of the Board is not fit to hold office for any reason whatsoever, but particularly on account of his failure to carry out their functions and duties as a member of the Board or alternatively if such member is in breach of paragraph. 9.3 Of this constitution.
- 17.1.6 To empower the Board of Directors to appoint a Disciplinary Committee (which need not necessarily include a member or members of the Board or NATCOM) to take such disciplinary action against any provincial organization or any member thereof, national association or any member thereof as it may in its unfettered discretion see fit to take for purpose of enforcing the provision of this constitution, and/or any of the rules or regulations framed thereunder (refer to paragraph 29)
- 17.1.7 To delegate to the Board of Directors any of its powers and or duties, with or without provisions.
- 17.1.8 To appoint a Patron or Patrons of SSA.
- 17.1.9 To consider and approve applications for membership of SSA from any provincial organization, and to receive recommendations in that regard from the Board of Directors.
- 17.1.10 To approve or not approve the fees and other charges to be levied by the Board of Directors.
- 17.1.11 To gain affiliation to the International Surfing Association, (ISA) and to the National Sports body/bodies within South Africa recognized by the National Committee as being the controlling body for sport in the Republic of South Africa, namely the South African Sports Confederation and Olympic Committee (SASCOC).
- 17.1.12 To cooperate with all South African sporting bodies in the promotion of sport, free of discrimination of any kind, amongst all the population groups and sexes of the Republic of South Africa.



18.

POWERS AND DUTIES OF BOARD OF DIRECTORS

The Board of Directors shall be the executive branch of SSA and shall be responsible with the

General Manager for the day to day administration of the affairs of SSA & shall have the following powers:

- 18.1 To open and conduct in the name of SSA such bank accounts as may be necessary from time to time, and to deposit, and withdraw monies from such accounts.
- 18.2.1 To invest the funds of SSA in any recognized banking institution or building society, or any other body or organization approved by the Board of Directors and to conduct the proceedings, business, finances and administration of SSA
- 18.2.2 To administer and conduct surfing competitions and to coordinate judging and coaching procedures, methods and criteria
- 18.2.3 To conduct any other SSA business regarding the furthering of the aims and objectives of the organization
- 18.2.4 To seek, arrange and conclude agreements or sponsorships in the name of SSA and to ensure that the requirements of these agreements relating to the appropriate use of such funds, as indicated in the contract(s), is adhered to.
- 18.2.5 To acquire by lease, purchase or otherwise or to contract, maintain, alter or improve, or to sell, let exchange or lease, any movable or immovable property.
- 18.2.6 To consider and make recommendations to the National Committee for amendments to the constitution and any of the rules and/or regulations framed there under, including the introduction of new rules and regulations.
- 18.2.7 To report to the National Committee any matters concerning disciplinary action instituted or to be instituted against any provincial organization, national association, club or person.
- 18.2.8 In the name of SSA, to enter into contracts wherever and whenever necessary in pursuance of the aims and objects of SSA.
- 18.2.9 Where the office of a member of the Board of Directors becomes vacant through any cause other than the expiration of their term of office, the Board of Directors may appoint an alternative officer to fill such vacancy, subject to ratification by the National Committee in accordance with the provisions of paragraph 27.1
- 18.2.10 To assign specific functions, powers and duties to all or any of the members of the Board of Directors, and to define what such functions, powers and duties are.
- 18.2.11 Adhere to the provisions of clause 10.3 hereof to levy and collect all of any of the following:
  - Affiliation fees;
  - Membership fees;
  - Contest sanction fees;
  - Contest entry fees;
  - Any other fee or charge arising out of the activities of SSA
- 18.2.12 To attend all meetings of the National Committee inclusive of the AGM and any Special General Meeting.
- 18.2.13 To raise funds on behalf of SSA, and subject to the provisions of any law or laws governing the raising of such funds, to conduct fund raising activities throughout South Africa
- 18.2.14 To appoint sub-committees to act on behalf of or to make recommendations to the Board of Directors, with such delegation of powers as may be necessary.
- 18.2.15 To select National Surfing Teams including judges and officials to participate in both National and International surfing competitions, and to apply for the award of SA team colours to members as is hereinafter provided for.
- 18.2.16 To apply to the relevant authority for the award of National colours.
- 18.2.17 To appoint the General Manager and such officers and staff as it may deem necessary, (and to dismiss them) and to prescribe the terms and conditions under which such appointments are made, and to pay such remuneration as it may deem fit, provided that the amount of such remuneration shall not exceed the maxima as is approved by the Board of Directors from time to time.

To pay such honorariums and commissions as may be decided upon from time to time, provided that the amounts so paid shall not exceed the maxima for honoraria and commission approved by the Board of Directors-
- 18.2.18 To do any other legal act or thing in pursuance of the aims and objectives of SSA
- 18.2.19 To appoint the members of the -Provincial Organisations and their committee members, as per the guidelines laid out by SASCOC and the Demarcation Board of South Africa. These appointments shall only hold office for one term, thereafter the newly constituted District Organizations, as per the guidelines of SASCOC and the Demarcation Board of South Africa shall elect the committee members of the Provincial Organizations.

19.

POWERS AND DUTIES OF THE GENERAL MANAGER

- 19. The General Manager shall be responsible for the day to day running of SSA
- 19.1.1 The General Manager shall have the following powers:
  - 19.1.1.1 To coordinate all aspects of surfing within South Africa, this shall include but not be limited to the following:
  - 19.1.1.2 Coordination of the National Senior, Junior and Women Series.
  - 19.1.1.3 Coordination of the events and properties owned by SSA, such as the National Championships, SA Junior Championships, SA Masters Championships, SA Grommet Games and any other event that is a property owned by Surfing South Africa.
  - 19.1.1.4 Coordination of the Coaching & Judging program.
  - 19.1.1.5 Fundraising for the running of SSA.
  - 19.1.1.6 Presenting of budgets to the Board of Directors when called upon to do so.
  - 19.1.1.7 Arranging the opening of Bank Accounts in the name of SSA. This shall include as signatories at least two Directors and the General Manager.
  - 19.1.1.8 Coordinating and maintaining a National Development & Transformation Program.
  - 19.1.1.9 Compiling an annual schedule of surfing contests & assigning such contests the title "Sanctioned Event."
- 19.1.2 The General Manager shall also be required to negotiate various contracts to further the objects of SSA. The General Manager shall not be entitled to enter into any contracts without having first obtained the necessary consent of the Board of Directors, unless the Board of Directors has given prior consent to the General Manager to enter into such contract. In this regard, contracts will be presented for ratification at the Board meeting succeeding the signing of the contract. The appointed signees will take full responsibility for the conditions attached to such contracts.
- 19.1.3 The General Manager shall be entitled, in conjunction with the Board of Directors, to appoint such officers and/or employees, as the he may deem necessary, provided that the necessary consent or subsequent ratification of the Board of Directors is obtained.
- 19.1.4 The function of the General Manager shall be restricted to national affairs, and will in no way impede the day to day running of the provincial organizations or national associations.
- 19.1.5 The General Manager shall keep a record of SSA membership on an electronic database-indicating name, address, telephone number, date of birth and representivity.

20.

POWERS & DUTIES OF PERMANENT STAFF

As outlined in their respective Employment Contracts.

**PART 5.**

**MEETINGS AND RELATED MATTERS**

21

**ANNUAL GENERAL MEETINGS**

- 21.1 The Annual General Meeting of SSA shall be held not later than July 31<sup>st</sup> each year.
- 21.2 Only the chairperson (or appointed nominee) of a provincial organization , which is a member in good standing of SSA, as well as the Board of Directors, the General Manager and other SSA staff members shall have the right to attend any Annual General Meeting. Only the provincial delegates authorized to attend the AGM on behalf of the affiliated organisations shall be entitled to vote.
- 21.3 Notice convening an Annual General Meeting, shall be given by the General Manager, by post or email to the Board of Directors and to the chairperson of every provincial organization affiliated directly to SSA at least 30 days prior to the meeting. Such notice shall specify the date, time and place of the meeting and shall be signed by the General Manager.
- 21.4 Failure to communicate a notice of meeting to any member or members shall not invalidate the proceedings at such meetings.
- 21.5 The following items of business shall be considered at an Annual General Meeting every second year, or if there are vacancies on the Board of Directors.
- Election of the President of SSA.
  - Election of the Vice President of SSA.
  - Election of the Deputy President of SSA.
  - Election of other members of the Board of Directors.
  - Any other items of business requested by the chairperson of a provincial organization in writing to the General Manager shall be considered at every AGM.
  - The General Manager shall compile the Agenda and forward the submitted Agenda items to the Board of Directors and to the chairperson of every provincial organisation affiliated directly to SSA no later than 21 (twenty one) days prior to the date of the AGM.

22.

**SPECIAL GENERAL MEETINGS**

- 22.1 A Special General Meeting of SSA shall be convened by the General Manager when required to do so by the National Committee, or on receipt of a written requisition signed by three affiliated provincial organizations.
- 22.2 The notice convening any Special General Meeting shall be given in the manner provided for in paragraph 21.3 hereof, as read with paragraph 21.4

23.

MEETINGS OF THE NATIONAL COMMITTEE

- 23.1 Meetings of the National Committee shall be held at least once in every year, at such time and place as shall be determined by the General Manager in consultation with the President of SSA.
- 23.2 The General Manager shall give at least thirty (30) days notice of such meeting. Items to be included on the agenda must be forwarded to the General Manager at least twenty one (21) days prior to the meeting. The General Manager shall forward the final agenda of business to each NATCOM & Board member no later than ten (10) days prior to the date of the National Committee Meeting.

24.

MEETINGS OF THE BOARD OF DIRECTORS

- 24.1 Meetings of the Board of Directors shall be held at least twice in every year, at such time and venue as is decided upon from time to time, by the Board of Directors.
- 24.2 At least thirty (30) days of notice of such meeting shall be given by the General Manager. Items to be included on the agenda must be forwarded to the General Manager at least twenty one (21) days prior to the meeting. The General Manager shall forward the agenda to each member of the Board, no later than 10 days prior to the date of the Board of Directors Meeting.

25.

MISCELLANEOUS PROVISIONS

- 25.1 Quorum for Meetings.
- 25.2 The quorum for Annual General Meetings, and Special General Meetings of SSA shall be fifty (50) per cent of the members of SSA, whilst in the case of National Committee and Board of Directors Meetings, a quorum shall be one half plus one of the number of members of the National Committee, or the Board of Directors, as the case may be.
- 25.3 If at the expiration of ten (10) minutes after the time at which any meeting was to have been held, a quorum has not assembled, no meeting shall take place, unless it is decided by a unanimous decision of the members present to allow further time not exceeding thirty (30) minutes, for a quorum to assemble. Notwithstanding these provisions the members may by a majority vote agree to adjourn the meeting. Such adjourned meeting may not take place until the expiry of five (5) days from the date of the decision to adjourn such meeting.
- 25.4 Where any meeting has been adjourned for lack of a quorum, the number of members present at the adjourned meeting shall constitute a quorum.
- 25.5 President to Preside  
At every meeting the President or in their absence the Vice President or failing them the Deputy President shall chair the meeting. If all are absent the members present will elect the chairperson for that meeting. The President may appoint a chairperson of their choice for any SSA Meeting.
- 25.6 Minutes of Meetings  
The General Manager, or such other person as may be nominated by him, shall keep a true and accurate record of the proceedings of all meetings, and shall cause these to be prepared, and circulated by post to all members of the National Committee or the Board of Directors, as the case may be.

25.7 Voting

25.7.1 Annual General Meetings and Special General Meetings

Only provincial organizations in good standing, members of the Board of Directors, the General Manager and SSA staff may attend an AGM or a Special General Meeting. Only the officially appointed delegates authorized to represent a provincial organization in good standing with SSA (or their nominees) shall have the right to vote at such meetings. Provincial organizations shall be entitled to cast votes equal to the number of their members that appear on the membership lists submitted to SSA in terms of para.12.4. . Members of the Board of Directors shall have no vote.

25.7.2 Meetings of the National Committee

Each official delegate representing a provincial organization affiliated to SSA, shall have the right to cast one (1) vote, as will the President, the Vice President, the Deputy President and the members of the Board of Directors.

25.7.3 Meetings of the Board of Directors

Each permanent member of the Board of Directors in attendance at a Board Meeting shall have the right to cast one (1) vote.

25.7.4 Any Chairperson of a provincial organization affiliated to SSA, who is unable to attend an Annual General Meeting, Special General Meeting or National Committee Meeting may appoint a nominee to vote at such meeting on their behalf. The appointment of a nominee must be in writing and must be signed by the chairperson concerned. Such written notice shall be posted, faxed or emailed to the General Manager to reach him/her prior to the commencement of the meeting.

25.7.5 The General Manager and Permanent staff members shall have no voting rights at any meetings whatsoever.

26

GENERAL

- 26.1 Every motion moved and seconded shall be submitted to the meeting by the chairperson, and every member present who is entitled to vote shall vote thereon by a show of hands, unless a majority of members present shall have requested a poll. The declaration by the chairperson that a motion has been carried, or not, shall be final.
- 26.2 Any motion to rescind a resolution passed at a previous meeting must be signed by at least three National Committee members (provincial organizations in the case of National Committee meetings,) and in the case of meetings of the Board of Directors, by three permanent members of the Board.
- 26.3 At any Annual General Meeting or Special General Meeting, the chairperson presiding at the meeting shall not have a casting vote, and in the event of the chairperson no longer being a member of SSA, but presiding only by virtue of his holding the position as chairperson until the election of his successor, the quorum required shall be exclusive and not inclusive of such chairperson, and he shall have no vote.
- 26.4 In the case of equality in the votes cast for the candidates at the election of the President, the Vice President, Deputy President and other members of the Board of Directors, the chairperson shall determine the matter by lot.
- 26.5 This constitution may not be amended and/or added to in any way, except at an Annual General Meeting or Special General Meeting of SSA. The notice given for such meeting shall specify the proposed amendments and/or additions to be made to this constitution. A majority of two thirds or more of the voting members present shall be required before any proposed alterations and/or additions to the constitution can be carried into effect.

**PART 6.**

**ELECTION OF OFFICERS**

27.

ELECTION OF THE BOARD OF DIRECTORS

- 27.1 The President, Vice President, Deputy President and other members of the Board of Directors shall be elected at the Annual General Meeting or at a Special General Meeting specially called for this consideration. Each member shall be elected for a two-year period. The members of the Board of Directors shall be elected on the basis of, inter alia, their ability to meet the following criteria:
  - 27.1.1 Expertise in the particular field to be covered by the appointment.
  - 27.1.2 Ability to organize and carry out the functions attached to the appointment
  - 27.1.3 Previous experience in a similar capacity
  - 27.1.4 Availability of resources and time to adequately fulfill the requirements of the appointed position
- 27.2 Procedure  
All members eligible to vote at this meeting shall cast a vote and no member may abstain.
- 27.3 The period of office of each member of the Board of Directors shall be for the two-year period ending when the next election takes place for the position on the Board of Directors.
- 27.4 The term of office of the President of Surfing South Africa shall be limited to three (3) consecutive terms.
- 27.5 The Board of Directors shall regulate the portfolios of each Board member as well as that of the General Manager, by reducing it to writing.
- 27.6 The National Committee thereto shall ratify such written portfolio and any subsequent variations, alterations or amendments.

## PART 7.

### AWARD OF NATIONAL COLOURS

28.

#### AWARD OF NATIONAL COLOURS

- 28.1 The Board of Directors shall have the power to award National Surfing Colours to members and to nominate members for the award of National (Protea) Colours to the SA Confederation of Sport and Olympic Committee. (SASCOC).
- 28.2 National (Protea) Colours shall be applied for and awarded to those surfers selected to represent South Africa in sanctioned International Surfing Association competitions and other international events approved by the Board of Directors.
- 28.3 National (Protea) Colours shall be applied for and awarded to those surfers who constitute the teams competing in the biennial ISA World Games and other World Championship or International events held under the auspices of the International Surfing Association (ISA) to which a South African surf riding team is invited.
- 28.4 This also applies to other international events approved by the Board of Directors and hosted or sanctioned by Surfing South Africa in South Africa.
- 28.5 The award of National (Protea) Colours shall be made in accordance with the Code of Practice for the award of such colours published by the Colours Board of SASCOC.
- 28.6 Selection of National Teams shall be a function of the Board of Directors, or a Selection Committee appointed by the Board of Directors.
- 28.7 In the case of National Teams, selection shall be on merit, and a series of one or more trials or camps may be held prior to the final selection of the team. All selections shall be subject to ratification by the Board of Directors and selection shall take into account the commitment to appropriate transformation within the sport of surf riding.
- 28.8 The award of National (Protea) Colours shall be subject to the approval of SASCOC.
- 28.9 The names of all recipients who have been awarded National (Protea) Colours shall be recorded by the General Manager.

## PART 8.

### LEGAL AND DISCIPLINARY PROCEDURES

29.

#### LEGAL PROCEDURES

Surfing South Africa may sue or be sued in any capacity in legal proceedings in its own name. The President, the Vice President, Deputy President or the General Manager, may sign any power of attorney on behalf of SSA which may be required for this purpose,

30.

#### DISCIPLINARY ENQUIRIES

- 30.1.1 Disciplinary enquiries are the prerogative of the Board of Directors (BOD), who in conjunction with the National Committee may appoint a Disciplinary Committee (DC) of not less than three (3) individuals who shall hold office for a period of one year from date of appointment, to hear such matters. There shall be one such committee at any time.
- 30.1.2 Functions; The BOD shall be entitled to investigate any disciplinary matter referred to it where it appears that a breach of any rule or other provision of the constitution, codes of conduct or rules and regulations has taken place. Any provincial organization, national association, club or individual may present any complaint against a member to the BOD.
- 30.1.3 The BOD shall have the power to call for information and it shall be the duty of every member to provide such information or further information, as the case may be, or as the BOD may consider necessary, to enable it to decide whether a prima facie case has been made against the member concerned. The BOD may request further information, as it considers necessary in order to carry out its duties.
- 30.1.4 Before reaching a decision the BOD shall ensure that the member has been sent a notice in writing of the alleged infringement, or failure, at least 21 days before the meeting of the DC and shall ensure that the member is given an opportunity to make written representation of the facts and matters which the member wishes the BOD to consider, before they reach a decision to proceed or not. The BOD may, at its discretion, give the member and chance to be heard in person or by telephone or by making this presentation to a duly authorized person.
- 30.1.5 In deciding whether a complaint ought to be actioned, the BOD should take into account any previous facts or matters involving the member concerned. The BOD shall consider whether a complaint discloses a prima facie case for disciplinary action. If it is of the opinion that in all the circumstances (a) no such case exists, it may determine then no further action will be taken or (b) if the case has been made, the BOD will refer the complaint to the DC.
- 30.1.6 If the BOD finds under (b) above it shall set out details of the complaint and the prima facie case made out against the member and shall notify the member of this. These details together with a summary of the facts and matters before the BOD as well as a copy of the summary of any/all representations made by the member shall be sent to the DC.

#### **Disciplinary Committee:**

- 30.1.7 The BOD shall appoint the DC of not less than three (3) persons and there shall be one committee at any time. The DC shall meet to hear any complaint made against or by a member or by the NATCOM or BOD.
- 30.1.8 The DC shall, as soon as reasonably practicable, notify the member under question (MUQ) of the date time and place of the hearing and of the terms of the formal complaint. The DC shall give the MUQ a reasonable opportunity to be heard. The MUQ may have legal representation or may be represented by another qualified person or by an individual who is a member of SSA.



- 30.1.9 If the MUQ does not attend the hearing then, provided that the DC is satisfied that notice was served on the individual, they may proceed to hear the complaint in the absence of the MUQ
  - 30.1.10 The DC may obtain the services of a legal advisor when dealing with any formal complaint.
  - 30.1.11 A notice or any other document(s) that are required to be served shall be sent by registered post to the last known business address or residential address of the MUQ. Service will be deemed to have been effected by correctly addressing, prepaying and sending the registered documents and letter at the expiration of eight hours after such letter was posted. If the DC is of the opinion that the complaint has been proved it shall make such order as it sees fit which shall include: a fine, suspension or both, or in the case of a doping offence as may be prescribed by WADA.
  - 30.1.12 Whenever the DC makes an order under 30.1.11 above it shall, as soon as practicable, inform the BOD of its decision.
  - 30.1.13 Any finding under 30.1.12 may include a directive that the MUQ pays to SSA such sum as the DC may in its discretion determine. This sum might be to reimburse in whole or in part the costs incurred in the disciplinary process including any costs of the BOD. Any such costs shall be paid within 30 days of the date of the order unless otherwise determined by the DC except that if notice of appeal is given such costs shall not be payable until the determination of the appeal and then subject to any order made by the Appeals Committee (AC)
  - 30.1.14 Any period of suspension or sanction imposed on a person shall render that person ineligible to train, practice, compete, coach, judge, organize, commentate, administer, promote or act for or on behalf of SSA and its affiliates during that period.
- Appeals Committee:**
- 30.2.1 The BOD shall appoint an AC of not less than three (3) persons who shall hold office for one year from the date of appointment. No persons shall be appointed onto the AC who is also a member of the DC. There shall be one such committee at any time
  - 30.2.2 If the DC makes an order as aforesaid against the MUQ the MUQ may within 21 days of the date of service upon such order give notice of appeal to the General Manager of SSA. Any such notice shall state the grounds of appeal and these shall not be amended except with the permission of the AC.
  - 30.2.3 A notice of appeal shall be referred promptly by the GM to the AC who may in its discretion stay the order made by the DC.
  - 30.2.4 No appeal shall be based solely on the question of costs.
  - 30.2.5 As soon as practicable after receipt of the notice of appeal the AC shall notify the appellant of the time and place of the hearing. The AC shall take into account any reasonable date time and venue for the appeal and shall give the appellant, who may be represented by a lawyer or other appropriate person, a reasonable opportunity to be heard.
  - 30.2.6 If the appellant does not attend the hearing then provided that the AC is satisfied that the due process was followed they may proceed to hear the appeal in the appellant's absence.
  - 30.2.7 The AC may instruct a lawyer/solicitor or any other appropriately qualified person to act as legal advisor in the hearing.
  - 30.2.8 The AC shall take into consideration the evidence and documents produced by the DC and may if it sees fit review new evidence.
  - 30.2.9 On any appeal the AC may affirm, vary or rescind any order or orders as it in its discretion sees appropriate.
  - 30.2.10 The AC shall as soon as is practicable notify the GM who shall inform the BOD and NATCOM of the decision. The AC shall inform the appellant of its decision and order on the same day that it notified the GM.
  - 30.2.11 The decision of the AC shall be binding on all parties.

**Conducting of a Disciplinary Hearing:**

- 31.1.1 The Disciplinary and Appeals Committees shall determine their own procedures, having due regard to the principles of natural justice, but shall not be bound by rules of evidence and shall be entitled to hear or consider any evidence that might be useful. They shall give weight to any evidence including "hearsay" evidence, as they shall in their discretion determine.
- 31.1.2 A hearing may be conducted and witnesses heard by telephone or other telephonic means where it is considered beneficial to do so. The DC will consider the right to an effective cross examination of witnesses as long as this evidence would not be materially impaired if they do not appear in person and shall only order or allow telephonic evidence if satisfied that this would be the case.
- 31.1.3 Witnesses may be heard and cross-examined.
- 31.1.4 Legal representation shall be allowed
- 31.1.5 A decision may be given orally but will normally be followed by a written decision which will give the reasons for the decision in as much detail as is considered appropriate in all the circumstances.

**Doping Offences**

- 31.6.1 In the case of doping offences the Board of Directors will abide by the anti doping policy of the SA Institute for Drug Free Sport (SAIDS), the World Anti Doping Agency (WADA), as adopted by SASCOC as well as the ISA Anti Doping Code.
- 31.6.2 In dealing with code violations the Board will consult with and be guided by the SA Institute for Drug Free Sport (SAIDS) which is the accredited World Anti Doping Agency (WADA) representative in South Africa.
- 31.6.3 The published SAIDS Anti Doping Code will be used when dealing with code violations and a representative of the Board of Directors will liaise with SAIDS in the event of any doping offence being committed. Disciplinary procedures as outlined in the SAIDS Anti Doping Code, will be followed when dealing with code violations

**PART 9.**

**MISCELLANEOUS MATTERS**

31.

DISSOLUTION

- 31.1 Surfing South Africa may be dissolved by a vote in favour thereof of by at least two thirds of the voting members present at a Special General Meeting convened for that purpose.
- 31.2 Surfing South Africa is required, on dissolution, to transfer its assets to:  
any approved NGO which is required to use those assets solely for the purpose of carrying out one or more NGO activities

32.

MATTERS FOR WHICH THERE ARE NO PROVISIONS

In the event of any matter arising which is within the powers of either the National Committee or the Board of Directors to do, which is not covered by this constitution, and it is considered by the National Committee that provision for such matters be made herein, the National Committee shall have the right to legislate upon such matter temporarily, pending the due alterations and/or amendment of this constitution.

Disputes

- 32.1 The General Manager (GM), shall in accordance with the following procedures attempt to resolve any disputes arising out of or in connection with the enforceability of the constitution or the application or interpretation of its provisions, or any dispute between a member of SSA and SSA32.2 Written notification of the dispute must be referred by the member or by any office holder of SSA itself, who is party to the dispute, to the General Manager.  
Such notice must:
- a. Be marked for the attention of the General Manager
  - b. Be transmitted by facsimile or e-mail to SSA's fax number or email address.
  - c. Be copied to parties to the dispute.
  - d. Briefly set out the nature of the dispute so submitted
- 32.3 The General Manager shall take such steps as he deems necessary to satisfy himself regarding the circumstances and the nature of the dispute so notified including consultation with all parties to the dispute and if necessary with members of the Board of Directors.
- 32.4 The GM shall in consultation with the parties and by way of facilitation or mediation, attempt to resolve the dispute as expeditiously as possible.
- 32.5 Where the dispute cannot be resolved by the GM any party to the dispute or the GM himself may submit the dispute to the Dispute Resolution Centre of SASCOC for resolution in accordance with SASCOC'S Rules for the Resolution of Disputes in Sport.

33.

LEGAL STATUS OF RULES AND REGULATIONS

All rules and/or regulations of the United Surfing Council of South Africa, which were in force immediately prior to the effective date, shall continue to be binding on all members of SSA until they are rescinded.

34.

PAID OFFICIALS

If SSA, or any of its committees agree to employ or use the services of any official, and if such official receives a remuneration for such services, although such official may serve on the National Committee or the Board of Directors at meetings, such official's representations and/or input regarding fees or remuneration would be in an advisory capacity alone, and such official will have no voting rights on this subject whatsoever.

35.

FUND RAISING

Should the services of a fundraiser be made use of for the collection of contributions, the expenses (remuneration and/or commissions included) may not exceed 15% of the total proceeds of the collection.  
The area of operation for fund raising activities shall be the Republic of South Africa.

This Constitution supersedes all prior versions

Proposed July 29<sup>th</sup> 2018

Adopted July 29<sup>th</sup> 2018