



KWAZULU-NATAL AQUATICS

CONSTITUTION

As adopted:

1 OCTOBER 2019

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1.0 PREAMBLE

- 1.1 KwaZulu-Natal Aquatics (KZNA) is the official body responsible for the aquatic disciplines of Diving, Open Water Swimming, Swimming, Synchronised Swimming, Water Polo and Masters in the province of KwaZulu-Natal.
- 1.2 KZNA is affiliated to Swimming South Africa (SSA), which is the recognised national body governing the above disciplines in South Africa.
- 1.3 Words importing the masculine gender shall include the feminine gender.
- 1.4 Where the context so requires, words of a plural nature shall include the singular and the singular shall include the plural.
- 1.5 KZNA, based on its activities and objectives, will apply to be registered with the Department of Sport and Recreation and the South African Revenue Services as a Public Benefit Organisation and seek membership with the KZN Sports Confederation.
- 1.6 KZNA and its Members, jointly and severally, (including *inter alia* all registered individual members) agree that they are bound by the provisions of the constitution, bye-laws, rules and rulings of FINA, CANA, SSA or anybody having control over the recognised aquatic disciplines in the Republic of South Africa, and agree to abide hereby.
- 1.7 Unless contrary to the provisions of this Constitution and/or the Constitution of Swimming South Africa (SSA), and insofar as they can be applied hereto, the obligations and duties of KZNA in and to SSA, shall apply *mutatis mutandis* in respect of the Member in and to KZNA.

2.0 DEFINITIONS

- 2.1 Aquatics shall mean the disciplines of diving, masters, open water swimming, swimming, synchronised swimming and water polo, and where applicable Disabled Aquatics; Association shall mean KwaZulu-Natal Aquatics;
- 2.2 Athlete shall mean an individual competitive member of a Club, duly capitated through the completion of the Capitation Form, participating in any of the discipline competitions set up by Districts, Clubs, the Association or SSA;
- 2.3 Capitation Form shall mean the Form that an Individual Member completes, with remittance, and acknowledges that SSA is the only recognised body in the Republic of South Africa that governs Aquatics, and binds the Individual Member to the Constitution and the provisions thereof;
- 2.4 Capitation Fee shall mean levies, remittances, and the like associated with the Capitation Form;
- 2.5 Club shall mean a group of capitated members within a District, appropriately constituted to meet the objectives of the Association and Swimming South Africa. Such capitated members join together for the common purpose of taking part in

competitive activities under the jurisdiction of the Association, and must be organised and managed on a democratic basis. Schools affiliating as a club is exempt from the democratic clause, providing its membership is confined to its pupils;

- 2.6 Competition shall mean any Club, District, Association, National or International aquatic competition or the like, involving any of the aquatic disciplines;
- 2.7 Competitor shall mean an individual competitive member of a Club, duly capitated through the completion of the Capitation Form, participating in any of the discipline competitions set up by Clubs, Districts, Association or SSA;
- 2.8 Disabled Athletes shall mean those athletes who require special needs for their participation in competitions;
- 2.9 Disabled Aquatics shall mean competitions for those Disabled Athletes;
- 2.10 Provincial Council' shall mean the Council referred to in Clause 8.1 hereof;
- 2.11 District Council' shall mean the Council referred to in Clause 8.19 hereof. The District Council is elected from among all clubs in good standing that are affiliated within the politically demarcated district. Such a District Council is constituted to promote the objectives of the Association and Swimming South Africa, and organise competitive aquatic activities under its jurisdiction;
- 2.12 Affiliates' shall mean the Clubs affiliated to KZNA, in accordance with Clause 5.1 hereof;
- 2.13 Association Member' shall mean those associations, with similar activities, that seek association to KZNA;
- 2.14 Members' shall mean the Clubs and Associations in KZNA, and the individual members of such Clubs and Associations;
- 2.15 Capitated Individual Member' means any individual who may be a competitor, technical official, administrator, etc., who has applied for, and accepted into membership by an affiliated club, whose membership is in good standing with the District Council and Association. Such member is additionally in good standing with their capitation levies to their club, district council and Association;
- 2.16 Financial Year shall mean 01 May to 30 April of each year;

3.0 OBJECTIVES

The objectives of KZNA shall be:

- 3.1 To promote and encourage all aquatic disciplines for its abled and disabled members in the area of its jurisdiction.
- 3.2 To ensure that KZNA and any of its affiliates do not practice discrimination on the grounds of gender, race, social origins, sexual orientation, disability, conscience, belief, culture, language, religion or political affiliations.

- 3.3 To promote the formation of Clubs in connection therewith.
- 3.4 To promote and control within its jurisdiction, Championships and competitions in all aquatic disciplines.
- 3.5 To act as Board of Appeal and Tribunal in all matters concerning all aquatic disciplines, and to this end, to adjudicate upon any matter referred to it by any Board, Affiliated Association, Club or individual members concerning:
 - 3.5.1 the meaning of or the interpretation of the Laws connected with the relevant discipline;
 - 3.5.2 any matter of practice or procedure;
 - 3.5.3 any rules, by-laws, regulations and conditions;
 - 3.5.4 any matters of practice, policy, misconduct or complaint which may be within its jurisdiction;
- 3.6 To act as a controlling body for all Clubs and Districts under its jurisdiction;
- 3.7 To make such By-laws as may be considered necessary or desirable with regard to matters of administration and administrative awards, and at the request of the relevant Boards or District structures in respect of
 - the staging of competitions, galas and events
 - the formalities for entry
 - the selection criteria applicable to teams
 - the award of colours
 - the recognition of records
 - and matters ancillary thereto.
- 3.8. To represent the interest of all aquatic athletes of KZNA at all meetings of SSA;
- 3.9 To pass on to Clubs and Districts communications of interest and importance from SSA;
- 3.10 The promotion of learn-to-swim campaigns throughout the province
- 3.11 To stimulate public opinion, by all possible means, so as to influence all authorities to provide facilities for all aquatic disciplines in accordance with the standards as laid down from time to time by SSA, CANA and FINA;
- 3.12 To raise funds by donation, bequest or sponsorship in any lawful manner.
- 3.13 To accelerate the transformation process at all levels of the sport.

4.0 JURISDICTION

- 4.1 The jurisdiction of KZNA shall be the KwaZulu-Natal Province, as defined by the Constitution of South Africa and its subsequent amendments.
- 4.2 The districts as defined by the Provincial and National government within the KwaZulu-Natal Province will fall under the jurisdiction of KZNA.

- 4.3 In order to minimise travel costs related to swimming competitions, the districts in KwaZulu-Natal will be combined to form regions as stipulated below:

North East Region

uMkhanyakude District Municipality
uThungulu District Municipality
Zululand District Municipality

North West

Amajuba District Municipality
uMzinyathi District Municipality
uThukela District Municipality

South West

Sisonke (Harry Gwala) District Municipality
uMgungundlovu District Municipality

South Coastal

Ugu District Municipality
eThekweni Metropolitan Municipality
iLembe District Municipality

5.0 MEMBERSHIP

5.1 Club Membership

Membership of KZNA shall be open to Clubs, Districts and Associations, comprising of individual members, who will act as administrators, officials, coaches and competitors in that Club or Association, subject to the following requirements;

- 5.1.1. Any diving, open water swimming, swimming, synchronised swimming, water polo, masters Club or Association, provided that it has a registered membership of the individual members, as defined in Clause 5.1.6.
- 5.1.2. All clubs, new and old, need to establish a constitution, with their rules aligned to the Association and Swimming South Africa. Such a constitution must include their Codes of Conduct and Ethics
- 5.1.3. A club seeking membership with KZNA must first be affiliated to a District Council responsible for aquatic activities in the district in which the club's base training venue is located, and the district in which the club's primary competitive activities take place.
- 5.1.4. The District Council is responsible to assess the viability of the club, to ensure that it meets the minimum membership requirements
- 5.1.5. A Club seeking membership with KZNA must deposit a fee as determined by Provincial Council from year to year with its application for membership, together with a copy of its constitution and a letter of endorsement from the District Council.
- 5.1.6. A Club seeking membership must register within fourteen (14) days, of paying its deposit fee, at least five (5) officials (Chairperson,

Secretary and Treasurer and two others) and at least five (5) competitors for each Discipline, and nine for a water polo team

- 5.1.7. The Club must confirm to its District the Coaches responsible for its disciplines, and such coaches must be registered with the Association.
- 5.1.8. Should the application for membership be revoked, the application fee will be returned.
- 5.1.9. Provincial Council in its sole discretion may refuse any application for membership, provided that refusal is not based on religious or political belief, gender, nationality or race.
- 5.1.10. Provincial Council is restricted to approving provisional registration for such a club for a twelve (12) month period. Provisional status allows the club the right to participate in all competitive activities of the Association, but is restricted from participating in decision making structures of the Association, including Provincial Council, District Council or Boards.
- 5.1.11. Full membership will be approved at the Association AGM following the twelve month provisional registration, at which point, a full motivation on sustainability is tabled in writing by the District Council, and will include inter alia, membership status, participation in competition and in meetings of the District and participation in training programmes for administrators, technical officials and coaches.
- 5.1.12. At the end of the one year period, the District will review the performance of the new Club, and if in order, grant full membership and voting rights to the Club.
- 5.1.13. Should the membership numbers of competitors in a Club reduce to less than the stipulated number of athletes as per clause 5.1.6, Provincial Council reserves the right to terminate membership of the Club.
- 5.1.14. Should a club not participate in a minimum of 20% of sanctioned competitive events on the seasonal competitions calendar, then that club will be classified as being inactive, and will have to register as a new club for the subsequent season, as per the clauses above.
- 5.1.15. All Clubs are required to forward copies of their constitutions, minutes of the Annual General Meeting, list of elected Executive Members, financial statements and District Council endorsement to KZNA annually by 30th September of each year.
- 5.1.16. All Clubs are expected to meet transformation criteria as set out by the Provincial Council.
- 5.1.17. Should any of the parameters listed in the above clauses not be in place, the new Club may face restrictions or sanctions.

- 5.1.18. Each Club is entitled to two representatives at General Meetings of their District in accordance with the constitution of the District.

5.2 Individual Members

- 5.2.1 All individual members of Clubs and Associations shall automatically become Members of KZNA on registering with a Club or Association, by completing the prescribed Capitation Form remitting to their Club the prescribed Capitation Fee. On completion of the form, the member and in the case of minors and their parents / legal guardians acknowledge that the Association is the only recognised body in KwaZulu-Natal and SSA is the only recognised body in South Africa which governs the aquatic disciplines and agrees to abide to the Constitution, Code of Conduct, By-Laws, Policies and Guidelines of KZNA and Swimming South Africa.
- 5.2.2 On signing the Capitation Form, parents and guardians are deemed to be Individual Members of SSA and are legally bound by the Constitution of SSA.
- 5.2.3 Only individual members may hold any official position in a Club, District Council or Association.
- 5.2.4 An individual member must register with a Club in his district of domicile.
- 5.2.5 Scholars, students or workers who are temporarily resident outside their region of domicile, such as at boarding schools, place of employment or overseas, may register with a Club outside of the district or province for the period in which they are away from their normal period of activity.
- 5.2.6 Competitors will be accepted as being fully registered for competitions when the registration forms and payment have been received by the KZNA Registration Clerk.
- 5.2.7 In the event of an individual being temporarily resident in a district within the province, then proof of such temporary residence will be necessary prior to registration as a member of a club within the district or temporary residence.
- 5.2.8 The Association and SSA shall have the power to sanction an Individual Member for violation of this Constitution, and/or its By-Laws, and/or its Rules.
- 5.2.9 If an Individual Member transfers from one Club to another Club in the same District or within the Association, the transfer is only completed once the transferring club approves and the transferring District Council approves the transfer, then the Association informs SSA of the transfer.
- 5.2.10 If an individual member transfers from one Club to another Club in a different Affiliate of SSA, the transfer is only completed once the transferring club approves and the transferring Affiliate approves the transfer, and SSA is informed accordingly.

- 5.2.11 The closing date for the capitulation of all Individual Members, be they Competitors, Officials, etc., will be 31st October of each year, unless circumstances in mitigation can be proved.
- 5.2.12 In the case of international competitions prior to 31st October of each year, all SSA Individual Members must be capitated within seven (7) days after nomination / selection for that competition.
- 5.2.13 No Individual Member shall have any kind of relationship with a non-affiliated or suspended member.
- 5.2.14 No Individual Member may sit on any Committee or act as an official at or take part in any competition, whilst under sentence of disqualification or suspension for any offence committed by him/her.

5.3 Life Membership

- 5.3.1 Life membership may be conferred upon individuals who, in the opinion of the Council, have rendered outstanding service to KZNA over an extended period of time, and such membership shall be recommended by Council to a General Meeting of KZNA by way of a notice of motion, which should be accompanied by a citation detailing the extraordinary service rendered to the Association.
- 5.3.2 The nominee must be in possession of the Meritorious Service Award.
- 5.3.3 Life membership can only be granted on a two-thirds majority at the General Meeting.
- 5.3.4 No Life Member shall be required to pay any subscription fee or charge after being so elected.
- 5.3.5 Life Members shall have the right to attend all Council Meetings, without a right to vote, and Annual and Special General Meetings, with a right to vote.
- 5.3.6 The award will comprise of the KZNA badge, in accordance with Clause 15.0, with the words LIFE MEMBER underneath.

5.4 Districts

- 5.4.1 Each District structure governs the sport of Aquatics in their area of jurisdiction.
- 5.4.2 At the discretion of the Provincial Council and on recommendation of at least 60% of clubs within that district, after a period of probation, a newly established district will be accorded the status of a full member provided it has established an Executive structure and structures catering for the various aquatic disciplines, these structures have regular meetings and it organises aquatic competitions as accorded to it by the Provincial Boards.
- 5.4.3 A District structure with full membership status will have its own constitution, directly register clubs and manage their own financial affairs

- 5.4.4 Each District Member shall acknowledge in its Constitution and Rules, that SSA is the only recognized body in the Republic of South Africa that governs the aquatic disciplines, and that it is bound by the provisions of the Constitution of SSA.
- 5.4.5 The constitution and rules of a District Member must be aligned to that of its Affiliate and SSA and not be in conflict with those of SSA
- 5.4.6 In the event of such conflict arising, the District Member agrees that the provisions of the SSA Constitution shall supersede those of the District Member.
- 5.4.7 District Members shall provide their Affiliate with a copy of their Constitution on an annual basis.
- 5.4.8 All District Members are directed to align their financial periods with that of their Affiliate and SSA, the financial year ending the 30th April of each year.
- 5.4.9 District Members shall provide their Affiliate with a copy of their Financial Statements by not later than 30 September of each year.
- 5.4.10 Failure to comply with the demands outlined in the above clauses shall render the District Member automatically suspended.
- 5.4.11 No District Member shall have any kind of association with a non-affiliated or suspended body.
- 5.4.12 All District Members must forward their Annual Report to the General Secretary of their Affiliate by not later than the 31st of May of each year.
- 5.4.13 SSA or its Affiliate shall have the power to suspend and/or expel a District Member for violation of this Constitution and/or Bye-Laws and/or Rules.
- 5.4.14 SSA may call on any District Member to forward such documents, books and statements as may be deemed necessary, at any time.
- 5.4.15 During the period of suspension and/or expulsion from Membership, the District Member, and/or its Individual Members, will not be able to participate in any of the competitions overseen by SSA.
- 5.4.16 Each District Member shall be entitled to two representatives at General Meetings of their Affiliate.
- 5.4.17 Each District shall have two votes at Affiliate Meetings.
- 5.4.18 The prescribed registration fee for District Members shall be determined by the Affiliate.
- 5.4.19 Prior to the Quadrennial Annual General Meeting of their Affiliate, each District Member will submit nominations with Curricula Vitae of their Individual Members suitable to serve on Affiliate and or SSA Committees.
- 5.4.20 A minimum number of 2 (two) clubs is required to form a district structure.

5.5 Associate Members

- 5.5.1 The Association, in an Annual General Meeting, may admit provincial organisations whose sporting activities may be similar to that of the Association and SSA, as Associated Members.
- 5.5.2 Applications for Associate Membership of the Association shall be made in writing to the General Secretary of the Association, together with a copy of their constitution, codes of conduct and ethics, and any other information that may pertain or that SSA may require in support of the application.
- 5.5.3 Each Associate Member shall be entitled to two representatives who may attend General Meetings of the Association. These representatives may enter into discussion on matters relevant to the affairs of their organisation, and will be entitled to one (1) vote at such Meetings.
- 5.5.4 Each Associate Member shall acknowledge in its constitution by-laws and rules, in accordance with promulgated legislation, that SSA is the only recognised body in South Africa and the Association is the only recognised body in KwaZulu-Natal which governs the aquatic disciplines, and that it is bound by the provisions of the Constitution of the Association.
- 5.5.5 Any member of an Associate Member may participate in the Association's competitions, provided that the Associate Member and its representative meets the capitation criteria set by the Association.
- 5.5.6 The constitution and rules of an Associate Member must not be in conflict with those of the Association and SSA.
- 5.5.7 In the event of such conflict arising, the provisions of the Association's Constitution shall supercede that of the Associate Member.
- 5.5.8 The Association shall have the power to suspend and/or expel an Associate Member for violation of its Constitution and/or Bye-Laws and/or Rules.
- 5.5.9 During the period of suspension and/or expulsion from Membership, the Associate Member, and/or its individual members, will not be able to participate in any of the competitions of the Association.
- 5.5.10 In the case of Schools Aquatics
 - 5.5.10.1. All Schools participating in the Association's events must register as a Club with their District.
 - 5.5.10.2. The Departments of Sport and Recreation and of Basic Education have stipulated regulations and guidelines for competitions and structures for Schools Aquatics,
 - 5.5.10.3. The Association will recognise School Athletes participating in SSA sanctioned events, provided they have been duly capitated.

6.0 AFFILIATION FEE

- 6.1 Every affiliated body or Club and District, shall pay an annual affiliation fee in an amount which shall be determined by the Council annually and which shall

be notified to each such body not later than the 30th April in each year, prior to the start of the new season.

- 6.2 All clubs based in African (based on pre-1994 political classifications) townships or African communities in rural areas will pay an affiliation fee of a minimum of 10% of the annual fee determined in Clause 6.1.
- 6.3 Clubs eligible for the fee remission as stated in Clause 6.2 must submit a request to the Executive via their respective District structure.
- 6.4 The Provincial Council shall have the discretion to exempt any class of member from the payment of an annual affiliation fee, and unless an express determination of a fee in respect of any class of member is made in accordance with the provisions of this Clause, it shall be deemed that the class of member concerned has been exempted from the payment of an affiliation fee for the ensuing year.
- 6.5 The Provincial Council may differentiate between classes of membership in determining the annual affiliation fee.
- 6.6 The Council may increase the affiliation fee at any time in respect of any class of member as it may consider necessary or desirable.
- 6.7 The affiliation fees shall be payable in advance on or before the start of each new season, but not later than the 30th May of the new season. In the event of the affiliation fee being unpaid by the 30th May, all rights and privileges shall be suspended until the affiliation fee is paid.
- 6.8 Should any Club, or other member body be more than two months in arrears with its affiliation fee, its delegate or delegates shall not have the right to attend any meeting of KZNA, its District Councils and its Boards, and all rights and privileges arising from its membership of the KZNA shall be suspended until all arrears due to KZNA shall have been paid.
- 6.9 The defaulting Member shall, notwithstanding the foregoing suspension of rights and privileges, continue to remain liable to KZNA for the fulfilment of all its obligations.

7.0 REGISTRATION OF INDIVIDUAL MEMBERS

- 7.1 Registration of all individual members and officials shall be effected by their Secretary through their District Council, with the Registration Secretary/Treasurer of KZNA for each season and such registration shall be on the forms approved by the Provincial Council from time to time. The season shall commence on the 1st day of May in each year and terminate on the 30th April of the following year.
- 7.2 In respect of all registered Club members and officials a registration fee in an amount determined by Provincial Council from time to time shall be payable, and shall be paid when the registration forms submitted.
- 7.3 All members of clubs based in African (based on pre-1994 political classifications) townships or African communities in rural areas will pay a

registration fee of a minimum of 10% of the annual fee determined in Clause 7.1.

- 7.4 Members eligible for the fee remission as stated in Clause 7.3 must submit a request to the Executive via their respective District structure.
- 7.5 The Provincial Council may increase the registration fee at any time in respect of any class of members as it may consider necessary.
- 7.6 In any competition held under the auspices of KZNA and/or SSA, no unregistered swimmer, open water swimmer, synchronised swimmer, diver, water polo player or masters swimmer may compete.
- 7.7 No competitor will be allowed to participate in any event until such time as the registration form and fee are submitted in accordance with Clauses 7.1 and 7.2.
- 7.8 Two classes of officials are recognised by KZNA, namely (1) Club and other administrators, and (2) poolside/technical officials who shall be members of the Officials' Society.

8.0 ADMINISTRATION

The Provincial Council

- 8.1 The Management of KZNA shall be vested in a 33 member Provincial Council of the following members
 - President, (1)
 - Deputy President (1)
 - Four Vice-Presidents (4)
 - General Secretary, (1)
 - Deputy Secretary, (1)
 - Treasurer, (1)
 - Records Officer, (1)
 - Public Relations and Marketing Officer (1)
 - The Convenor of each Provincial Board, (7)
 - The Chair of each District Council (11),
 - One delegate representing DISSA, (1)
 - One delegate representing schools, and (1)
 - One delegate representing tertiary institutions (1)
 - Coaches' Representative (1)
 - Athletes' Representative (1)
- 8.2 The President, Deputy President, Vice-Presidents, General Secretary, Deputy Secretary, Treasurer, Records Officer and Public Relations and Marketing Officer shall form the Executive Committee of the Council and shall hold office for four years.
- 8.3 It shall be lawful for the same person to hold the posts of Honorary Secretary and Honorary Treasurer.

The person holding the post of Honorary Secretary and Honorary Treasurer shall exercise only one vote at any meeting at which he/she is present.

Provincial Council Meetings

- 8.4 The Members of Provincial Council shall hold office and act until the completion of their term following the date on which they were elected or appointed.
- 8.5 Attendance at meetings:
- 8.5.1 In the case of a Board's delegate's inability to attend a Provincial Council meeting, an alternate, to be nominated by that Board, but who must be a registered member of the relevant Board, may attend a Provincial Council meeting of KZNA in the delegate's stead.
- 8.5.2 In the case of a District Council's standing delegate unable to attend a Council meeting, an alternate, to be nominated by that District, but who must be a registered member of the Association, may attend a Provincial Council meeting of KZNA in the delegate's stead.
- 8.6 The Provincial Council shall meet once every third month to transact the business of the KZNA. Seven (7) days notice in writing of such meeting shall be given to the Provincial Council Members unless all members shall waive such notice.
- 8.7 At all Provincial Council meetings of KZNA, 50% +1 of elected Provincial Council members shall form a quorum and the Chairperson shall have a casting, as well as a deliberative vote in the event of an equality of votes.
- Should any member of the Provincial Council absent himself/herself from two consecutive meetings, after having notice thereof, and without having applied for leave of absence, he/she shall be deemed to have vacated office, but may be reinstated by the Provincial Council upon good cause shown at the next ensuing meeting.
- 8.8 Provincial Council shall have the powers to deal with all cases of misconduct and is empowered to expel, suspend or fine any member, District, Club or Association of KZNA for such misconduct. For the purpose of this provision, misconduct shall include any unauthorised media statement by any individual member, District or Club, or any act which in the opinion of the Council has brought, or is calculated to bring any of the sporting disciplines over which it has jurisdiction into disrepute.
- 8.9 Meetings of the Provincial Council may be convened at any time by the President, and shall be convened on a requisition signed by four members of the Council and delivered to the General Secretary. Such requisition shall state the motion/s or other business which the Meeting is required to discuss, and these matters will then become the sole agenda for that meeting.
- Such a meeting shall be convened within ten (10) days of the presentation of the requisition.
- 8.10 Provincial Council shall at all times be empowered to appoint sub-committees to carry out any specific duties allocated by the Council.

Finance

8.11 Provincial Council shall maintain an account or accounts in the name of KZNA at a commercial bank or building society, which shall be operated by means of the signature of the Honorary Treasurer, and counter signature of the President and General Secretary.

8.12 The accounts of KZNA shall be audited by the Auditors to be elected and appointed at the Annual General Meeting.

The Financial Year of the Association shall extend from the 1st day of May to 30th day of April in the following year.

8.13 Provincial Council may hire, purchase or lease movable and/or immovable property in the name of KZNA upon such terms as may be considered expedient and shall further have the right to borrow money on a mortgage or otherwise for any such purpose.

8.14 The Provincial Council shall receive and pass accounts for payment, including accounts for the refund of expenses incurred by any persons engaged in the work of KZNA, provided prior written authority has been granted for such expenses to be incurred on the behalf of KZNA.

8.14(a) The income and property of KZNA are not distributable to its members or office-bearers, but shall not preclude the payment in good faith to an affiliate or any other person in respect of:-

- reasonable agreed remuneration for the services actually rendered on behalf of the KZNA;
- reimbursement of actual costs, expenses or other commitments incurred on behalf of the KZNA;
- payment of such monies to members as found advisable by Council for the advancement of sport in the KwaZulu-Natal

8.14(b) Members or office-bearers have no rights in the property or other assets of the organisation solely by virtue of their being members or office-bearers.

Executive Committee

8.15 At meetings of the Executive, four (4) members shall form a quorum and the Chairperson of the meeting shall have a casting, as well as a deliberative vote in the event of a deadlock.

8.16 Whenever the Executive has conducted business on the behalf of the Provincial Council, it shall report the business so conducted to the first meeting of the Council to be held thereafter.

8.17 The Executive shall not, however, be empowered to settle any matter that is in the nature of an appeal to KZNA or to take any disciplinary action against any individual member, District or Club, save suspension pending investigation by the Provincial Council.

8.18 In cases of emergency, the Executive Committee shall have the power to conduct business on behalf of the Provincial Council, subject to Clause 8.16.

The District Council

- 8.19. The Management of the sport within the districts under the jurisdiction of KZNA shall be vested in a District Council of the following members:
Chairperson,
Deputy Chairperson/Swimming Co-ordinator
Secretary/Treasurer
Discipline Co-ordinators for those disciplines represented within the District (synchronised swimming, water-polo, diving, open water swimming and masters)
Coaches' Representative
Athletes' Representative
One delegate representing each of the clubs registered with the District will act as ex-officio members of the Council
- 8.20 The above members of the District Council shall hold office for two of the four years of office of the Provincial Executive Committee.
- 8.21 In addition to the above members of Council, the following will have ex-officio representation on the District Council:
One district delegate representing DISSA,
One district delegate representing schools, and
One district delegate representing tertiary institutions.
- 8.22 The functions of the District Council is to promote, at a district level, the objectives of KZNA as stipulated in Section 3.0 of this Constitution, and to further implement the functions stated in Appendix II: Functions of the District Council.
- 8.23 A District Council is constituted on the basis of a minimum of two affiliated clubs in good standing. In a politically demarcated district in which only a single club exists, such a club will be directly affiliated to the Association, until such time that a District Council can be constituted in terms of this clause.
- 8.24 The finances of each District Council shall be under the control of the Treasurer of KZNA.

District Council Meetings

- 8.25 The Members of District Council shall hold office and act until the completion of their term following the date on which they were elected or appointed.
- 8.26. The District Council shall meet once every third month to transact the business of the district. These meetings will take place in the month preceding the Provincial Council Meeting. Fourteen (14) day notice either verbally or in writing of such meeting shall be given to the District Council Members unless all members shall waive such notice.
- 8.27 At all District Council meetings, 50% of elected District Council members shall form a quorum and the Chairperson shall have a casting, as well as a deliberative vote in the event of an equality of votes.

- 8.28 Should any member of the District Council absent himself/herself from two consecutive meetings, after having notice thereof, and without having applied for leave of absence, he/she shall be deemed to have vacated office, but may be reinstated by the Provincial Council upon good cause shown at the next ensuing meeting.
- 8.29 Meetings of the District Council may be convened at any time by the District Chairperson, and shall be convened on a request of four members of the Council and delivered to the District Secretary. Such request shall state the motion/s or other business which the Meeting is required to discuss, and these matters will then become the sole agenda for that meeting.

Such a meeting shall be convened within ten (10) days of the presentation of the requisition.

General

- 8.30. The functions of the District Council are described in Appendix II
- 8.31 The Provincial or District Council may employ part-time or full-time employees in the field of clerical, secretarial or technical assistance.
- 8.32 Employees of KZNA and its structures are not eligible to stand for election onto the Executive or Council, nor are the Executive or Council members eligible for full-time or major time employment by KZNA.
- 8.33 Each District structure will utilise the standardised KZNA letterhead as indicated in Appendix III, with the wording "X District Aquatics" sub titled in size 12 Arial font below the words "KwaZulu-Natal Aquatics", where "X" is replaced by the name of the District.. The details of the district will replace the provincial details on the letterhead.
- 8.34 Each District will utilise the KZNA logo, with the name of the district indicated under the title "KwaZulu-Natal Aquatics"

9.0 ANNUAL AND SPECIAL GENERAL MEETINGS OF THE ASSOCIATION

Provincial Annual General Meeting

- 9.1 The Annual General Meeting of KZNA shall be held on a date to be determined by the Provincial Council, but not later than the 31st day of August, in each year, and forty (40) days notice of Meeting shall be given in writing to each member, District, and Association.
- 9.2 At the Annual General Meeting, reports by the President, Treasurer including the Financial Statements for the previous year, duly prepared and certified by the Auditors, Board Convenors, District Chairpersons and Chairpersons of Associations shall be submitted, together with reports on major events.
- 9.3 Officers set out in Clause 9.5 shall be elected every fourth year.

- 9.4 The nominations, with written acceptances from the nominees as referred to in Clause 9.5 hereof, shall be submitted to the General Secretary in writing, at least twenty-eight (28) days prior to the Annual General Meeting.

Nominations for vice-presidents to represent the regional grouping of districts will be specifically requested.

Persons so nominated shall sign a letter indicating acceptance of such nomination.

- 9.5 The following persons or bodies shall be elected at the Annual General Meeting:
- President
 - Deputy President
 - Four Vice-Presidents elected from among the elected Chairpersons of the eleven districts within the Province
 - General Secretary
 - Deputy Secretary
 - Treasurer,
 - Records Officer and
 - Public Relations and Marketing Officer

The functions of the above positions are listed in Appendix I

- 9.6 Notices of Motion, duly given, shall be considered.
All Notices of Motion must be delivered in writing to the General Secretary of KZNA at least twenty eight (28) days before the Annual General Meeting. No verbal motions or motions from the floor on the day of the AGM will be accepted.
- 9.7 The ratification of all Boards members, Selection Committee members and elected District Council members shall also take place at the Annual General Meeting.
- 9.8 The nominated delegates representing DISSA, school sport and tertiary academic Associations shall also be announced.
- 9.9 Nominations for awards must be forwarded to the General Secretary of KZNA, with a detailed "curriculum vitae" within twenty eight (28) days prior to the Annual General Meeting.

Provincial Special General Meeting

- 9.10 A Special General Meeting may be summoned at any time by the Provincial Council, or by the General Secretary on receipt of a requisition signed by twenty (20) percent or more Clubs in good standing or by three (3) or more District Councils in good standing.

The Meeting must be held within twenty-eight (28) days of receipt of the requisition and fourteen (14) days notice in writing of the meeting shall be given.

The requisition must state the object of such meeting which shall become the whole agenda of the meeting.

Voting

- 9.11 At Annual and Special General Meetings, those entitled to vote will be:
- | | |
|-------------------------------|-----------------------------------|
| Each Association: | two delegates, each with one vote |
| Each District | two delegates, each with one vote |
| Each Member of the Executive: | one vote |
| Each Life Member of KZNA: | one vote |

Each delegate must be a registered member of the Association.

- 9.12 The quorum at a General Meeting shall be no less than thirty (30) per cent of the members or delegates who are entitled to vote.
- 9.13 Notwithstanding anything in this Constitution contained, no person, District, or Association affiliated to KZNA, who or which is entitled to be present and vote at any General Meeting, shall be entitled to vote by proxy.
- 9.14 In the event of the Executive being reduced in number, the replacement shall be the person obtaining the next highest number of votes at the Annual Meeting.
- 9.15 The results of the voting shall be retained by the General Secretary until the next Annual Meeting, whence the General Secretary will confirm their disposal.
- 9.16 Each elected Executive Member shall serve for four (4) years.

District Annual General Meeting

- 9.17 The Annual General Meeting of the districts under the jurisdiction of KZNA shall be held on a date to be determined by the District Council, but not later than the 31st day of July, in each year and at least fourteen (14) days before the provincial Annual General Meeting. Forty (40) days notice of Meeting shall be given in writing to each member, Club and Provincial Council.
- 9.18 At the district Annual General Meeting, reports by the Chairperson, Secretary and Discipline Co-ordinators shall be submitted, together with reports on major events.
- 9.19 Officers set out in Clause 8.19 shall be elected every second year, in the same period as the Provincial Executive members.
- 9.20 The nominations, with written acceptances from the nominees as referred to in Clause 8.19 hereof, shall be submitted to the General Secretary in writing, at least twenty-eight (28) days prior to the Annual General Meeting.

The person so nominated shall sign a letter indicating acceptance of such nomination.

Should insufficient nominations be received in writing, the Chairperson of the meeting may permit nominations to be moved from the floor.

- 9.21 The following persons or bodies shall be elected at the Annual General Meeting:

Chairperson

Deputy-Chairperson/Swimming Co-ordinator
Secretary/Treasurer
Other Discipline Co-ordinators

9.22 Notices of Motion, duly given, shall be considered.

All Notices of Motion must be delivered in writing to the District Secretary of KZNA at least twenty eight (28) days before the Annual General Meeting.

District Special General Meeting

9.23 A District Special General Meeting may be summoned at any time by the Provincial Council, or by the District Secretary on receipt of a requisition signed by four (4) or more Clubs.

The Meeting must be held within twenty-eight (28) days of receipt of the requisition and fourteen (14) days notice in writing of the meeting shall be given.

The requisition must state the object of such meeting which shall become the whole agenda of the meeting.

Voting

9.24 At Annual and Special General Meetings of the District Council, those entitled to vote will be:

Each Club in good standing: two delegates, each with one vote

Each elected Member of the District Council: one vote

Each delegate must be a registered member of the Association.

9.25 The quorum at a General Meeting shall be no less than forty (40) per cent of the members or delegates who are entitled to vote.

9.26 Notwithstanding anything in this Constitution contained, no person, District, Club, or Association affiliated to KZNA, who or which is entitled to be present and vote at any General Meeting, shall be entitled to vote by proxy.

9.27 In the event of the Executive being reduced in number, the replacement shall be the person obtaining the next highest number of votes at the Annual Meeting.

9.28 The results of the voting shall be retained by the General Secretary until the next Annual Meeting, whence the General Secretary will confirm their disposal.

9.29 Each elected Executive Member shall serve for two (2) years.

10.0 BOARDS/COMMITTEES/SOCIETIES

10.1 The function of the Boards/Committees/Societies, shall be to organise and administer the discipline for which each is responsible, subject to the overall control and direction of the Provincial Council of KZNA.

Boards/Societies

- 10.2 The disciplines to be controlled and administered by the Boards/Societies are:
- Diving
 - Open Water Swimming
 - Swimming
 - Swimming Instructors
 - Synchronised Swimming,
 - Water Polo, and
 - Masters
- 10.3 All Boards/Societies are directly responsible for the development and transformation of their sport, which will be monitored by the Transformation Committee.
- 10.4 Each Board/Society will appoint a member who will be responsible for the development of the sport.
- 10.5 The finances of each Board/Society shall be under the control of the Treasurer of KZNA.
- 10.6 In addition to the elected members as per clause 11.8, each Board will include the following delegates:
- Representatives of each of the four regions
 - Convenor of the Officials' Society
 - Representative of the Schools' Swimming
 - Representative of Open Water Swimming
 - Representative of the coaches
 - Convenor of the Swim Instructors Committee

Transformation Committee

- 10.6 The objective of the Transformation Committee is to monitor the progress of transformation at all levels within the Association, and to report regularly to the KZNA Executive of progress, with recommendations.
- 10.7 The Transformation Committee will comprise of the four Vice Presidents and the Provincial Convenor of each Board/Society.
- 10.8 The Convenor of the Committee will be appointed from among the four Vice-Presidents at the Annual General Meeting.

11.0 ANNUAL GENERAL MEETINGS OF BOARDS/COMMITTEES AND SOCIETIES

- 11.1 The Annual General Meeting of each Board, etc, shall be held not later than twenty-eight (28) days before the Annual General Meeting of KZNA and at least twenty eight (28) days notice shall be given to each Member, affiliated District and Association of the date, time and venue of the Annual General Meeting.

The notice of the meeting shall also specify the Agenda.

- 11.2 The following business shall be dealt with at each Annual General Meeting:
Minutes of the previous Annual General Meeting,
The Chairperson's Report,
The Financial Report,
Election of the Board/ Committee/Society members

- 11.3 In addition to those matters prescribed in Clause 11.2, it shall be competent for the Annual General Meeting to consider and decide upon any Notice of Motion to be submitted in accordance with the provisions hereof.

Any Notice of Motion shall be delivered so as to reach the General Secretary of KZNA at least twenty-one (21) days before the date of the Annual General Meeting of the Board, etc, and shall be signed by the Chairperson and Honorary Secretary of the Club or Association submitting the Notice of Motion.

- 11.4 At Annual and Special General Meetings of Boards, etc, those entitled to vote shall be:
Two (2) delegates from each Association.
Two (2) delegates from each District

Only the delegates present will be allowed to vote.

- 11.5 A quorum shall consist of forty (40) per cent of those entitled to vote.

- 11.6 The nominations, with written acceptances from the nominees, shall be submitted to the General Secretary of KZNA in writing, at least fourteen (14) days prior to the Annual General Meeting.

The persons so nominated shall sign a letter indicating acceptance of such nomination.

Candidates may be nominated in more than one post on condition that a written nomination form is submitted for each post

No nomination will be taken from the floor

For positions in which no written nominations have been received, then the newly elected Committee will advertise the vacancy within 14 days, and call for nominations. Such nominations will be voted upon by the Committee at its next sitting.

- 11.7 At all Annual and Special General Meetings, the Chairperson shall have a casting as well as a deliberative vote in the event of a deadlock.

- 11.8 Delegates to the Annual General Meeting will elect,
11.8.1 In the case of Swim Board: a Convenor, Secretary, Finance Officer, Gala and Championship Co-ordinator, Registration and Strategic Projects Officer (fast tracking; elite squads etc) and a Records and Awards Officer
11.8.2 In the case of the remaining disciplines, three (3) members.

Voting

- 11.9 Once voting has been completed, the appointed scrutineer, or his deputy, will read out the results, starting with the delegates with the highest number of votes.
The top two (2) highest votes from the disadvantaged community will be duly elected, irrespective of placing.
- 11.10 In the case of Synchronised Swimming, Water Polo, Diving, Swim Instructors, Open Water Swimming and Masters Boards, at the first meeting of the Board, etc, chaired by the previous Chairperson, if still in office, there will be elected a Chairperson, Vice-Chairperson, Secretary and one person who will liaise with the Treasurer of the Association on financial matters.

In the case of the Swimming Board the positions will be decided at the Board AGM as per clause 11.8.1 above
- 11.11 If the elected Chairperson is a member from the advantaged community, then the Vice-Chairperson must be elected from the disadvantaged members, and vice-versa.
- 11.12 Each Board, etc, will have the power to co-opt additional members, and form sub-committees.
- 11.13 The President of KZNA shall be, ex officio, a member of all Boards, etc. If the President is unable to attend a Board meeting, he may delegate a member of Council to attend such meeting in his/her stead. The President or other delegate shall not have the power to vote at such a Board meeting.
- 11.14 The discipline co-ordinators from each District Council will be co-opted onto the Provincial Board.
- 11.15 The Chairperson of each Board, etc, will submit the names of the elected delegates to the Annual Meeting of KZNA for ratification.
- 11.16 Each elected Board, etc, member shall serve for four (4) years, elected in the same year as the election of the Provincial Executive Committee
- 11.17 In pursuance of Clause 11.15, in the second year the roles of the Chairperson and Vice-Chairperson of each Board, etc. as elected in Clause 11.8 will be reversed.
- 11.18 In the event of the Board, etc, membership being reduced in number, the replacement shall be the person obtaining the next highest number of votes at the Annual Meeting of the Board, etc.
- 11.19 The results of the voting shall be retained by the General Secretary of the Association until the next Annual Meeting, when they will be destroyed.

Special General Meetings

- 11.20 A Special General meeting may be summoned at any time on receipt by the Executive of a requisition signed by the Chairperson and Honorary Secretary

of an affiliated Club in good standing, or at the discretion of the Chairperson of an Association.

Such meeting shall be held within twenty-eight (28) days of receipt of the written requisition or Chairperson's request, as the case may be, and fourteen (14) days notice shall be given in writing of the intention to hold such meeting.

Any written requisition for a Special General Meeting shall state the reason/reasons for calling such meeting which shall become the sole Agenda of the meeting and shall include any formal Notice of Motion submitted in the requisition.

12.0 ADMINISTRATION AND MANAGEMENT OF BOARDS/ COMMITTEES/SOCIETIES

Boards

- 12.1 Each Board, etc, shall:
 - 12.1.1 cater for and ensure representation of various Associations or official bodies associated with the discipline and recognised by KZNA.
 - 12.1.2 be responsible for the development, control and administration (including discipline on charges of misconduct) of its discipline.
- 12.2 The management of each Board, etc, shall be vested in a Board Executive which shall consist of the elected members as indicated in Clause 11.8.
- 12.3 The Board Executive members, who are retiring, shall hold office until the conclusion of the Annual General Meeting, following that at which they were elected in accordance with Clause 11.8.
- 12.4 At Executive Meetings, a quorum shall consist of three (3) members.

The Chairperson shall have a casting vote as well as a deliberative vote in the event of a deadlock.
- 12.5 The Board, etc, shall at all times be entitled to appoint sub-committees to carry out specific duties.
- 12.6 In the case of emergencies, the Board Executive may make decisions and act on behalf of the Board, which decisions shall be binding upon the Board, etc, provided that such decision/s or action/s is/are reported at the next Board, etc, meeting.
- 12.7 Should any member of the Executive absent himself/herself from two consecutive meetings after having received notice thereof and without having applied for leave of absence he/she shall be deemed to have vacated office, but may be reinstated by the Council upon good cause shown at the next ensuing meeting.
- 12.8 All income and expenditure received or incurred by the Board, etc, will be administered through the Honorary Treasurer of KZNA.

- 12.9 All funds raised must be made payable to KZNA, who will allocate such funds to the specific Boards, for the purpose for which they were raised.
- 12.10 All Boards, etc, will utilise the standardised KZNA letterhead, with the details of each Board, etc, clearly identified.

Committees

- 12.11 In the case of the Transformation Committee, a quorum shall consist of three (3) members.

13.0 SELECTION COMMITTEES

- 13.1 At the Annual General Meeting of each Board, there shall be elected a Selection Committee consisting in each case of three (3) members from nominations submitted to the General Secretary of KZNA.

The Synchronised Swimming Selection Committee shall consist of qualified judges, who are non-competitors.

- 13.2 The Selection Committee for each discipline shall select all teams to represent the Association at all competitions. The Committee will also nominate all teams and individual competitors for official trials.

At its first meeting, the Selection Committee will elect a Convenor.

- 13.3 All selections must be submitted to the Convenor of the Board who will seek ratification of the selection by the Board.

- 13.4 The nominations, with written acceptances from the nominees, shall be submitted to the General Secretary of KZNA in writing, at least twenty-eight (28) days prior to the Annual General Meeting of each Board.

The person so nominated shall sign a letter indicating acceptance of such nomination.

Should insufficient nominations be received in writing, the Chairperson of the meeting may permit nominations to be moved from the floor.

- 13.5 The Chairperson of each Board, once selection is approved, shall submit the name of the selected members to the President for ratification by the Executive.

- 13.6 Each elected member of the Selection Committee will serve for four (4) years.

Voting

- 13.7 Once voting has been completed, the appointed scrutineer, or his deputy, will read out the results starting with the delegates with the highest number of votes.

The top delegate from the disadvantaged community will be duly elected, irrespective of placing.

- 13.8 If the elected Chairperson is a member from the advantaged community, then the Vice-Chairperson must be elected from the disadvantaged members, and vice-versa.
- 13.9 In pursuance of Clause 13.8, in the second year the roles of the Chairperson and Vice-Chairperson of each Selection Committee as elected in Clause 13.1 will be reversed.

14.0 COLOURS

- 14.1 The colours of KZNA shall be black and white.

15.0 EMBLEM

- 15.1 The emblem of KZNA shall be the traditional Zulu fighting shield, with a spear and a knobkerrie, placed behind the shield, crossing.
- 15.2 Within the shield shall be depicted waves in the bottom half of the shield, with the upper body of a swimmer on top of the highest wave.
- 15.3 Below the emblem on a horizontal, KwaZulu-Natal Aquatics will be printed in capital letters.
- 15.4 Below the shield, either horizontal or as an arc, the discipline, office or award shall be inserted in accordance with the By-Laws.

16.0 HEADQUARTERS

- 16.1 The headquarters of KZNA shall be at such place as the Provincial Council may decide from time to time.

17.0 SANCTIONS

- 17.1 Any District, Club or individual member may be sanctioned:
 - 17.1.1 in the case of violation of the Constitution, By-Laws, Rules and/or decisions, and/or
 - 17.1.2 for bringing the sport into disrepute
- 17.2 Sanctions shall be imposed by the Provincial Executive of KZNA and may consist of one or more of the following:
 - 17.2.1 warning,
 - 17.2.2 fine,
 - 17.2.3 suspension, and / or
 - 17.2.4 expulsion.
- 17.3 Sanctions shall be enforced immediately upon the decision being made by the Provincial Executive of KZNA.

- 17.4 KZNA, through the General Secretary, shall notify the affiliated District, Club or individual member of the sanctions imposed.
- 17.5 An affiliated District or Club or an individual member sanctioned by the Executive of KZNA may appeal to KZNA not later than one month after the sanction has been submitted by the General Secretary of KZNA.

18.0 DISQUALIFICATION/SUSPENSION

- 18.1 Any sentence of disqualification and/or suspension by KZNA on an affiliated District or Club, shall be binding on all the individual members of the affiliated District or Club.
- 18.2 Full power of disqualification or suspension shall be vested in KZNA on the Affiliated District or Club.
- 18.3 The General Secretary of KZNA must send a list of suspensions immediately after the meeting at which they were resolved upon to and notify the General Secretary of SSA.
- 18.4 KZNA, to whom preliminary appeals shall lie, has the power to reinstate any individual member or affiliated District or Club disqualified.

19.0 DISPUTES / DISCIPLINARY MATTERS

- 19.1 Where a dispute (i.e. a matter which is sub-judice or any decision affecting the Policy or function of the Executive) affecting any of the matters within the jurisdiction of the KZNA exists, the matter concerned shall be treated as a domestic dispute and the channels and methods provided in the Constitution for the settlement of such matters shall be followed.
- 19.2 Any attempt to take such matters outside the sphere of KZNA jurisdiction by resort to the media shall constitute misconduct on the part of the person concerned.
- 19.3 All disciplinary matters concerning members shall fall under the jurisdiction and control of the Executive of KZNA.
- 19.4 Any complaint made by either an individual member or a non- member against an individual member, shall be lodged in writing with the secretary of the District Council who in consultation with the District Executive will attempt to resolve the matter, failing which the District Secretary will refer the matter to the General Secretary of KZNA, who in consultation with the Executive, shall then, subject to its rights of delegation, give a directive as to whether or not a disciplinary enquiry should be held, and if so, the nature, composition and details thereof.
- 19.5 Where the member against whom the complaint has been made is an individual member of an Affiliated District or Club, the Executive may delegate its powers to the Affiliated District or Club and instruct them to deal with the matter accordingly in terms of such mandate.

- 19.6 Such Affiliated District or Club shall send a report of the enquiry to the KZNA Executive, who may impose a penalty.
- 19.7 KZNA members will follow due process on dispute resolution within sport up to the Court of Arbitration in Sport level;
- 19.8 Any individual member that decides to take KZNA to court without exhausting internal avenues, that member shall have his/ her membership terminated
- 19.9 Subject to the Constitution of the Republic, and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this Section (including the holding of an arbitration on an urgent basis), no body or individual falling under the jurisdiction of SASCOC shall approach a Court of Law to decide on a dispute it has with a body or individual affiliated to SASCOC or with SASCOC, itself.”

20.0 APPEALS

- 20.1 Any Affiliated District or Club may appeal to KZNA against any decision of the Executive given in terms of Clauses 17.0 and 18.0 and any individual member of an Affiliated Member may appeal against any decision of such affiliated District or Club.
- 20.2 All appeals lodged with KZNA must be submitted in writing to the General Secretary setting forth the facts, accompanied by extracts, or copies of all documents quoted, or relating to the case and such other particulars as may be thought necessary.
- 20.3 All appeals must be lodged with KZNA within fourteen (14) days after the incident or sanctions.
- 20.4 An appellant, on lodging the notice, must deposit with the General Secretary of KZNA the sum of R100,00, the whole or part of which may be refunded or retained by KZNA at its discretion.
- 20.5 Appeals against a ruling of an affiliated District or Club must be made within fourteen days (14) from the time of receiving the decision of such affiliated Club.
- 20.6 KZNA, on receipt of an appeal against disciplinary action taken by an affiliate Club against any individual member of such District or Club, may in its discretion alter such decision, and/or increase or decrease the penalty imposed.
- 20.7 All Appeals shall be heard by the Executive of KZNA at its next Executive Meeting.
- 20.8 Should an individual member or an affiliated District or Club object to the decision made by the Executive of KZNA as per Clause 20.7, the individual member or the affiliated District or Club has the right of appeal to Swimming South Africa.

21.0 LAWS GOVERNING THE SPORT

- 21.1 The laws governing the sport as laid down by FINA as adopted and/or amended by the SSA shall govern all aspects of diving, open water swimming, swimming, synchronised swimming, water polo and masters under the jurisdiction of KZNA.
- 21.2 Every diving, open water swimming, swimming, synchronised swimming, water polo and masters athlete who is registered with or affiliated to KZNA and who has participated or is about to participate in a competition held under the auspices of KZNA, shall submit himself or herself to drug testing whenever or wherever called upon to do so by an official authorised by the Council of KZNA.

The International Olympic Committee rules as amended by SSA shall apply to the drug testing procedure and shall be definitive of the list of drugs which, from time to time, are prohibited by that body.

22.0 GENERAL

- 22.1 All KZN Championship events shall be deemed "Open" Championships. However, should a title be won by a competitor from another Association, the trophy for that event shall not be awarded to the winner, but shall awarded to the first KZN competitor in that Championship.
- Visiting competitors and teams may take part in competitions, matches and tournaments in the KwaZulu-Natal area of jurisdiction.
- 22.2 No affiliated member of a District, Club or Association or an affiliated Club or Association shall be entitled to take part in any invitation event or other event outside the jurisdiction of KZNA, without first obtaining the consent of the Provincial Executive.
- 22.3 No member of an affiliated District or Club of the same branch of the sport shall be allowed to join another Club within the jurisdiction of KZNA, unless he produces a certificate from his previous Club to the effect that he is in good financial standing and/or has not been suspended for any reason.
- 22.4 In the case of disputes, the member will be allowed to register as UNATTACHED, while the dispute is being resolved, in order not to jeopardise the athlete's performance. In the forgoing case, the dispute shall be resolved within 60 days.
- 22.5 Any competition staged by an affiliated Member, Club or Association, as a fund-raising event, shall be in accordance with the Association policy
- 22.6 All members of clubs based in historically (based on pre-1994 political classifications) or currently disadvantaged townships or rural areas will pay a competition participation fee not exceeding 10% and 50% respectively of the fee stipulated by the organisers of the competition

23.0 RULES AND ALTERATIONS

23.1 No alteration, deletion or addition to the Constitution shall be made except at a Special General Meeting called for the purpose, provided that no such alterations, deletion or addition shall be effective unless with the sanction of at least two thirds of those present and entitled to vote.

23.2 Notice in writing shall be given to the General Secretary of KZNA of any proposed amendment to the Constitution, setting forth, in full such amendment/s.

The proposed amendment/s shall become the only item on the Agenda of the Meeting.

The Meeting shall be called within twenty-eight (28) days of receipt of the notice. All Districts, Clubs, Associations and Council members shall be notified, in writing, at least fourteen (14) days before the date set down for the Meeting.

23.3 The Provincial Council of KZNA may make by-laws relating to administrative matters and awards, and, at the request of the Board concerned, relating to:

- the staging of galas and events
- the formalities for entry to such events and galas
- the selection criteria applicable to teams
- the award of colours, and
- the recognition of records.

23.4 By-laws promulgated by KZNA may be rescinded, altered or amended by Council provided such amendment is included in the notice of meeting at which such amendments are proposed.

23.5 A copy of any amendments to this Constitution shall be submitted to the Commissioner of Inland Revenue for purposes of section 30 of the Income Tax Act No 58 of 196.

23.6 A copy of any amendments to this Constitution shall be submitted to the National Government Director responsible for managing section 19.1 of Act 71, Non-profit Organisations Act, 1997

24.0 FIRST CLAIM MEMBERS

24.1 A member may not belong to more than one Club in respect of each discipline of the sport. The disciplines of the sport referred to are Diving, Open Water Swimming, Swimming, Synchronised Swimming, Water Polo and Masters.

A member may, however, belong to different Clubs in respect of the different disciplines provided the member registers with both Clubs for each discipline, and pays the requisite registration fee to participate within that discipline.

- 24.2 The Disability Swimming South Africa (DISSA), schools structures and tertiary academic institutions sports structures within the jurisdiction of KZNA shall be regarded as Associations throughout these rules.

25.0 INDEMNIFICATION

- 25.1 KZNA is a Voluntary Association having a corporate identity, separate from that of its members, which is entitled to own property, whether movable or immovable or otherwise, and to sue in its own name and, notwithstanding and change in the composition of its membership from time to time, shall have perpetual succession.
- 25.2 All immovable property or other rights relating to immovable property, which might be obtained by KZNA from time to time, shall be registered in the name of KZNA.
- 25.3 The liability of the members of KZNA for debts of KZNA is restricted to the outstanding affiliation fee, if any, owed by them from time to time and such members shall have no interest in any of the property or accumulated income of KZNA.
- 25.4 In pursuance of Clause 25.3, the signatories of the office-bearers submitted to the South African Revenue Services will not be personally liable for any obligations or liabilities as claimed or demanded by the South African Revenue Service.

26.0 LEGAL PROCEEDINGS

- 26.1 The association is a Universitas and may sue and/or be sued in its own name. Any Power of attorney required in any legal proceedings shall be signed by two (2) members of the Executive.

27.0 WINDING UP

- 27.1 If upon winding up or dissolution of KZNA there remain, after satisfaction of all its debts and liabilities, any assets whatsoever, the same shall not be paid to or distributed among the members of KZNA, but shall be donated or transferred to SSA.
- 27.2 The Association may dissolve if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such a matter, are in favour of dissolution.

THIS CONSTITUTION WAS ADOPTED AT THE SPECIAL GENERAL MEETING OF KZNA HELD ON THE 1st DAY OF OCTOBER 2019.

Signed as a legal and valid copy



**PETER THOMPSON
PRESIDENT**

APPENDIX I: PORTFOLIOS AND JOB DESCRIPTIONS OF THE KZNA EXECUTIVE

Executive positions in KZNA:

- President
- Deputy President
- Vice-President 1
- Vice President 2
- Vice President 3
- Vice President 4
- General Secretary
- Deputy Secretary
- Treasurer
- Records Officer
- Public Relations and Marketing Officer

1. President

- Chairs KZNA Executive, Council and General meetings
- Is Ex-Officio member of all sub committee
- Is responsible for transformation of aquatic sport
- Has oversight on Executive members
- Represents KZNA or engages with the following on behalf of KZNA:
 - Swimming South Africa (SSA)
 - KZN Department of Sport and Recreation
 - KZN Sports Confederation
 - Other provincial external bodies
 - The National Lotteries Board
- Responsible for developing strategic direction of all aspects of aquatics in the province
- Promotes the ideals and objectives of KZNA and its affiliated clubs
- Delegates authority for the chairing of KZNA Executive, Council and General meetings in his/her absence

2. Deputy President

- Chairs meetings in absence of the President, if so delegated
- Performs the functions of the President in the absence of the President, or if requested by the President

3. Vice President – Aquatics Development and Learn-to-Swim

- Chairs meetings in absence of the President, if so delegated
- Is responsible for ensuring that structures and persons responsible for the development of the sport and for Learn-to-Swim structures meet their stated objectives.
- Convene workshops and planning sessions with relevant stakeholders (members and external parties) to develop strategies, monitor and evaluate programmes and seek funding to support such programmes.
- Is responsible for ensuring above structures integrate development programmes within the promotion of school aquatic sport
- Is responsible for liaising with persons responsible for aquatic sport in the Ugu and Sisonke districts, and providing ongoing feedback to the Executive about aquatics activities and aquatics management in these areas

4. Vice President – Competitive Athlete, Coaching and Technical Development

- Chairs meetings in absence of the President, if so delegated

- Is responsible for ensuring that structures and persons responsible for the athlete competitive development, technical development and coaching development meet their stated objectives.
- Convene workshops and planning sessions with relevant stakeholders (members and external parties) to develop strategies, monitor and evaluate programmes and seek funding to support such athlete, coaching and technical programmes.
- Aligns the KZNA High Performance Strategy with the SSA and provincial Sports Academy strategies.
- Promotes all aquatic codes in the region with the assistance of Board Convenors or appointed co-ordinators for:
 - Swimming
 - Open Water
 - Synchronised Swimming
 - Water Polo
 - Diving
- Is responsible for liaising with persons responsible for aquatic sport in the Umgungundlovu district, and providing ongoing feedback to the Executive about aquatics activities and aquatics management in these areas

5. Vice President – Local, Provincial and National Competitions, Squads and Teams

- Chairs meetings in absence of the President, if so delegated
- Is responsible for ensuring that structures and persons responsible for the management of all KZNA sanctioned competitions, selection, management and programmes of squads and teams meet their stated objectives.
- Convene workshops and planning sessions with relevant stakeholders (members and external parties) to develop strategies, monitor and evaluate programmes and seek funding to support such activities and programmes.
- Is responsible for liaising with persons responsible for aquatic sport in the eThekweni Municipality, and providing ongoing feedback to the Executive about aquatics activities and aquatics management in these areas

6. Vice President – Events

- Chairs any meetings to plan the season or specific events. (Due to the nature of such events, other committees will be involved – thus the need for a Vice President to oversee and chair these planning meetings)
- Chairs meetings in absence of the President, if so delegated
- Responsible to timely alert KZNA to upcoming major events and ensure that planning is done long enough in advance
- Plan, coordinate and manage (during the event) these events on a project management basis:
 - SSA National Events
 - International Events
 - Oversight of KZNA Championships in liaison with appointed Board Convenor
 - Any other major event, e.g. fundraising drives
- Give regular reports to Exco
- Is responsible for liaising with persons responsible for aquatic sport in the Ilembe district, and providing ongoing feedback to the Executive about aquatics activities and aquatics management in these areas

7. General Secretary

- Chairs the Admin Committee
- Responsible for minutes of all General and Exco meetings
- Responsible to ensure that proper minutes are kept by secretaries of committees, sub committees and clubs

- Responsible for the following portfolios and must appoint coordinators for each:
 - KZNA Office – manned by the Administration Officer
 - Public Relations & Publicity
 - External Communication (Personally responsible)
 - Internal communication (Personally responsible)
 - Website
 - Publications
 - Records of athletes
 - Recordkeeping of valuable documents of KZNA (Personally responsible)

7. Deputy Secretary

- Assists Secretary with all his/her responsibilities
- Share training and supervision workload with Secretary
- Keep minutes of General and Exco meetings in the absence of the Secretary
- Is responsible for oversight and management of club support and development activities within the province, liaises with the Club Development and Support Officer of the Development Council and Swim Board
- Provides reports of the above to the Exco

8. Treasurer

- Chairs the Finance Committee
- Act as main trustee of funds of KZNA
- Responsible for proper financial recordkeeping of KZNA funds
- Responsible for Financial Statements
- Responsible to ensure that proper financial control measures are in place and adhered to.
- Must ensure that KZNA and clubs comply with all statutory requirements
- Must ensure clubs comply with KZNA constitutional requirements
- Responsible for asset register and its upkeep
- Responsible in Finance Committee for the following portfolios and must appoint coordinators for each:
 - Fundraising
 - Sponsorships
 - Catering
 - Clothing
 - Medals and trophies
- Must provide training to club treasurers where necessary
- Responsible to devise and implement an annual fundraising plan
- Specifically responsible to look at security around cash handling at events and galas

9. Records Officer

- Responsible for the complete accuracy of the KZNA databases.
- Registration information including the times for transfers both in and out.
- Ensure that all records are updated after each swim meet.
- Ensure that all times are verified and the database is updated after each swim meet.
- Confirm and ratify all times swum by KZNA athletes outside the Province are incorporated into the KZNA database.
- Oversee all entries for KZNA teams and clubs for International, National or Provincial Tournaments.
- Supply the office with the athlete's names that have taken part in competitions that qualify for part or full senior or junior colours.
- Keep the Hytek systems up to date. (Team and Meet Manager)
- Ensure that at least two Hytek training courses are scheduled each year.

10. Public Relations and Marketing Officer

- Responsible for Marketing /Sponsorship and PR of KZN Aquatics.
- Works closely with the Executive to deliver the objectives of KZNA.
- Works with Executive in developing strategic direction of all aspects of Aquatics in the province.
- Develop a communication plan for the Strategy to actively promote Aquatics.
- Actively engage potential Sponsors and develop Marketing / PR packages for Sponsors.
- Engage and nurture current sponsors – liaise directly; regular feedback; Invites to relevant events that will benefit the Sponsor; ensure contractual agreements are adhered to; ensure the Brands are always correctly represented and not conflicting and Sponsors brands are always handled with respect.
- All media liaison – either directly or at least to have sight of any articles/ programmes (where possible) before being published.
- Collation and publication of KZNA Newsletter.
- Ensure the KZNA logo and intellectual property is maintained and adhered to on / in all marketing and promotional materials, media and kit/equipment.
- Work with the VP Events (LOC) at KZNA events regarding Branding, media and hospitality.
- Coordinate the kit and / or branding of the kit for KZN Aquatic teams.

APPENDIX II: FUNCTIONS OF THE DISTRICT COUNCIL

While the KZNA Provincial Council is responsible for setting the strategic direction of the sport based on its Vision for Swimming, the Districts will be responsible for the delivery of the strategy through the implementation of their District Development Plan.

The District is responsible for advancing the objectives of the Provincial Council (as stipulated in Section 3.0 of this Constitution) at a district level. The Districts ensure that the laws and technical rules of KZNA and the resolutions and rulings of the KZNA Provincial Council are followed.

District Councils are responsible for the Growth and Development of the Sport within their district, including the increase in the number of clubs and the number of athletes registered to the District.

The KZNA Constitution recognises each District as the body responsible for developing and growing the sport within the District. The Districts will deliver the provincial objectives of KZNA and manage the affiliations to via the District to KZNA.

The relationship between the KZNA and the Districts is symbiotic with the KZNA Provincial Council steering and controlling the direction of the sport provincially and the District Council delivering and directing the sport in the District in accordance with the Provincial strategy.

The District Council will be responsible for the following functions:

- Develop an Annual Operational Plan and Budget for the District and submit to the Provincial Council by 31st December each year
- Develop a Business Plan for submission to the KZN District
- Develop a Calendar for the District which should include:
 - A minimum of one Level 0 galas in each district each year
 - One Inter-District Level 0 competition
 - One age group competition (provided there are sufficient club numbers)
 - An Inter-schools competition
 - Schools Trials to select Schools District team to participate in the Provincial Trials
 - Schedule and Manage the Trials for the selection of the District SALGA Team
 - Manage SALGA Games when the respective district is selected at the host
 - One Learn to Swim Instructors Course
 - One Level1 Coaches Course
 - One Club Administrators Course
 - One Team Managers Course
 - A Coaching Camp
- Facilitate at least one annual meeting with the District Mayor and Municipal Manager to:
 - Present the KZNA Provincial Strategy and District Operational Plan
 - Motivate for the District IDP to include the planning and development and upgrade of new Aquatic Facilities including heating thereof.
 - Motivate for changes to the Local Municipality By-Laws to ensure that District Swimming Clubs and the District federation have free access to municipal facilities
 - Meet with the Local Municipal Mayor to leverage the MIG (Municipal Infrastructure Grant) and Mass Participation Grants that are ring fenced for sports infrastructure and sports development respectively
- Attend District Sports Confederation and KZN DSR District Meetings