

# **CONSTITUTION**

OF

**SCHOOLS WATER POLO SOUTH AFRICA**

(SWPSA)

## **PART I : ESTABLISHMENT, NATURE AND OBJECTIVES**

### **1. ESTABLISHMENT OF ASSOCIATION**

Schools Water Polo South Africa (SWPSA) is hereby constituted as more fully set out herein.

### **2. DEFINITIONS**

In these presents, unless the context otherwise indicates:

2.1 The following words shall have the meanings hereinafter assigned to them:

2.1.1 “the Association” means SWPSA;

2.1.2 “Auditors” means the auditors appointed by the SWPSA from time to time;

2.1.3 “business day” means weekdays other than Saturdays, Sundays, and Public Holidays;

2.1.4 “Chairman” means the Chairman of SWPSA;

2.1.5 “Capitated Member” any individual member of an Affiliate Member who is up to date with submission of the capitation form and with the payment of his/her capitation levies to the Affiliated Member and SSA, and the word “capitation”, “capitated levy” or “capitated levies” and the like shall have the corresponding meaning in context;

- 2.1.6 “this Constitution” means the provisions of this document being the Constitution of SWPSA;
- 2.1.7 “Executive Committee” means the executive committee comprising the executive officers;
- 2.1.8 “Executive Officer/s” means the members elected to the executive committee;
- 2.1.9 “FINA” means Federation Internationale de Natation;
- 2.1.10 “General Secretary” means the General Secretary of SWPSA;
- 2.1.11 “member” means a member of the Association’
- 2.1.12 “month” means calendar month;
- 2.1.13 “Office Bearer” means elected members of the executive committee;
- 2.1.14 “these presents” means this Constitution and regulations and by-laws of the Association from time to time in force;
- 2.1.15 “Provincial Committee” means an elected Provincial Committee;
- 2.1.16 “Swim SA” or “SSA” means the Swimming Association of South Africa;
- 2.1.17 “SWPSA” means SCHOOLS WATER POLO SOUTH AFRICA (SWPSA), an association of its members, which

Association is constituted to represent schools' water polo interests in all schools within the Republic of South Africa

2.1.18 "Vice Chairman" means the Vice-chairman of the Association;

2.1.19 "in writing" means written, printed or lithographed, or partly one and partly the other, and includes other modes of representing or producing words in a visible form;

2.1.20 "year" means calendar year.

2.2 The words and phrases set out above may be added to or deleted as required.

2.3 Any words importing the singular shall include the plural, and vice versa, and words importing any one gender shall include the other;

### **3 INCORPORATION AND STATUS OF THE ASSOCIATION**

3.1 SWPSA shall come into existence on the signature hereof by the last signing of its founding members listed in Clause 13.7 below.

3.2 SWPSA is an association of its members, not for gain.

3.3 SWPSA is an association with separate legal personality independent of its members and with perpetual succession, capable of suing and being sued in its own name; and none of SWPSA's members in their personal capacities shall have any right, title or interest to or in the funds or the

assets of SWPSA nor shall such members be liable for the debts of SWPSA.

3.4 SWPSA acknowledges that SSA is the only body in the Republic of South Africa governing aquatic disciplines and for the purposes hereof, water polo in particular, and SWPSA is bound by the provisions of the constitution of SSA.

3.5 To the extent that any provision set out in this Constitution and rules made in terms hereof are in conflict with the constitution or rules of SSA, the constitution and rules of SSA shall prevail.

#### **4 LIABILITY OF MEMBERS**

4.1 All SWPSA's assets shall be registered or held in the name of or on behalf of SWPSA.

4.2 Members shall not be liable to meet the debts, engagement and liabilities of SWPSA and the liability of members shall be limited solely to the amounts due by them in respect of affiliation and/or capitation fees or other monies payable by them in terms of this Constitution.

#### **5 INCOME, PROPERTIES AND MONIES**

5.1 The income, property and monies of SWPSA from whatever source derived shall be applied and invested solely towards the promotion of the mission and objectives of SWPSA as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise to any member.

5.2 Nothing herein contained shall however prevent the making of grants by SWPSA to a member for the purpose of carrying out SWPSA's objects or furthering SWPSA's interests or the payment of out of pocket expenses to any member of the executive or to the payment of remuneration to any person for any service actually rendered to SWPSA.

## 6 NAME AND COLOURS

6.1 The name of the Association shall be Schools Water Polo South Africa (SWPSA) or such other name as the Association may decide from time to time.

6.2 The colours of SWPSA shall be **Blue** and **White** with the Swim SA emblem.

## 7 MISSION

The mission of SWPSA is the promotion of water polo in all its aspects in all schools within the Republic of South Africa.

## 8 OBJECTIVES

The objectives of SWPSA are:-

8.1 to promote, advance, encourage and foster the game of water polo in the interests of the game and its members and their players;

8.2 to bring about and maintain close co-operation between its members;

8.3 to guide and assist members in their administration and general conduct of water polo competitions;

8.4 to promote and encourage the holding of competitions, championships and tournaments and to assist in the conduct and control thereof;

8.5 to formulate, control and regulate the conditions governing the playing of water polo at tournaments, championships and other events as the Association may from time to time organise or promote;

8.6 to promote inter-provincial schools water polo competitions;

8.7 to arrange an annual inter-provincial schools water polo tournament (the SWPSA tournament)

- 8.8 to apply the Rules of Water Polo as framed, promulgated and amended from time to time by FINA and SSA at all water polo tournaments;
- 8.9 to ensure water polo is a drug free sport;
- 8.10 to ensure that all Affiliate Members subscribe and adhere to the transformation policies as determined by SSA from time to time;
- 8.11 to honour deserving parties by making Meritorious Service awards and electing Honorary Life Members;
- 8.12 to raise funds as SWPSA may deem fit and to administer such funds as herein provided, and to make such payments from the funds as may be necessary to carry out the objects of SWPSA save that SWPSA shall not depart from its status as being an association not for gain.
- 8.13 to embrace generally, the objectives of SSA.

## **9 RULES OF WATER POLO AND AMATEUR STATUS**

- 9.1 SWPSA accepts and is bound by the rules formulated, and prescribed by FINA and SSA, together with such amendments or additions thereto as may be adopted by FINA and/or SSA from time to time as such rules and amendments apply to water polo played by amateurs.
- 9.2 Notwithstanding the aforementioned SWPSA may allow changes to such rules with regard to size of pools within which the water polo is played, the duration of periods of play and any other rule changes necessary for the smooth and efficient running of tournaments.

## **PART II – ADMINISTRATION**

### **10 FINANCIAL YEAR END**

The financial year end of the Association is 30 April of each year.

### **11 BOOKS OF ACCOUNT**

11.1 Proper books of account and records of its affairs shall be kept by SWPSA.

11.2 SWPSA shall appoint auditors / accountants who shall

11.2.1 keep the books of account of SWPSA

11.2.2 keep all administrative records of SWPSA

11.2.3 annually produce financial statements based on sound and generally accepted accounting principles and practice in the Republic of South Africa

11.2.4 submit on behalf of SWPSA all required returns to relevant authorities

11.3 The offices of the said auditors / accountants appointed from time to time shall be the offices and *domicilium citandi et executandi* of SWPSA.

11.4 SWPSA shall

11.4.1 not later than 31 May of each year forward its annual report to its members and the general secretary of SSA; and

11.4.2 not later than 30 September of each year forward its duly audited financial statements to its members and the general secretary of SSA.



**PART III – MEMBERSHIP****12 SWPSA**

- 12.1 SWPSA shall be an associate member of SSA.
- 12.2 SWPSA once constituted as provided for above, shall apply to the general secretary of SSA for such associate membership.
- 12.3 To the extent that SSA may require if any, this Constitution shall be amended from time to time in order to allow SWPSA to acquire and retain associate membership of SSA; and to the extent that the provisions of this Constitution are in conflict with that of SSA, the provisions of the constitution of SSA shall prevail;
- 12.4 SWPSA shall comply with the provisions of the constitution and rules of SSA.

**13 AFFILIATE MEMBERS**

- 13.1 Affiliated members who are a bona fide body on either a regional, provincial or other basis shall be eligible for membership of and affiliation to SWPSA as an Affiliated Member.
- 13.2 The Affiliated Members of SWPSA and their respective areas of jurisdiction shall be aligned with the boundaries of legislated demarcated boundaries set out in Appendix 1 to the Constitution of SSA.
- 13.3 All applications for Affiliate Membership of SWPSA shall be made to the General Secretary of SWPSA (the General Secretary) and must be accompanied by the prescribed application fee if any, (which shall be refunded if the application should not be approved) together with such

documentation and other information as SWPSA may require in support of the application.

- 13.4 Provided the applicant conforms with the requirements of Affiliate Membership of SSA and SWPSA, such applications shall be considered at a General Meeting of SWPSA and may be accepted only if passed by a two thirds majority of those present and eligible to vote.
- 13.5 The prescribed application fee if any, for intended Affiliated Members shall be determined by the Executive Committee of SWPSA and advised annually at its Annual General Meeting.
- 13.6 All schools offering water polo must register with the Affiliate Member in whose jurisdiction they are situated.
- 13.7 The founding Affiliated Members of SWPSA are
  - 13.7.1 Central Gauteng Schools Water Polo Association
  - 13.7.2 Northern Tigers Schools Water Polo Association
  - 13.7.3 Kwa-Zulu Natal Schools Water Polo Association
  - 13.7.4 Eastern Province Schools Water Polo Association
  - 13.7.5 Border Schools Water Polo Association
  - 13.7.6 Western Province Schools Water Polo Association
  - 13.7.7 Free State Schools Water Polo Association

#### 14 **INDIVIDUAL MEMBERS**

- 14.1 Eligible for individual membership shall be water polo players, coaches and administrators of schools' water polo falling within the area of jurisdiction of an Affiliated Member.
- 14.2 Such individual members shall become an individual member only on capitation and on such capitation shall become a member of the relevant Affiliated Member and thereby of SWPSA and automatically become a member of SSA.

- 14.3 All schools offering water polo shall ensure that all their water polo players are capitated by completing the prescribed capitation form and remitting the capitation form to the Affiliated Member together with the prescribed capitation fee.
- 14.4 All capitations must be completed by the 1<sup>st</sup> of October annually.
- 14.5 Once capitated with the relevant Affiliated Member, the Affiliated Member will retain the capitation form and submit the capitation fee to SSA.
- 14.6 Only individual members capitated with an Affiliated Member will be allowed to compete or officiate in competitions recognised by SWPSA.
- 14.7 Any individual member participating in any competition falling under the jurisdiction of SWPSA shall be deemed to be an individual member and shall be bound by the duties and obligations of a member notwithstanding the fact that his or her membership has not been registered with the Affiliate Member. Such individual member shall be bound by the duties and obligations required of a capitated member yet shall draw no benefits from such team membership until he or she is officially capitated and recognised by SWPSA.
- 14.8 All individual members will be bound by SWPSA's and SSA's code of conduct;
- 14.9 Both SWPSA and SSA shall have the power to sanction an individual member in respect of a violation of their respective Constitutions and their by-laws and rules.
- 14.10 If an individual member transfers from one school to another school in the area of jurisdiction of a different Affiliated Member, the individual member shall inform both affected Affiliated Members who shall in turn be obliged to advise SWPSA.
- 14.11 If an individual member transfers from one school to another within the same area of jurisdiction and Affiliate Member, the Affiliate Member shall

record in its records such transfer but need not advise SWPSA of such transfer.

14.12 Individual members of Affiliated Members are capitated with SSA annually.

14.13 An individual member may/must at any one time only join one recognised school falling within the jurisdiction of an Affiliated Member provided that an individual member may only represent a school or Affiliated Member at an event if he/she was registered with such school or Affiliated Member seven (7) days prior to the closing of entries for the event.

## 15 **HONORARY MEMBERS**

15.1 SWPSA in a General Meeting, passed by two thirds majority of those present and eligible to vote, may elect Honorary Members who shall have been duly nominated by an Affiliated or individual member.

15.2 Honorary members may attend General Meetings of SWPSA and enter into discussions, but shall have no vote at such meetings.

## 16 **FEES**

16.1 The SWPSA financial year shall extend from the 1st May to the 30th April of the following year.

16.2 The annual fees payable by all individual and Affiliated Members

16.2.1 to SWPSA if any shall be determined by SWPSA prior to the commencement of the forthcoming financial year; and

16.2.2 to SSA, shall be determined by SSA prior to the commencement of the forthcoming season.

**16.3 Annual Subscription for Affiliate Members.**

- 16.3.1 The annual subscription due by all Affiliated Members to SWPSA and/or SSA as the case may be, shall be payable not later than 31st May in each year.
- 16.3.2 Should any Affiliated Member be more than two months in arrears in payment of its annual subscription, the defaulting Member, its delegate or delegates shall not have the right to attend any Meeting of SWPSA and/or SSA and all rights and privileges arising from its Membership of SWPSA and/or SSA shall be suspended until all arrears due to SWPSA and/or SSA shall have been paid.
- 16.3.3 The defaulting Member shall, notwithstanding a foregoing suspension of rights and privileges, continue to remain liable to SWPSA and SSA for the fulfilment of all its obligations.
- 16.3.4 Notwithstanding anything hereinbefore contained, an Affiliated Member which fails to pay its annual subscription whether to SWPSA or SSA by 31st May following the season for which the subscription was due, shall, ipso facto, be removed from Membership of SWPSA and SSA and may only be re-admitted if the Member makes an application to SWPSA and to SSA for reinstatement, which shall not be considered until the applicant shall have made payment of all arrear and current amounts owed by it to SWPSA and SSA.
- 16.3.5 Any Affiliated Member who may want to withdraw its affiliation from SWPSA and/or SSA shall give written notice thereof to the General Secretary advising from which date the withdrawal will become effective. The affiliation ends immediately, but no refunds of fees will be made.
- 16.3.6 SWPSA and/or SSA shall have the power to suspend and/or expel an Affiliated Member for violation of this Constitution and/or Bylaws

and/or Rules. The Member concerned shall be allowed to appeal this decision as set out in this Constitution.

16.3.7 During the period of suspension and/or expulsion from Membership, the Affiliated Member, and its individual members, will not be able to participate in any of the activities of SWPSA or SSA.

#### 16.4 **Annual Capitation Fee of Individual Members**

16.4.1 All individual members of Affiliated Members, shall be liable for, and pay to SSA, via their Affiliate body, an annual Capitation Fee.

16.4.2 This Capitation Fee shall apply to any individual member of an Affiliated Member be he/she an administrator, coach, competitor or official or the like, seeking individual membership with SSA through their Affiliated Member.

16.4.3 All individual members shall capitate through their Affiliated Member by completing the SSA approved Capitation Form. The Affiliated Member will retain a copy of the completed Capitation Form.

16.4.4 All capitation levies for individual members of Affiliated Members officiating or participating in any event at any level must have been received by SSA not later than seven (7) days prior to the closing of entries. In the absence of the capitation levies having been received, SWPSA and SSA reserve the right to immediately sanction the individual and/or the Affiliated Member.

16.4.5 Scholars who are temporarily resident outside the boundaries of their Affiliated Member, may register and become an individual member of the Affiliate Member of temporary residence, provided that the school which they attend is in the same area as their temporary residence.

16.4.6 Once capitated, all individual members of Affiliated Members shall be bound by, and agree to uphold the provisions of this Constitution

and that of SSA and that of the Affiliate Member to which they belong.

**16.5 Honorary Member**

Honorary Members shall not be obliged to pay an Affiliation Fee or members fee.

**PART IV – ADMINISTRATION**

**17 ADMINISTRATION**

17.1 The affairs and business management of SWPSA shall be conducted by the Executive Committee; and at General Meetings by the Executive Committee plus ONE delegate from each Affiliated Member. Each of the Executive Officers and each of the delegates shall have ONE vote at all General Meetings of SWPSA.

17.2 No person shall be entitled to act as a delegate for more than one Affiliated Member.

17.3 The aforesaid delegates shall be capitated individual members of the Affiliated Member they represent and shall be appointed by the Affiliated Member in writing.

17.4 Written notice of the names of the appointed delegates who will be attending any General Meeting shall have been received by the General Secretary before the commencement of the General Meeting, failing which such delegate will not be entitled to vote.

**18 EXECUTIVE COMMITTEE**

18.1 The Executive Officers of SWPSA shall comprise :  
In order to redress the previous inequalities and to cater for the needs of the majority of the populace as set out in the SSA

Transformation Policy and Strategy a position on the Executive Committee will be reserved for an individual from a historically disadvantaged background.

18.1.1 a chairperson

18.1.2 general secretary

18.1.3 treasurer

18.1.4 public relations officer

18.1.5 convener: coach's committee

18.1.6 convener: technical office committee

18.1.7 convener: competitions and tournaments

18.1.8 convener: team selection

- 18.2 The Executive Officers each of whom who shall hold office for a period of four years, shall be elected at the Annual General Meeting of SWPSA during the year of the Summer Olympic Games and take office at the first meeting of the Executive Committee after the conclusion of the annual South African Schools' Tournament.
- 18.3 All Affiliated Members and the current Executive Officers shall have the right to nominate Executive Officers.
- 18.4 The written acceptance of the nomination by each nominee shall be furnished by the Affiliated Member or Executive Officer as the case may be, making the nomination. Such nominations, and acceptances, shall have been received by the General Secretary of SWPSA at least twenty one (21) days prior to the date of the Annual General Meeting and all bona fide accepted nominations shall have been announced and notice given to the Affiliated Members not less than ten (10) days before such Meeting.
- 18.5 No nomination will be accepted by SWPSA unless a signed acceptance document accompanies the nomination.
- 18.6 The elected Executive Officers of SWPSA shall constitute the Executive Committee.



**19 MEETINGS OF THE EXECUTIVE COMMITTEE**

- 19.1 The Executive Committee shall meet not less than 4 (four) times annually.
- 19.2 The Executive Committee may hold their meetings in person at the offices of the auditors of SWPSA, at the venue of any tournament held or, if all of the Executive Officers on the Executive Committee participate, by telephone, closed circuit television, video conference or other electronic means of audio or audio/visual communication.
- 19.3 Executive Officers shall be given 45 (forty five) days written notice of executive committee meetings provided that shorter notice may be given if an urgent decision of the Executive Committee is required in the reasonable opinion of a quorum of Executive Officers.
- 19.4 A quorum for the meeting of the Executive Committee shall be 4 (four) executive officers provided that the chairperson or the general secretary is present.
- 19.5 In the absence of the Chairman, the General Secretary will chair the Executive Meeting. In the absence of the General Secretary an ad hoc Chairperson shall be elected by the Executive Officers present to chair the meeting.
- 19.6 All decisions taken at a meeting of the Executive Committee shall be taken by majority vote.
- 19.7 The Chairman of the Executive Meeting, shall, in addition to his deliberative vote, have a casting vote in the event of an equality of votes on any resolution.
- 19.8 Should any Executive Officer absent himself/herself from two consecutive meetings of the Executive Committee, after having received due notice of such meeting and without special leave of absence, his office shall, ipso facto, be deemed to be vacant.

- 19.9 A resolution in writing (whether recorded in one or more documents) signed and dated by all the Executive Officers shall be valid and effective as if passed at a duly convened Executive Meeting.
- 19.10 The Executive Committee shall ensure that a minute of its meetings is recorded in a minute book by the General Secretary, setting out in full any resolutions passed, and that a copy of the draft minutes is delivered by the General Secretary to each Executive Officer as soon as practical after each meeting. Each Executive Officer shall sign his / her copy and return it to SWPSA provided that if any Executive Officer does not agree with the draft minutes in respect of any meeting attended by him / her, he / she shall annotate the minutes accordingly. Any such annotated minutes shall be tabled at the next Executive Committee meeting for approval with or without amendment, as the case may be.
- 19.11 The procedure at all Executive Meetings shall commence as follows:
- 19.11.1 Welcome
  - 19.11.2 Confirmation of notice of Meeting
  - 19.11.3 Apologies
  - 19.11.4 Review of Agenda
  - 19.11.5 Declaration of Interests
  - 19.11.6 Chairman's Introduction
  - 19.11.7 Minutes of the Previous Meeting
  - 19.11.8 Matters arising from these Minutes
  - 19.11.9 Report from the General Secretary
  - 19.11.10 Other matters
  - 19.11.11 Date of next Meeting

## **20 EMERGENCY MEETINGS OF THE EXECUTIVE COMMITTEE**

- 20.1 An emergency meeting of the Executive Committee may be called by a quorate of executive officers on 48 (forty eight) hours written notice to all executive committee members which written notice may include notice by short message service (sms).

- 20.2 Such written notice shall state the place, date and time of such meeting and the business to be discussed at such emergency meeting.
- 20.3 At the emergency meeting no business other than the business included in the notice may be discussed.
- 20.4 Save for the aforementioned the proceedings and decisions taken at an emergency meeting of the executive committee shall be conducted, taken and implemented in the same manner as regular executive committee meetings.

## 21 **POWERS OF THE ASSOCIATION**

SWPSA is a voluntary association with full legal personality and with a continuing existence, independent of changes in membership and office bearers, of indefinite duration. Without in any way derogating from the general powers of SWPSA, the following powers may, inter alia, be exercised by the Executive Committee:

- 21.1 to let or hire movable and immovable property in the name of SWPSA, where it shall appear to be in the best interest of the SWPSA and upon such terms as it may deem expedient to be utilised solely for the purpose of fulfillment of the objectives of SWPSA;
- 21.2 to purchase in the name of SWPSA such property, movable or immovable, as may be considered requisite and necessary to be utilised solely for the purpose of conducting the sporting activities controlled and promoted by SWPSA, noting that no member or office bearer, will be or is entitled as a member, to any of the property, assets or income of SWPSA, or to any portion thereof;
- 21.3 to discipline and/or sanction any Affiliated Member, or any individual member thereof, which or who, in its opinion, has been guilty of any misconduct warranting such action;

- 21.4 to control at all times, capitated individual members or deemed individual members, through the Affiliated Member where the member is registered;
- 21.5 to add to, alter or revoke any of the articles of Constitution of SWPSA at any General Meeting, provided that no such addition, alteration or revocation shall be considered unless twenty one (21) calendar days notice of the motion so to amend the Constitution in writing shall have been given to the General Secretary and by the General Secretary, to each Affiliated Member at least ten (10) calendar days before such Meeting. Such proposed addition, alteration or revocation to become effective, shall require a two-thirds majority of those present at the General Meeting and voting;
- 21.6 to arrange, regulate, suspend or abandon any or all of its competitions or to substitute others in their stead; and
- 21.7 generally to do all things necessary to fulfil the objectives of SWPSA.

## 22 **DUTIES OF EXECUTIVE COMMITTEE**

The duties of the executive committee shall be to

- 22.1 arrange for the proper conduct and management of the affairs of SWPSA
- 22.2 deal with all matters of a routine nature during the periods between General Meetings of SWPSA
- 22.3 purchase such items as may be required for the purpose of carrying out the affairs of SWPSA
- 22.4 negotiate and accept sponsorships in respect of any of the activities of SWPSA;
- 22.5 give rulings within its powers on matters referred to SWPSA by its members that are in good standing

22.6 deal with all cases of misconduct falling within SWPSA's jurisdiction (other than those covered in the FINA handbook) including but not limited to

22.6.1 team management

22.6.2 officials

22.6.3 spectators at Interprovincial Tournaments (IPT) and other SWPSA sanctioned tournaments

22.6.4 an individual or individuals whether as an individual member or representative of an Affiliated Member

22.6.4.1 who in a public statement, comment to the Press or Press interview criticises team/s selection/s, appointment of referee/s or the performance of a referee; and/or

22.6.4.2 in any other manner brings SWPSA or its members into disrepute

22.6.5 participants, whether they be players, coaches, managers or officials at the IPT or any SWPSA sanctioned tournament who through his/her actions, bring SWPSA or the tournament into disrepute through bad behaviour which will include but not be limited to substance abuse, initiation, physical and/or verbal abuse or deliberately and wilfully ignoring tournament rules

provided that any decision by the Executive Committee in terms hereof shall be subject to an appeal to the Appeal Tribunal referred to in Clause 30 below;

22.7 conduct, institute or defend legal proceedings on behalf of SWPSA and be empowered to take evidence on commission;

22.8 record and retain such records of all results and selections arising from SWPSA tournaments and activities;

- 22.9 act as "Holders in Trust" of all trophies, monies and other property of SWPSA and deal with same as SWPSA may decide;
- 22.10 compel where advisable, any Affiliated Member or Individual Member of an Affiliated Member before removing any trophy won by such member, to provide adequate security against loss or damage to or non-return of such trophy;
- 22.11 appoint delegates to represent SWPSA at national and international congresses or meetings where deemed necessary;
- 22.12 ensure that all persons selected to represent SWPSA in all branches of the sport are provided with a suitable uniform;
- 22.13 employ secretarial, technical and clerical assistants wherever necessary;
- 22.14 appoint ad hoc committees to advise the executive committee on urgent matters or to investigate specific matters or problems and to report thereon;
- 22.15 indemnify the Executive Officers of SWPSA in their personal capacities or in their capacities as Executive Officers of SWPSA who are hereby and shall be hereafter indemnified against and free from personal liability for the actions and/or debts and/or liabilities contractual and/or delictual or otherwise of SWPSA;
- 22.16 co-opt and appoint Executive Officers to fill any vacancies which occur between General Meetings;
- 22.17 discuss and make decisions on all matters assigned to them by the General Meetings;
- 22.18 interpret and enforce the rules of FINA, SSA and the Department of Sport and Recreation (and all their legal successors), subject to confirmation at the next General Meeting;
- 22.19 submit proposals to the General Meetings;

- 22.20 decide on and publish bylaws after due consultation;
- 22.21 decide on and publish rules for all national and other SWPSA events;
- 22.22 decide on SWPSA meritorious awards;
- 22.23 act in any case of emergency and make decisions in case of emergencies, subject to ratification by the General Meeting at its next meeting;
- 22.24 determine the dates of all national events;
- 22.25 check the accreditation of all participating in events controlled by SWSPA;
- 22.26 ratify in writing the appointment of all officials and members of teams representing SWPSA;
- 22.27 impose sanctions as and when required;
- 22.28 appoint disciplinary committees and the Appeal Tribunal;
- 22.29 attend to all appeals;
- 22.30 submit at the annual meeting a report of the previous year's activities;
- 22.31 review the deliberations and decisions of all portfolios and respond where necessary.

## **23 GENERAL MEETINGS OF SWPSA**

### **Annual General Meeting**

- 23.1 A General Meeting known as the Annual General Meeting (AGM) of SWPSA shall be convened every year during the week and immediately before the commencement of, and in the same city or centre as, the South African Schools' Tournament.

23.2 All Executive Officers, Affiliated Members and Honorary Members shall receive 60 (sixty) days written notice of the date of the Annual General Meeting.

23.3 All notices of motion to be dealt with at the AGM shall be received by the General Secretary not less than twenty one (21) calendar days before such scheduled meeting failing which such issues shall not be dealt with at the AGM.

23.4 Not less than ten (10) days prior to the AGM, the General Secretary shall give written notice to all Executive Officers and all members entitled to attend the meeting of

23.4.1 the time and venue of the meeting and provide them with a copy of the agenda for the meeting, which agenda shall include

23.4.1.1 all bona fide accepted nominations for executive officers where applicable

23.4.1.2 any notice of intention to amend the constitution

23.4.1.3 applications received for the hosting of the South African Schools Tournament in the forthcoming year

23.4.1.4 applications received for the entering of additional teams and forthcoming South African Schools Tournaments

23.4.1.5 the relegation or promotion of provinces and/or teams

23.4.1.6 the application by a province or region or other body for Affiliate Membership.

## **24 SPECIAL GENERAL MEETING**

24.1 The Executive Committee shall



24.1.1 be entitled in respect of such matters exceeding the authority of the Executive Committee; and/or

24.1.2 on receipt of a written request from not less than 1/3 (one third) of the Executive Committee and/or not less than 2 (two) Affiliate Members

call a General Meeting which shall be known as a Special General Meeting, to consider such matters exceeding the authority of the Executive Committee and/or the matter set out in the written request.

24.2 A Special General Meeting called for as prescribed in 23.1 shall be convened within forty five (45) days after the said written request.

24.3 All Special General Meetings shall be called in writing and notice shall be given to all Executive Officers, all Affiliated and Honorary Members not less than 21 (twenty one) days in advance which notice shall include the agenda for such meeting.

## **25 REPRESENTATION AT GENERAL MEETINGS**

25.1 Each Executive Officer is required to attend General Meetings and each Executive Officer is entitled to one vote.

25.2 Each Affiliated Member is entitled to appoint ONE delegate to the General Meetings and, provided written notice of the appointed delegates is given to the General Secretary prior to the commencement of the meeting, each such delegate present, shall be entitled to 1 (one) vote.

25.3 All Honorary Members shall be entitled to attend the Meeting and to speak at such meeting but such Honorary Member shall not be entitled to vote.

25.4 The Chairman or in his absence, the General Secretary or in the absence of both, an Executive Officer elected by the Executive Officers present, shall be the Chairperson of the meeting.

- 25.5 A quorum at all General Meetings shall be not less than 50% (fifty per centum) of
- 25.5.1 the Executive Committee; and
  - 25.5.2 the Affiliated Members where one delegate for an Affiliated Member is sufficient to establish the presence of such Affiliated Member.
- 25.6 All General Meetings shall be open to Affiliated and Honorary Life Members and to the media, except when the meeting is resolved into committee by the Chairperson or delegates.
- 25.7 If within 30 (thirty) minutes from the time appointed for any General Meeting a quorum is not present, the meeting shall stand adjourned for the same time and place the following day.
- 25.8 Save for a resolution to repeal or amend the Constitution, a resolution shall be passed on the vote of 51% (fifty one per centum) of those present at the meeting and entitled to vote.
- 25.9 No resolution shall be rescinded at the same meeting unless a motion is carried by 2/3 (two thirds) majority of the members present and eligible to vote.
- 25.10 A record of proceedings of General Meetings in the form of minutes shall be kept by the General Secretary and retained together with a record in the form of minutes of previous meetings shall be retained by the General Secretary.
- 25.11 Copies of the minutes of a General Meeting shall be forwarded to each Affiliated Member and to each of such members delegates as attended the General Meeting, but not later than 21 (twenty one) days after the date of such General Meeting.

25.12 At General Meetings the following items and procedures shall be included on the agenda.

- 25.12.1 welcome
- 25.12.2 confirmation of the notice of the meeting
- 25.12.3 confirmation of the delegates present
- 25.12.4 apologies
- 25.12.5 declaration of a quorum
- 25.12.6 minutes of the previous General Meeting shall be read and confirmed as a true reflection of the meeting which confirmation shall be moved and seconded by two authorised members of the meeting
- 25.12.7 matters arising from the minutes
- 25.12.8 “other business” for which due notice has been given save that in the event of an Annual General Meeting “other business” shall be included in the item at the end hereof; and at Annual General Meetings the following additional items shall follow
- 25.12.9 address by president
- 25.12.10 presentation and adoption of the presidents report
- 25.12.11 audited financial statements submitted by the treasurer
- 25.12.12 appointment of auditors for the ensuing year
- 25.12.13 notices of motion
- 25.12.14 in the event of the Annual General Meeting being held in the year of the summer Olympics, or in the event of a vacancy occurring, the election of executive officers
- 25.12.15 reports from all conveners
- 25.12.16 awards meritorious and honorary life membership
- 25.12.17 other business.

25.13 Nominations for Executive Officers shall be submitted by Affiliated members to the General Secretary at least twenty one (21) calendar days before the Annual General Meeting, together with the acceptance of such nominees; and all bona fide accepted nominations shall be announced and notice given to Affiliated Members not less than ten (10) calendar days before such meeting.

- 25.14 Voting papers at the Annual General Meeting shall be retained by the General Secretary until the next Annual General Meeting when they will be destroyed with the permission of the meeting.
- 25.15 Should a vacancy on the Executive Committee occur be it through resignation or dismissal, between Annual General Meetings, the nominee with the highest number of votes among those nominees not elected at the last Annual General Meeting when an election was held, shall be appointed to the vacancy, subject to the approval of the Executive Committee and failing such approval, the executive committee shall be entitled to co-opt and appoint such person as they deem suitable to serve in such vacancy until the next Annual General Meeting.

## **26 EMERGENCY SPECIAL MEETINGS OF SWPSA**

- 26.1 During the currency of any interschools tournament or the SWPSA Inter Provincial Tournament, and at the instance of the Chairman of the Executive Committee or the Tournament Director or on the written request of two Affiliated Members, a special General Meeting (an Emergency Special General Meeting) may be held.
- 26.2 Notice of such Emergency Special General Meeting shall be orally given to all members of the Executive Committee present at the tournament and to at least 75% of Affiliated Members represented at the Tournament including the Affiliated Member most likely to be affected by the motion to be considered.
- 26.3 Affiliated Members may nominate a coach or manager from a team participating in the Tournament to represent them should the chairman of the relevant Affiliated Member not be present at the Tournament or able to attend. Such appointment of the coach or manager may be ratified telephonically by the chairman of the relevant Affiliated Member, or via sms (short message service).
- 26.4 The chairman of such Emergency Special General Meeting shall be the chairman of the Executive Committee and failing him an executive officer

present at the Tournament and elected by those present and entitled to vote and failing such executive officer, the Tournament director and failing him, such member as may be elected by those present at the meeting and entitled to vote.

- 26.5 No business may be discussed at the Emergency Special General Meeting other than the business included in the notice whether such notice be written or oral.
- 26.6 A quorum at such Emergency Special General Meeting shall be 75% (seventy five per centum) of the Executive Officers present at the Tournament and 50% (fifty per centum) of the Affiliated Members represented at the Tournament
- 26.7 To pass a resolution at such Emergency Special General Meeting shall require the votes of 100% (one hundred per centum) of the Executive Officers present at the meeting and 50% (fifty per centum) of the Affiliated Members present at the meeting.
- 26.8 The Chairman of the meeting shall give written notice to the General Secretary of the business discussed at the meeting and the votes taken at the meeting.

## 27 **TOURNAMENTS**

### **General**

- 27.1 SWPSA shall host a South African Schools Tournament (“the Tournament”) every year which Tournament shall

27.1.1 be held at a date most convenient for schools; and

27.1.2 in a town or city within the Republic of South Africa

which date, town or city shall be decided by the AGM each year.

- 27.2 Subject to the approval and conditions imposed by SWPSA
  - 27.2.1 Affiliated Members may host Tournaments for the individual members of such Affiliated Member; and
  - 27.2.2 schools may host tournaments for invitees to such tournaments.
- 27.3 All tournaments held shall be conducted in accordance with
  - 27.3.1 the rules of Water Polo approved by SWPSA from time to time; and
  - 27.3.2 the rules of conduct imposed or accepted by SWPSA from time to time.

## **28 SOUTH AFRICAN SCHOOLS TOURNAMENT**

- 28.1 Affiliated Members may apply to SWPSA to host the South African Schools Tournament (“the Tournament”) which application shall
  - 28.1.1 be in writing and addressed to the General Secretary SWPSA
  - 28.1.2 be received by the General Secretary not later than 31 August of each year or if no such applications are received up to and including the AGM
  - 28.1.3 include the proposed venue or venues together with the written consent of the management of the respective venues
  - 28.1.4 identify the proposed Tournament Director together with the written acceptance of such proposed Tournament Director.
- 28.2 The Executive Committee shall receive and consider all applications to host the Tournament and shall make its recommendations; and the AGM shall decide the dates, town or city and Tournament Director for the hosting of the Tournament for the following year.

28.3 The Tournament Director nominated by and for the Affiliated Member whose application to host the Tournament for the following year has been approved shall

28.3.1 hold office from the conclusion of the Tournament in the year in which he is appointed until the conclusion of the Tournament for which he is appointed; and

28.3.2 be responsible for organising the Tournament;

28.3.3 be subject to the control of the host Affiliated Member

28.3.4 keep SWPSA and all Affiliated Members informed with regard to arrangements including accommodation, specific tournament dates and the like

28.3.5 arrange a suitable venue for the AGM

28.3.6 determine the format and provisions for goal judges, referees and time keepers

28.3.7 generally ensure the smooth running of the Tournament

28.3.8 report to SWPSA in respect of

28.3.8.1 the breach of the provisions of this Constitution

28.3.8.2 the breach of conduct on the part of any individual member, official or player or other appointed official;

28.3.8.3 appoint a treasurer for the Tournament and be responsible to ensure the treasurer accounts to the General Secretary and host Affiliate Member for the finances of such Tournament.

- 28.3.9 The host Affiliated Member may
  - 28.3.9.1 procure sponsorship for the Tournament provided that the terms of such sponsorship are approved by SWPSA prior to the acceptance of such sponsorship
  - 28.3.9.2 levy a fee for teams / players entering the Tournament
  - 28.3.9.3 retain any surplus existing on conclusion of such Tournament.
  
- 28.4 Irrespective of the Affiliated Member hosting the Tournament and the venue for such Tournament, the Tournament shall unless the AGM shall decide otherwise
  - 28.4.1 have an A and B section
  - 28.4.2 cater for players in age groups under 19, 16, 15, 14 and 13.
  
- 28.5 All teams representing an Affiliated Member shall compete in the A section save that application may be made to SWPSA
  - 28.5.1 by an Affiliated Member for its team or teams to enter the B section; and
  - 28.5.2 by an Affiliated Member for one or more of its teams to enter the B section.
  
- 28.6 No player may in any one Tournament represent
  - 28.6.1 more than one team
  - 28.6.2 more than one Affiliated Member.
  
- 28.7 No player already in possession of a National Senior Certificate or similar Matriculation Certificate, may participate in the Tournament.



28.8 All teams participating in the Tournament shall as part of the team have

28.8.1 a manager or management team

28.8.2 an individual being a responsible and competent referee which individual shall be required to referee at the Tournament in addition to any other duties such individual may be required to perform for such team.

28.9 SWPSA shall at SWPSA's cost, provide for referees to be made available by the Water Polo Referees South Africa.

28.10 Members of all teams whether player, coach, referee or manager fulfilling whatever function whether any of the aforementioned or any other, together with any other officiating person or body, shall be subject to the codes of conduct of the Education Department for educators, SSA or any other recognised code, FINA and SWPSA.

28.11 No form of initiation of whatever kind or form shall be practised before, during or after the Tournament.

## **29 INJURIES**

29.1 SWPSA shall not be liable nor responsible for any injuries sustained before, during or after the Tournament nor liable for any damages arising therefrom; and all participants in the Tournament in whatever form or function shall, when required by SWPSA, sign or agree to such indemnity as may be required by SWPSA.

## **30 DISCIPLINARY HEARINGS AND TOURNAMENTS**

30.1

30.1.1 Affiliated Members and Team Managers shall at all times be responsible for and answerable to SWPSA for the behaviour of its members.

- 30.1.2 An Affiliated Member or members, an individual member or member in whatever capacity shall be guilty of an offence and subject to sanction by the Disciplinary Committee if such member/s is found to have
  - 30.1.2.1 breached or contravened the Constitution of SWPSA or SSA; and/or
  - 30.1.2.2 breached or contravened the rules and regulations of SWPSA or SSA; and/or
  - 30.1.2.3 breached or contravened any resolution adopted or ruling made by SWPSA or SSA or the Executive Committee; and/or
  - 30.1.2.4 breached or contravened SWPSA's code of conduct; and/or
  - 30.1.2.5 breached or contravened the rules of any tournament falling within the jurisdiction of SWPSA; and/or
  - 30.1.2.6 brought SWPSA into disrepute; and/or
  - 30.1.2.7 engaged in conduct, behaviour or practice or practices which may be prejudicial to the interest of SWPSA and/or water polo.
- 30.2 In the event of it being alleged that a group or groups or individual or individuals are or have been guilty of behaviour likely to bring SWPSA into disrepute, and in the event of the Executive Committee in Emergency Meeting being of the view that such behaviour warrants intervention, the Executive Committee shall appoint a disciplinary enquiry committee.
  - 30.2.1 The Chairman of the disciplinary committee shall be an Executive Officer appointed by the Executive Committee for that purpose

and he together with two further executive officers shall constitute the disciplinary committee whose decision shall be by majority vote and any decision shall be reported to the next succeeding Executive Committee in meeting, for ratification.

30.2.2 The disciplinary committee shall have the power to deal with matters of a disciplinary nature against players or officials who may be guilty of behaviour likely to bring SWPSA into disrepute or have contravened the rules of conduct imposed or accepted by SWPSA from time to time in a match or competition whether national or otherwise or who has in any other way committed a breach of any rule falling within the jurisdiction of SWPSA.

30.2.3 The disciplinary committee may decide whether, in a particular case, it is necessary to convene a disciplinary hearing or it may adopt any other fair procedure to deal with disciplinary matters.

30.2.4 Any person called to appear before a disciplinary hearing shall be entitled to submit written or oral representations or evidence in person or to be represented by a representative of his Affiliated Member in appropriate circumstances. The Chairperson / President of the Affiliated Member within whose jurisdiction the individual or individuals are capitated shall be entitled to attend any hearing relating to such individual / individuals but shall have no vote.

30.2.5 Any individual member subjected to a disciplinary committee decision shall have the right of appeal to the Appeal Tribunal, whose decision shall likewise be by majority vote and whose decision shall be final.

30.2.6 The disciplinary committee shall consider the representations of the allegor and the alleged offender and shall be entitled to

30.2.6.1 declare the alleged behaviour unproven; or

- 30.2.6.2 not required of sanction; or
  - 30.2.6.3 in the case of an individual or individuals, refuse to admit that person to attend or participate in future tournaments or future tournaments falling under the auspices of SWPSA for a period as the Disciplinary Committee may deem fit;
  - 30.2.6.4 in the event of an Affiliated Member being guilty of such behaviour, terminate or suspend the membership of such Affiliated Member for a period as the Disciplinary Committee may deem fit;
- 30.3 If any such complaint or allegation is made during the currency of a tournament falling within the jurisdiction of SWPSA and in respect of an act or omission committed during such tournament, the executive officers attending such tournament shall forthwith meet in committee to appoint a disciplinary committee.
- 30.4 Such disciplinary committee shall comprise the chairman of the executive committee and failing him the general secretary and failing him the Convenor: Competitions and Tournaments together with a further executive officer plus the tournament director save that in the event of the tournament director being the subject of a complaint, the chairman of the Affiliate Member within whose jurisdiction the tournament falls.
- 30.5 The disciplinary committee shall forthwith summon the alleged offender/s to appear at a hearing by the disciplinary committee which hearing shall be at an appropriate neutral convenient venue as soon as possible.
- 30.6 The alleged offender shall be obliged to attend the disciplinary hearing and may be represented at such hearing by the chairman or next senior member of the relevant Affiliate Member.
- 30.7 The disciplinary committee shall allow the complainant and the alleged offender/s to give evidence and to make representations to the disciplinary

committee whereafter the disciplinary committee shall adjourn giving a time and place at which the disciplinary committee shall make its decision known.

30.8 The disciplinary committee shall make known their finding at such time and such venue referred to above whereafter such decision shall become binding on the member and the tournament director; and the disciplinary committee shall convey their decision to the general secretary together with notes of the hearing.

30.9 At such hearing and having heard the complainant /allegor and the alleged offender and their respective witnesses if any, the disciplinary committee, in its finding is empowered to impose the undermentioned sanctions:

30.9.1 in the case of an individual or individuals:

30.9.1.1 terminate that person's or those persons' right further to participate in or to attend that tournament; and/or

30.9.1.2 terminate that person's or those persons' right to participate in and/or to attend any future tournament falling within the jurisdiction of SWPSA and terminate that person's or those persons' membership for as long as the Disciplinary Committee may deem fit; and/or

30.9.2 in the case of an Affiliate Member, suspend or terminate the membership of the Affiliate Member for as long as the disciplinary committee may deem fit.

30.10 The offender/s shall be entitled to appeal to the Appeal Tribunal, save that pending such appeal the decision of the disciplinary committee shall be binding upon SWPSA and its members.

- 30.11 The disciplinary enquiry referred to above shall be held as soon as possible after the game in which the incident occurred and in any event if at all possible before the player is due to play in the next game.

## 31 APPEALS

- 31.1 Any member sanctioned by a Disciplinary Committee may appeal to the Appeal Tribunal of SWPSA against any decision of that Disciplinary Committee.
- 31.2 All appeals lodged with SWPSA shall be submitted in writing setting forth the facts, accompanied by extracts or copies of all documents quoted, and relating to the matter and such other particulars as may be thought necessary.
- 31.3 All appeals must be lodged with SWPSA within 14 days of the finding of the Disciplinary Committee.
- 31.4 An appellant, on lodging the notice of appeal shall deposit with SWPSA the sum of R1,000.00 (One Thousand Rands) the whole or part of which may be refunded or retained by SWPSA in SWPSA's discretion.
- 31.5 On receipt of an appeal against the Disciplinary action and of the deposit the appeal shall be heard by the Appeal Tribunal as soon as possible but at the latest on the date of the next Executive Committee meeting.
- 31.6 The appellant and the complainant shall be entitled to attend the hearing of the Appeal Tribunal at which hearing both parties may be represented by legal counsel or the chairman of the relevant Affiliate Member.
- 31.7 The Appeal Tribunal has full powers on appeal to deal with the appeal, and at the discretion and as determined by the Appeal Tribunal, hear evidence *de novo*. The Appeal Tribunal has the power to amend and/or vary the

finding and/or sanction of the Disciplinary Committee, including the power to find the appellant guilty of a more serious offence than that as found by the Disciplinary Committee and/or to increase any sanction of the Disciplinary Committee.

31.8 The Appeal Tribunal, at its discretion may refund the deposit paid by the appellant, in whole or in part.

31.9 The Appeal Tribunal shall be constituted by a legal practitioner or retired legal practitioner with at least 10 years practical experience together with two Executive Committee members who were not members of the Disciplinary Committee.

## **32 RULES, REGULATIONS AND BYLAWS**

SWPSA in general meeting, shall be entitled to make rules, regulations and bylaws and amend same from time to time which shall be approved by SWPSA in general meeting and notice thereof given by the general secretary to the members of SWPSA whereafter such rules, regulations or bylaws shall be binding on all members.

## **33 AMENDMENT OF CONSTITUTION**

33.1 This Constitution shall not be repealed or amended except by resolution passed at an annual general meeting or at a special general meeting called for that purpose, which resolution shall be passed by not less than 75% (seventy five per centum) of those present at the general meeting and entitled to vote.

## **34 DISSOLUTION OF SWPSA**

34.1 SWPSA may not be dissolved, wound up or placed in liquidation except by resolution passed at a special general meeting of SWPSA called for that specific purpose which resolution shall be passed by not less than 75% (seventy five per centum) of those present or represented at the meeting and entitled to vote.

- 34.2 If at a special general meeting of the Association it is resolved that SWPSA be dissolved or wound up and placed in liquidation, a liquidator shall be appointed at that meeting. If after payment of all debts and liabilities of SWPSA, any property of whatsoever nature remain, same shall be given to any similar organisation or association.