

**CONSTITUTION**

**ATHLETICS MPUMALANGA**

**UPDATED OCTOBER 2017**

## TABLE OF CONTENTS

<b>DESCRIPTION</b>		<b>PAGE</b>
1.	<i>DEFINITION OF TERMS</i>	4
2.	<i>NAME AND LEGAL PERSONALITY</i>	5
3.	<i>MISSION AND OBJECTIVES</i>	5
4.	<i>MEANS OF ACHIEVING OBJECTIVES</i>	8
5.	<i>MEMBERSHIP</i>	9
6.	<i>APPLICATION FOR MEMBERSHIP</i>	10
7.	<i>REGISTRATION OF ATHLETES</i>	10
8.	<i>SUSPENSION AND EXPULSION</i>	10
9.	<i>DEMARICATION AND DELIMITATIONS</i>	11
10.	<i>RIGHTS OF MEMBERS</i>	11
11.	<i>ORGANIZATION</i>	11
12.	<i>THE GENERAL MEETING</i>	11
13.	<i>REPRESENTATION AT GENERAL MEETINGS</i>	12
14.	<i>PROCEDURE AT GENERAL MEETINGS</i>	13
15.	<i>VOTING AT GENERAL MEETINGS</i>	13
16.	<i>ELECTION OF OFFICE BEARERS</i>	14
17.	<i>REMOVAL OF MEMBERS OF THE EXECUTIVE BOARD AND COMMISSIONS</i>	18
18.	<i>THE COUNCIL MEETING</i>	18
19.	<i>THE EXECUTIVE BOARD</i>	19
20.	<i>POWERS AND DUTIES OF THE EXECUTIVE BOARD</i>	20

**TABLE OF CONTENTS (Continued)**

<i>DESCRIPTION</i>	<i>PAGE</i>
21. <i>POWERS AND DUTIES OF THE COUNCIL MEETING</i>	22
22. <i>GENERAL PROVISIONS</i>	22
23. <i>HEAD OFFICE</i>	22
24. <i>HONORARY MEMBERSHIP</i>	22
25. <i>FINANCIAL MATTERS</i>	23
26. <i>RULES AND REGULATIONS</i>	23
27. <i>PROVINCIAL CHAMPIONSHIPS</i>	24
28. <i>DOMICILIUM RULE</i>	25
29. <i>LINES OF COMMUNICATION</i>	25
30. <i>AMENDMENTS TO THE CONSTITUTION</i>	25
31. <i>INTERPRETATION</i>	25
32. <i>DISPUTES</i>	26
33. <i>DISSOLUTION OF MPUMALANGA</i>	26
34. <i>AUTHORITY OF THIS CONSTITUTION</i>	26
35. <i>AUTHORITY OF ASA AND IAAF RULES</i>	26
36. <i>SCHEDULE A OF THE CONSTITUTION OF MPUMALANGA – THE ROLE OF THE COMMISSION</i>	

## 1. DEFINITION OF TERMS

In this Constitution, except where incompatible with the context, the following terms shall have the meanings indicated:

1.1	AMG	Annual General Meeting
1.2	ASA	Athletics South Africa
1.3	IAAF	International Association of Athletics Federation
1.4	AMPU	Athletics Mpumalanga
1.5	Athletics	Track & Field, Road Running, Race Walking and Cross Country (including Mountain Running)
1.6	Athletics meeting	An event in Track & Field, Road Running, Race walking and Cross Country, as provided for in Clause 1.5 catering for individual licensed athletics affiliated to clubs in good standing with their respective Provinces and including Fun Runs sanction by ASA, through its members.
1.7	Commissions	The bodies established by the Annual General Meetings (AMG's) of Athletics Mpumalanga to Manage on behalf of the Executive Board, all or any of the disciplines of Athletics as provided for in clause 1.5
1.8	Constitution	The Constitution of Athletics Mpumalanga
1.9	Council	The body as constituted in terms of Clause 19
1.10	Disadvantaged people	Women and people with disability
1.11	The Executive Board	The Board as constituted in terms of Clause 19
1.12	General Meeting	The meeting as set out in Clause 12
1.13	Honorary Members	As described in Clause 24
1.14	Members	Includes membership as described in Clause 5
1.15	Rules and Regulations	As formulated in Clause 26
1.16	SGM	Special General Meetings as formulated in Clause 12.2
1.17	Officers	Full Time and/or Part Time employees of Athletics Mpumalanga

- 1.18 Officers Bearers Elected members of the Executive Board, the Commissions and the Committees of Athletics Mpumalanga.
- 1.19 Any reference to the singular shall include the plural and vice versa. Any reference to the male gender shall include the female gender and vice versa.

## **2. NAME AND LEGAL PERSONALITY**

- 2.1 The name of the association shall be Athletics Mpumalanga (hereinafter referred to and known by the acronym as AMPU)
- 2.2 Athletics Mpumalanga shall have a legal personality and shall, through its authorized representatives:-
- 2.2.1 Have an independent existence from its members and officers;
  - 2.2.2 Be entitled to acquire encumber or dispose of movable or immovable property;
  - 2.2.3 Incur legal obligations and liabilities independently of its Members, Office Bearers;
  - 2.2.4 Be entitled to enter into legal transactions and to institute or defend legal proceedings.
- 2.3 Athletics Mpumalanga is the sole organization administering and controlling athletics in Mpumalanga within the boundaries as defined in the Delimitation Clause in ASA's Constitution.
- 2.4 Athletics Mpumalanga shall be the sole body affiliated to ASA from within Mpumalanga as referred to in the Delimitation Clause in ASA's Constitution and as such controls athletics in this Province.
- 2.5 The Head Office of Athletics Mpumalanga shall be established to carry out the administration of the Province in accordance with the policies of ASA at such address as may be determined by the Executive Board of Athletics Mpumalanga from time to time.
- 2.6 Athletics Mpumalanga shall remain a non profit-making organization responsible for overall development of athletics in the Province.
- 2.7 Athletics Mpumalanga Will continue to exist even when its membership or office bearers changes.

### **3. MISSION AND OBJECTIVES**

#### **3.1 Mission**

The mission of Athletics Mpumalanga is to develop athletics by providing athletics, coaches, technical officials and administrators with maximum opportunities for participation in athletics events.

#### **3.2 Objectives**

In the pursuit of this, the following objectives are regarded as basic corner stones of the program guiding the activities of Athletics Mpumalanga;

- 3.2.1 To establish friendly and loyal co-operation between all member for the benefit of athletics, efficient and affective administration, harmonious co-operation amongst members and to promote the best interest of athletes and athletics in the Province.
- 3.2.2 The maintenance and the extension of a system of clubs throughout the Province, open to membership by all members of the population and following access to registration, participation, coaching, technical officiating and other services of the Province to all members of the community who wish to participate in athletics and who comply with the Province's membership prerequisites.
- 3.2.3 To ensure that no form of discrimination be based on race, ethnicity, and religion, gender or otherwise, be permitted in athletics and to take all practical measures to prevent such discrimination.
- 3.2.4 The compilation and the maintenance of the rules and regulations governing athletics in accordance with the Constitution of ASA and with relevance to this Constitution.
- 3.2.5 The training of athletics officials by the promotion of theoretical and practical courses and examinations accessible to all interested parties and leading to registration as qualified officials, such training to be aimed at ensuring the availability of officials for all authorized athletics meetings in the Province.
- 3.2.6 The training of aspirant coaches in the principles and methodology of coaching and the organization of refresher and advanced courses for qualified coaches and leading to registration as qualifies coaches. Such training to be aimed at ensuring the availability of coaches for the benefit of all athletics.
- 3.2.7 The co-operation of athletics in the Province with regards to, inter alia:-
  - 3.2.7.1 The awarding of Provincial Colours;
  - 3.2.7.2 The external liaison and affiliation with ASA and any other relevant organizations, internal and external;

- 3.2.7.3 Licensing of athletics, technical officials and coaches only within Mpumalanga;
- 3.2.7.4 The monitoring of athletes at all levels with AMPU.
- 3.2.7.5 The compilation of an events calendar for holding of athletics meetings within AMPU, which shall be subject to approval by ASA.
- 3.2.7.6 Development program within AMPU.
- 3.2.7.7 Generally to do all such things as are necessary or incidental to the attainment of the objectives of athletics in AMPU.
- 3.2.8 The maintenance of the rules affecting the amateur status of athlete and the eligibility of athletes to compete at athletics meetings in AMPU.
- 3.2.9 The promotion of a spirit of dedication of the basic principles of fair competition in all respects, including the right of every athlete to strive to achieve provincial titles and colours without being disadvantaged by administrative constraints, rulings or otherwise.
- 3.2.10 The promotion of athletics meetings and competitions through its members so as to ensure ample and equal access to competition by all athletes from all recognized age groups in accordance with the mission and objectives of AMPU.
- 3.2.11 The identification of local requirements with regards of facilities for training and competition and the promotion of the provision of such facilities through representation to the appropriate authorities and other interested parties.
- 3.2.12 Participation to the full in the affairs of the national governing body of athletic and their affiliated associates.
- 3.2.13 To strive for the total and complete unification and transformation of athletics at all levels, and to stem racism wherever it rears its ugly head.
- 3.2.14 To enforce the IAAF Doping Regulations as laid down in the ASA Constitution in AMPU.
- 3.2.15 To ensure that more athletics events are taken to disadvantaged communities, especially in the rural areas.
- 3.2.16 To embrace the following further objectives namely:-
  - 3.2.16.1 To achieve all the objectives set out in the Constitution.
  - 3.2.16.2 To eradicate the imbalances of the past by putting special focus on making the sport of athletics easily and more accessible to the disadvantaged people in this Province.

3.2.17 To raise funds from wherever appropriate source for the purpose of uplifting athletics in Mpumalanga.

#### **4. MEANS OF ACHIEVING OBJECTIVES**

4.1 Athletics Mpumalanga shall co-ordinate athletics in this Province with regard to:-

4.1.1 The licensing of athletes.

4.1.2 The maintaining a list of all the provincial records in Mpumalanga.

4.1.3 The control and determination of all fixtures for track and field, cross country and road running within Mpumalanga. This includes any National or International athletics meetings awarded to the Province by ASA.

4.1.4 The approval of all terms selected to compete for Mpumalanga at ASA events as recommended by the various Commission of this Province.

4.1.5 The promotion of provincial representative teams to all ASA athletics meetings and to strive to offer every incentive to the athletes of Mpumalanga.

4.1.6 To ensure that though ASA the rules in respect of anti-doping are strictly adhered to.

4.1.7 To set standards for and to award Provincial Colours and awards.

4.1.8 To oversee the organization of the Province's Championship events for every recognized fixture of athletics in Mpumalanga.

4.1.9 The drafting of the annual calendar of Mpumalanga and to remit same to ASA for approval before a date stipulated by ASA.

4.2 The objective of this Province will be achieved inter alia by:-

4.2.1 Affiliation with ASA.

4.2.2 Taking all steps and following all procedures which are lawful and compatible with the aims and objectives of Athletics Mpumalanga.

4.2.3 Raising funds for any purpose which may be deemed necessary in terms of this Constitution.

4.2.4 Requiring compliance with the provisions of this Constitution and with the Rules and Regulations issued in terms thereof.

4.2.5 Complying with uniform rules and regulations laid down by ASA for the administration, control and protection in Mpumalanga.



- 4.2.6 Ensuring the annual provincial championship is held.
- 4.2.7 Ensuring that athletics clubs are established without the area of Mpumalanga.
- 4.2.8 Ensuring that all clubs in Mpumalanga are registered with this province and have licensed athletes.
- 4.2.9 Ensuring that no unregistered athlete will be allowed to participate in Provincial competitions that are approved by Athletics Mpumalanga.

## **5. MEMBERSHIP**

### 5.1 Categories of membership.

#### 5.1.1 Membership of Athletics Mpumalanga may be divided into three board categories:-

5.1.1.1 Provincial clubs responsible for the administration and promotion of athletics on behalf of Athletics Mpumalanga.

5.1.1.2 Provincial clubs shall pay an affiliation fee as determined by the AGM from time to time.

### 5.2 Associate members as defined in Clause 5.4 below

### 5.3 Individual members, namely office bearers and harmony members as defined in Clause 5.5 below.

### 5.4 Associate members comprising from:-

5.4.1 The University Sport South Africa – Athletics (USSA-Athletics)

5.4.2 South African Masters Association (SAMA)

5.4.3 The Provincial Affiliate Body to South Africa School Athletics (SASA)

5.4.4 South African National Defense Force (SANDF)

5.4.5 South African Police Services (SAPS)

5.4.6 The Provincial Affiliate Body to Disability Sport of South Africa (DISSA).

### 5.5 Individual members shall comprise of:-

5.5.1 All the individual people who serve on the Executive Board, the Commissions and Committees of Athletics Mpumalanga.

5.5.2 All the honorary members.

5.6 Athletes, Coaches and Technical Officials – They shall be members via their respective clubs.

## **6. APPLICATION FOR MEMBERSHIP**

6.1 Application for membership must be submitted to the Secretary of Athletics Mpumalanga and must include the completed standard application form, the Constitution of the applicant and the affiliation fee as determined by the AGM.

6.2 The applicant shall then be submitted to the Executive Board of Athletics Mpumalanga which shall rule on the application.

6.3 Membership provisionally granted by the Executive Board must be tabled at the subsequent AMG for ratification.

## **7. REGISTRATION OF ATHLETES**

7.1 Registration takes place immediately when a club has been accepted as a member of Athletics Mpumalanga after complying with the provisions of Clause 6 above. Such member must keep the Secretary/Manager/CEO of AMPU informed of all changes in its management and constitution. Changes to the member's constitution will not be valid until validated by Athletics Mpumalanga.

7.2 All clubs/Schools are to be notified in November each year in writing as to their affiliation fees.

7.3 Members must apply directly to the office of Athletics Mpumalanga for the registration numbers of their athletes.

7.4 All athletes' registrations must be done through the member clubs and not directly at the Provincial offices.

7.5 All coaches and officials will only be recognized if registered with AMPU.

## **8. SUSPENSION AND EXPULSION**

8.1 Any member (including clubs, athletes and office bearers of AMPU) which has engaged in misconduct or has unjustifiably violated the provisions of this Constitution or by its actions brings the Province into disrepute may be suspended for an indefinite period until its case has been referred to AMPU's Disciplinary Committee for investigation and further action.

8.2 Allegations of misconduct warranting suspension must be submitted to the office of AMPU in writing.

## **9. DEMARCATION AND DELIMITATIONS**

9.1 Athletics Mpumalanga will serve the following District's:

9.1.1 EHLANZENI DISTRICT

9.1.2 GERT SIBANDE DISTRICT

9.1.3 NKANGALA DISTRICT

## **10. RIGHTS OF MEMBERS**

10.1 All members as referred to in Clause 5 shall have the right to participate in affairs of athletics in Mpumalanga.

10.2 Members or office bearers of Athletics Mpumalanga do not have rights over property or assets that belong to Athletics Mpumalanga.

## **11. ORGANISATION**

11.1 The sub-structures of Athletics Mpumalanga are:-

11.1.1 The Annual General Meeting – AMG

11.1.2 The General Council – GC

11.1.3 The Executive Board – EB

11.1.4 The Various Commissions

11.1.5 The Various Committees and

11.1.6 Clubs in Mpumalanga

## **12. THE GENERAL MEETING**

12.1 The Annual general Meeting (AGM)

12.1.1 The AGM shall be convened every year within six months of the financial year-end of Athletics Mpumalanga.

12.1.2 The financial year-end shall be 31 December each year.

12.1.3 The AGM is the supreme authority of athletics in Mpumalanga.

12.1.4 The members shall receive sixty (60) days written notice of the date of the AGM.

- 12.1.5 All notices of motions and all nominations are to reach the Secretary of Mpumalanga not less than thirty (30) days before the AGM.
- 12.1.6 The Secretary shall notify all members of the agenda and provide a list of nominations for the Executive Board, Commissions and other positions twenty- one (21) days before the AGM.

## 12.2 Special General Meeting (SGM)

- 12.2.1 The Executive Board and/or the General Council may at any time of its own accord or shall upon receipt in writing of a request from at least one third of the clubs in Mpumalanga call a General Meeting which shall be known as a SGM to consider matters beyond the authority of the General Council.
- 12.2.2 A SGM called for as prescribed in 12.2.1 above shall be convened by the President of Athletics Mpumalanga in writing within thirty (30) days after the said request.
- 12.2.3 The notice convening the SGM shall include its agenda.

## 13. REPRESENTATION AT GENERAL MEETINGS

### 13.1 The General Meetings (AGM and SGM), shall consist of:-

- 13.1.1 The Executive Board of Athletics Mpumalanga;
- 13.1.2 The Commissions of AMPU
- 13.1.3 Clubs affiliated to AMPU
- 13.1.4 Associate members; and
- 13.1.5 Honorary members

13.2 Clubs shall be entitled but not to be represented at the AGM or SGM by the Chairperson of the Club plus one member of that Club, i.e. not more than two members of delegates to be present at such meetings.

13.3 Associate members shall be entitled but not obliged to be represented by two delegates.

13.4 Clubs and Associate members shall be entitled to participate in the business of the AGM or SGM only if there affiliation requirements have been complied with and all monies, including licensing fees, levies, fines and other fees have been met in full prior to the said meeting.

13.5 Clubs shall be entitled to two voting delegates and observers shall be accredited with no vote.

- 13.6 Delegates representing at least fifty per cent (50%) plus one of the clubs, Associate Members and individual Members registered in the Province at the date of The General Meeting shall constitute a quorum at any General Meeting.
- 13.7 Should a quorum not be present at the venue of which notice was given of the meeting within thirty minutes of the official starting time the meeting shall be automatically postponed for four weeks and shall be automatically reconvened at the same venue and time without further notice having to be given. Should a quorum not be constituted at the postponed meeting the delegates then present shall constitute a quorum.

#### **14. PROCEDURE AT GENERAL MEETINGS**

- 14.1 The President of AMPU shall preside at any General Meeting.
- 14.2 The agenda of an AGM shall include but shall not be limited to the matter set hereunder:-
  - 14.2.1 Scrutiny of delegates' credentials
  - 14.2.2 Reading of the notice convening the meeting
  - 14.2.3 Reading and adoption of the minutes of the Previous AGM and any SGM's under the period review
  - 14.2.4 Dealing with the recommendations/proposals/motions put forward by the Council
  - 14.2.5 Submission, discussion and adoption of Annual Reports
  - 14.2.6 Submission of Audited Financial Statements for the financial year under review
  - 14.2.7 Dealing with any amendment to the Constitution of which due notice has been given
  - 14.2.8 Election of the office bearers in terms of Clause 16
- 14.3 The agenda of a SGM shall be disposed of the order specified below:-
  - 14.3.1 Scrutiny of delegates' credentials.
  - 14.3.2 Reading of the Notice convening the meeting
  - 14.3.3 Dealing only with the matters for which the meeting was called, which matters were specified in the Notice calling the meeting.

## **15. VOTING AT GENERAL MEETINGS**

- 15.1 Voting on all recommendations/proposals/motions shall be by show of hands or by secret ballot if two members, unopposed, so demand. However, if the demand of two or more members is opposed then the President or Presiding Member, upon constitution with the Executive Board, shall make a ruling on the mode of voting to be employed. In the case of a tie, the Presiding Member shall use his/her casting vote to break the deadlock. This Clause Excludes voting for election of Office Bearers.
- 15.2 Members will be entitled to the following number of votes:-
  - 15.2.1 Provincial Board Members present: 1 vote per member
  - 15.2.2 Clubs present: 2 votes per member club (and not per delegates)
  - 15.2.3 Associate Members present: no votes
  - 15.2.4 Members of Commissions present: 1 vote per member (excluding Chairperson)
  - 15.2.5 Honorary Members: no votes

## **16. ELECTION OF OFFICE BEARERS**

- 16.1 The AGM shall hold elections quadrennial by secret ballot. Only Members affiliated to Athletics Mpumalanga may stand for office and only individuals who are Members in good standing at the respective clubs or in good standing as Associate Members, in AMPU may stand for office.
- 16.2 Nomination Procedure:-
  - 16.2.1 There shall be four sets of nominations forms, one for the Executive Board and one for each of the three Commissions.
  - 16.2.2 The nomination forms shall be distributed by the Secretary sixty days prior to the AGM.
  - 16.2.3 The nomination form shall be returned to the office of AMPU not later than thirty days before the AGM.
  - 16.2.4 The nominating Member shall verify on the nomination form that the nominated person is available for election.
  - 16.2.5 The final list of the persons nominated for specific portfolios and who are available for election shall be prepared by the office of AMPU and posted to all members no later than twenty-one days prior to the AGM. Ballot papers shall be prepared by the office of AMPU for the elections.

16.2.6 Nominees must be active Members of their respective Clubs or active members of the Associate Members nominating them.

### 16.3 Voting Delegates and Their Voting Powers

16.3.1 A maximum of two voting delegates per Clubs per session will be allowed.

16.3.2 The voting powers of Members shall be as provided by Clause 15 above.

### 16.4 Quadrennial Elections Procedure

16.4.1 There will be one QGM sub-divided into four sessions, namely, one session to elect the Executive Board (including the three Commission Chairpersons) and one session each to elect each of the three Commissions.

#### 16.4.2 The Executive Board Session

16.4.2.1 This session will proceed the other three sessions and it will sit to elect the Executive Board, as provided by Clause 19.1 and in the order of precedence as provided by Clause 19.1.

#### 16.4.3 The Commissions Sessions

16.4.3.1 These sessions will sit in alphabetical order of precedence (i.e. Cross Country and then Road Running and finally Track and Field) following the Executive Board session.

16.4.3.2 The sessions will sit to elect the Members of each Commission, as provided by Clause 22.1 (excluding the Commission Chairperson) and in the order of precedence provided by Clause 22.1.

16.4.4 No Member of the Executive Board or any of the Commissions will be allowed to fill more than one position. In other words, as soon as a Member is elected onto the Executive Board or any one Commission, he/she will automatically be unavailable for election into another position for which he/she was nominated (one person, one portfolio), save that the Chairperson of each commission automatically sits on the Executive Board.

16.4.5 The candidates need not be present at the QGM but written acceptance of the office nominated for must be received at the meeting.

16.4.6 Outgoing office bearers are automatically deemed to have been nominated for respective offices.

16.4.7 If no nominations are received for a specific portfolio, nominations may be made from the floor from accredited members.

16.4.8 In the case of an election tie, there is to be a re-vote and if the parties are still tied, then the President or failing him, the presiding over the meeting shall exercise a casting vote.

## 16.5 Appointment of Committees

16.5.1 Committees of AMPU shall be divided into two categories, namely ad hoc Committees and Standing Committees.

### 16.5.2 Ad Hoc Committees

16.5.2.1 These are special committees that will be formed on a need (as and when) basis. The number of members in these committees will differ from committee to committee, depending on the task they have to execute.

16.5.2.2 The procedure for the formation of ad hoc committees will be determined from time to time. And may differ from committees to committee, depending on the circumstances surrounding specific committee.

16.5.2.3 Ad hoc committees may be formed at the request of:-

16.5.2.3.1 The Executive Board; or

16.5.2.3.2 The Commissions; or

16.5.2.3.3 The Chief Executive Officer/Secretary/Manager.

16.5.2.4 Ad hoc committees may be dissolved:-

16.5.2.4.1 As soon as they have achieved the objective for which they were formed; or

16.5.2.4.2 As the Executive board may decide.

16.5.2.5 An ad hoc committee may, in order of circumstances, be elevated to the status of a standing committee. If this happens the necessary constitutional amendments should be effected.

### 16.5.2.6 Standing Committees

16.5.2.6.1 As opposed to ad hoc committees, standing committees have a permanent existence (in principle and not in composition). The number of members per committee will be five.



- 16.5.2.6.2 The following standing committees are constituted:-
    - 16.5.2.6.2.1 Coaches Committee
    - 16.5.2.6.2.2 Women's Committee
    - 16.5.2.6.2.3 Development Committee
    - 16.5.2.6.2.4 Technical Committee
    - 16.5.2.6.2.5 Disciplinary Committee
  - 16.5.2.6.3 Standing committees will be formed by the Executive Board inviting nominations from all Members and Associated Members.
  - 16.5.2.6.4 The nominations will be scrutinized by the Commissions, where applicable, after which a firm proposal on the composition of the committees will be made to the Executive Board for its consideration and ratification.
  - 16.5.2.6.5 The composition of standing committees will be received bi-annually.
- 16.5.3 All committees will be of no force or effect unless they are ratified by the Executive Board.
  - 16.5.4 Standing Committees may be reconstituted (in composition) at the Execution Board's discretion.
- 16.6 Disclosure of Interests
- 16.6.1 Each person holding office in Athletics Mpumalanga of members of any organizing committee (LOC) in respect of any event under the auspices of AMPU or any Provincial Member of Associate Member, shall disclose to the Executive Board in writing any interest (whether direct or indirect) he may have in any contract or proposed contract or business being considered by this Province or the relevant LOC, and shall refrain discussing or voting upon such business. A person may make a general declaration that he/she is a member of a particular organization, so to be regarded as interested in any transaction involving that organization.
  - 16.6.2 No person holding office in this Province or any LOC referred to in Clause 16.6.1 shall use any information that he/she gains as such a representative of this Province or any LOC or personal, business or otherwise gain.
  - 16.6.3 Nothing in this Article shall derogate from the general duty of good faith owed by a member to AMPU and/or any LOC referred to in Clause 16.6.1

- 16.6.4 Any gifts and/or gratuities and/or benefits received by any member, including a member of any LOC referred to in Clause 16.6.1, where the value thereof exceeds R500,00 shall be required to be declared to Athletics Mpumalanga and in the case of an LOC as well. Furthermore, the Executive Board shall have the power to take action it deems necessary if it considers the gift, gratuity or benefit to be capable of impairing the dignity and integrity of AMPU, to require such gift, gratuity or benefit to be dealt with in such manner as it may determine. Should any member of the Executive Board be the subject of the determination, he shall reclude himself from the Executive Board's deliberations.

## **17. REMOVAL OF MEMBERS OF THE EXECUTIVE BOARD AND COMMISSIONS**

- 17.1 Notwithstanding any clause contained elsewhere in this Constitution the members may be an ordinary resolution passed at a Special General Meeting remove from office any person. This excludes the officers of Athletics Mpumalanga.
- 17.2 Upon receiving a valid requisition for a Special General Meeting at which a resolution to remove any such person is to be proposed, the CEO/Manager/ Secretary shall give notice in writing of such resolution to the person(s) concerned and shall if required by such person(s) circulate to all members entitled to receive notice of the Meeting, any written communication of reasonable length provided it does not contain any illegal, offensive or defamatory material.
- 17.3 At the Special General Meeting the person whose removal is proposed shall have the right to address the Meeting.
- 17.4 Any removal of any person shall be without prejudice to any legal claim he/she may have against Athletics Mpumalanga or that this Province may have against him/her in respect of matters arising before such removal.

## **18. THE COUNCIL MEETING**

- 18.1 The Council Meeting shall consist of:-
- 18.1.1 AMPU's Executive Board;
  - 18.1.2 AMPU's Commissions;
  - 18.1.3 The chairperson or accredited representative and one other representative of each affiliated and fully paid up Club;
  - 18.1.4 The chairperson or accredited representative of each Associate Member.
  - 18.1.5 The chairperson of all Committees e.g. coaches, Technical, etc.;

- 18.1.6 Honorary Member;
- 18.1.7 Any other parties as are specifically invited by the Executive Board.
- 18.2 All members of the Council shall be entitled to one vote each.
- 18.3 The Council shall meet at least once per annum.
- 18.4 Members of the Council shall receive at least thirty days notice of council meetings. A meeting shall be called by the President of the Council if requested in writing, by at least one third of the Clubs who are in good standing, or by the Executive Board of AMPU.
- 18.5 A quorum at Council meetings shall be fifty per cent plus one of the members in AMPU, who are in good standing.
- 18.6 Minutes of Council Meetings shall be distributed to Council Meetings within fourteen days of the meeting.
- 18.7 Recommendations/proposals/motions passed at Council Meetings shall be tabled as AGM's for adoption and ratification.

## **19. THE EXECUTIVE BOARD**

- 19.1 The Executive Board shall consist of:-
  - 19.1.1 The President;
  - 19.1.2 Vice-President's;
    - 1 - VICE-PRESIDENT: EHLANZENI DISTRICT**
    - 1 - VICE-PRESIDENT: NKANGALA DISTRICT**
    - 1 - VICE-PRESIDENT: GERT SIBANDE DISTRICT**
  - 19.1.3 The chairperson of each of the three commissions, viz., Cross Country, Road Running and Track and Field;
  - 19.1.4 Three additional members.
- 19.2 The CEO/Manager/Secretary will serve on the Executive Board as an ex-officio member and shall have no vote.
- 19.3 The presidium shall be the substructure of the Executive Board facilitating decision-making where necessary, in the office of AMPU. The presidium shall consist of the president, the Chief Executive (CEO) and the Vice-President.

- 19.4 The Executive Board shall meet at least every three months.
- 19.5 The President shall chair all meetings of the Executive Board and in his absence, the Vice-President will so act. The President's function shall be that of a non-executive President.
- 19.6 The President shall call a meeting of the Executive Board as provided by Clause 19.4 or if requested to do so by at least three members thereof.
- 19.7 Members of the Board shall receive at least seven days written notice of meetings together with a copy of the agenda.
- 19.8 Each member of the Board has one vote except the CEO/Secretary/Manager, while the chairperson of the meeting will also have a casting vote.
- 19.9 Minutes of all meetings of the Board will be sent only to members of the Executive Board and must be dispatched within seven days of the meeting.
- 19.10 The Executive Board shall have the power to co-opt any person to serve thereon either in general, or for a definite purpose during a specific meeting, or when dealing with a specific matter.
- 19.11 Anyone co-opted under Clause 19.10 shall be allowed to take part in the proceedings and the discussions of the Executive Board but without a vote.
- 19.12 At least five voting members present at an Executive Board meeting shall form a quorum. The five shall include at least two chairpersons of Commissions and one members of the presidium.
- 19.13 The activities of the Executive Board are at all times to be transparent and communicated to the members in the form of regular activity reports, and the Executive Board will at all times remain accountable to the members.
- 19.14 Should any member of the Executive Board move out of his/her position on the board, the rights/tasks of the member automatically goes to the person taking over the position (as elected during an EB meeting) and that all necessary changes be made with immediate effect to change signatory rights.

## **20. POWERS AND DUTIES OF THE EXECUTIVE BOARD**

In addition to the powers and duties granted to the Executive Board in terms of any provision of the Constitution, the following further powers shall vest in the Executive Board:

- 20.1 To establish policy and direction in line with the provisions of the Constitution, and to approve the yearly plan and budget:
- 20.2 To keep minutes of all Executive Board meetings:

- 20.3 To appoint quadrennial within six months after the QGM or AGM, all Standing Committees:
- 20.4 To designate, where desirable, committees or other to investigate and advise the Executive Board in areas of specialist interest, e.g. marketing, media and television:
- 20.5 To take appropriate action against any member of the athletics family who acts in a manner that brings the sport to disrepute:
- 20.6 To appoint delegates action against any member of the athletics family Mpumalanga is affiliated to or is required to send such to:
- 20.7 To temporarily or permanently suspend any person, club or member who or which is guilty of misconduct of bringing the sport of athletics into disrepute, or to restore the status of such a person, club or member.
- 20.8 To refer disciplinary matters to AMPU's Disciplinary Committee and to act on recommendations of the Disciplinary Committee.
- 20.9 To do anything which is in the interest of Athletics Mpumalanga, provided that it is in keeping with its mission and objectives and complies with the provisions of this Constitution:
- 20.10 To maintain a head office consisting of officers under control of the CEO/Secretary/Manager, to perform such functions as AMPU may decide:
- 20.11 To control the financial affairs of AMPU and to consider financial statements and in this regard:
  - 20.11.1 To borrow or lend money with the necessary guarantees and conditions
  - 20.11.2 To acquire, encumber or dispose of movable or immovable property:
- 20.12 To open banking accounts for Athletics Mpumalanga and to draw, receive and endorse cheques, bills of exchange and IOU's in connection with the financial business of this Province.
- 20.13 To pay out any honoraria, which have been decided.
- 20.14 To agree to the settlement of the travel justified by the circumstances:
- 20.15 The authority to appoint a CEO/Secretary/Manager.
  - 20.15.1 The CEO shall be the executive head of the organization, and responsible for the financial well being, the image and the marketing of the organization, as well as the implementation of board polices and decisions as laid down by the Executive Board. The CEO will report to the Executive Board:
  - 20.15.2 The CEO/Manager/Secretary shall be Chief Administrator, the Chief Protocol Officer and the Chief Development Officer will be in charge of the administrative functions of AMPU Head Office and will be appointed on a full-time basis by the Executive Board.

## **21. POWERS AND DUTIES OF THE COUNCIL MEETING**

The powers of the direction of the affairs of AMPU shall be vested in the Council and in addition to the powers and duties granted to the Council in terms of any section of this constitution, the following further powers shall vest in the Council:-

- 21.1 To do anything which is in the interest of Athletics Mpumalanga that is in keeping with its mission and objectives and complies with the provisions of the Constitution and die directives of the Annual General Meeting.
- 21.2 To propose rules and regulations as required for the smooth running of the affairs of AMPU, subject to ratification by the AMG and ASA.
- 21.3 To deliberate on any matters, which may be brought before it, and to make recommendations on the same matters to the AMG.

## **22. GENERAL PROVISIONS**

22.1 Each of the three Commissions shall consist of the following members:-

- 22.1.1 The chairperson
- 22.1.2 The Vice-chairperson and
- 22.1.3 Three additional members
- 22.1.4 At least two members of the Commissions shall be women

## **23. HEAD OFFICE**

The head office of Athletics Mpumalanga shall be situated at the venue decided upon from time to time by the Executive Board.

## **24. HONORARY MEMBERSHIP**

Honorary membership will be awarded to persons who have served athletics with great distinction, subject to the following:-

- 24.1 Nominations, with a comprehensive motivation and report of the services rendered by the nominee to athletics are to be submitted to the Executive Board for consideration by the Executive Board sixty days before the AGM.

- 24.2 Once nominations have been approved by the Executive Board, such nominations and motivations shall be submitted to members for their considerations.
- 24.3 Members shall vote by ballot and those nominees who have gained seventy five percent of the votes recorded, shall be short-listed for the award.
- 24.4 The names of the final nominees (maximum of two persons) shall be presented for ratification at the next AGM.

## **25. FINANCIAL MATTERS**

- 25.1 The financial year-end of Athletics Mpumalanga shall be 31 December every year.
- 25.2 Membership Fees
  - 25.2.1 Affiliation, race and license fees will be determined by the Executive Board.
  - 25.2.2 Affiliation and license fees are due on or before the last day of February of every year.
  - 25.2.3 If affiliation fees have not been paid before such date the defaulting member will be automatically suspended from all ASA and Provincial affairs and shall only be re-instated when the cause for the suspension will have been removed and the Executive Board approved such reinstatement.
  - 25.2.4 If the amount due is paid, including a penalty equal to half of the member's affiliation fee; the executive committee may lift the suspension.
- 25.3 Athletics Mpumalanga shall not distribute its annual surplus funds among its members.
- 25.4 Athletics Mpumalanga is a non-profit organization and any surplus shall be used for the benefit of athletics in the Mpumalanga region.
- 25.5 All members of Athletics Mpumalanga shall submit to the office of this Province their audited financial statements annually, before the AGM of this Province.
- 25.6 Athletics Mpumalanga may not distribute its income or property to members or office bearers, except as reasonable compensation for services rendered.

## **26. RULES AND REGULATIONS**

- 26.1 Rules and regulations in accordance with those of ASA shall be issued by the Executive Board from time to time.

- 26.2 All such rules and regulations will be ratified at an AGM and SGM convened for this purpose.
- 26.3 In order to facilitate transformation, the members of Athletics Mpumalanga shall subscribe to the following code:
  - 26.3.1 All provincial structures and substructures shall guarantee equal representation for people from former establishment and non-establishment sectors.
  - 26.3.2 This code shall be enshrined in AMPU's constitution.
  - 26.3.3 This code shall remain a temporary measure to ensure that transformation is irreversible.
  - 26.3.4 The member province shall remove the provisions of this code from its constitution only when athletics in Mpumalanga shall have been fully transformed.
    - 26.3.4.1 Athletics shall be deemed to be fully transformed in Mpumalanga as and when a reasonable balance exists between the number of clubs in the previously disadvantaged townships and/or villages, and the number of clubs in the town/city suburbs, in the Province.
    - 26.3.4.2 The provisions of this code shall be removed from the member's constitution only with ASA's written approval.
- 26.4 All provincial teams to all ASA's national championships or interprovincial shall at least reflect the following demographics:
  - 26.4.1 All senior teams shall reflect a 40:60 (black: white) demographic balance.
  - 26.4.2 All junior teams shall reflect a 50:50 (black: white) demographic balance.
  - 26.4.3 All youth teams and under shall reflect a 60:40 (black: white) demographic balance.

## **27. PROVINCIAL CHAMPIONSHIPS**

- 27.1 Athletics Mpumalanga shall hold the following Provincial Championships:-
  - 27.1.1 Cross Country;
  - 27.1.2 Road Running
  - 27.1.3 Track and Field
- 27.2 All Clubs in Mpumalanga shall be obliged to present teams at Provincial Championships.



- 27.3 Except in exceptional circumstances as shall be determined by the Executive Board in conjunction with the Executive Board of ASA, only South African Citizens may take part in provincial Championships.

## **28. DOMICILIUM RULE**

The rule of domicilium as outlined in the constitution of ASA shall apply.

## **29. LINES OF COMMUNICATION**

- 29.1 The line of communication shall be from Athlete to Club and from the Club to the Province to National.
- 29.2 Only in exceptional cases where no co-operation has been forthcoming from a Club, will AMPU meet directly with an Athlete.
- 29.3 Officers of Athletics Mpumalanga shall serve on the Executive Board, Commissions and Committees and Members of Mpumalanga in an Ex-officio capacity only.

## **30. AMENDMENTS TO THE CONSTITUTION**

- 30.1 Amendments to the Constitution can be made through suggestions submitted by the Executive Board, Commissions and Committees and Members of Mpumalanga Athletics.
- 30.2 A proposal to amend the Constitution, or the Rules and Regulations, may be submitted by Members at least forty-five days prior to an AGM.
- 30.3 The Constitution can be changed by a resolution. The resolution has to be agreed upon and passed by not less than two thirds of the members who are at the AGM or SGM. Members must vote at this meeting to change the constitution.
- 30.4 Two thirds of the members shall be present at a meeting (Quorum) before a decision to change the constitution is taken. Any annual general meeting may vote upon such a notion, if the details of the changes are set out in the notice referred to in the previous paragraph.
- 30.5 All members, bodies or person affiliated to Mpumalanga Athletics shall be obligated to observe and accept the Constitution, Rules and Regulations of Mpumalanga and may not introduce any amendments or additions which are incompatible with the Rules and Regulations of AMPU and ASA.

### **31. INTERPRETATION**

- 31.1 Subject to the provisions of the Constitution, decisions of the AGM concerning the validity of any provisions of this Constitution shall be final and binding on the provision that they do not conflict with any provisions in ASA's Constitution or ASA's Rules and Regulations.
- 31.2 Difficulties concerning situations not provided for in the Constitution shall be submitted in writing to ASA and shall be investigated and reported upon by ASA to the Executive Board of Athletics Mpumalanga before it is placed on the agenda of the next AGM. The decision of the AGM, subject to 31.1 shall be final and binding.

### **32. DISPUTES**

Any disputes between Members or between Members and Mpumalanga Athletics shall be dealt with in accordance with ASA's Constitution Dispute procedure.

### **33. DISSOLUTION OF MPUMALANGA**

Athletics Mpumalanga may be dissolved if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of the dissolution, provided the following stipulations are met:

- 33.1 An interim committee is appointed to finalize the affairs of Mpumalanga Athletics.
- 33.2 Such interim committees are constituted by two members of the Executive Board, the Manager of Mpumalanga's Athletics official bank and CEO.
- 33.3 The official archives of Mpumalanga Athletics will be placed in the care of the State Archives in terms of the provisions of section 13(1)(B) of the Fund Raising Act, No 107 of 1978 as amended from time to time:
- 33.4 Should Athletics Mpumalanga be dissolved that any assets (property or money) remaining, after all its liabilities have been met, will be transferred to another non-profit organization having similar objectives.

### **34. AUTHORITY OF THIS CONSTITUTION**

This Constitution supersedes any Constitution of a Member or Club in so far as it conflicts with it. However, in the event of any conflict in any provision or clause of the Constitution with any provision or clause in the Constitution of ASA, then ASA's Constitution shall prevail and supersede this

Constitution to the extent of the conflict, in order to give effect to the meaning and interpretation as laid down in the ASA Constitution.

### **35. AUTHORITY OF ASA AND IAAF RULES**

Any provision in the Constitution that is in conflict with ASA or IAAF rules will be superseded by such rules, as amended from time to time.

## **SCHEDULE A**

Of the Constitution of **MPUMALANGA**

### **THE ROLE OF THE COMMISSIONS**

Version no. \_\_\_\_\_

#### **1. RULES AND REGULATIONS GOVERNING COMMISSIONS**

- 1.1 Athletics Mpumalanga shall have three Commissions, namely Cross Country Commission, Road Running Commission and Track and Field Commission.
- 1.2 The Commissions shall remain an integral part of Mpumalanga and they shall therefore have no standing, legal and otherwise, separate to that of this Province.
- 1.3 The Commissions shall have no constitutions of their own and they shall hold neither AGMs nor Council Meetings of their own.
- 1.4 Commissions shall have no other power except those powers derived from Athletics Mpumalanga.
- 1.5 The primary role of the Commissions is that of planning, technical input and guidance with a specific rules and regulations regarding that particular Commission.
- 1.6 The Commissions shall meet at least once in three months.
- 1.7 All funds raised for a specific Commission will be used for that Commission. All surplus funds accruing to a given Commission will be carried forward for the use of that Commission.
- 1.8 The Commissions will have the right to co-opt members subject to ratification by the Executive Board.
- 1.9 The CEO will serve on the Commissions in the same capacity in which he/she serves on the Executive Board.

#### **2. DELEGATION OF POWERS**

- 2.1 Subject to the overall authority of the Executive Board the organization of the particular discipline of athletics delegated in respect of AMPU and unless otherwise determined by the Executive Board, the terms of reference of such Commissions are set out in the Schedule.

- 2.2 For the purpose of such organization the Commission shall be allocated an operating budget determined by the Executive Board in consultation with the Commissions.

### **3. POWERS OF THE COMMISSIONS**

Each Commission shall manage the functions of its particular discipline of Athletics delegated to it from time to time by the Executive Board, including:-

- 3.1 To co-operate with the provide guidance to the members to further the development of the particular discipline.
- 3.2 To organize in consultation with the Executive Board, Mpumalanga Championships, teams' selection trails for national events and any other events as may become necessary.
- 3.3 To select competitors to represent Mpumalanga at the National competitions and to propose team managers of any team of competitor's se selected, subject to the exclusive right of the Executive Board to approve such.
- 3.4 To maintain provincially any section of the Competition Rules relating to the particular discipline and ensure compliance therewith.
- 3.5 To ensure compliance with national and international rules of doping control in events organized under auspices of Athletics Mpumalanga.
- 3.6 To provide advice to event organizers and assist in the coordination of the particular discipline of athletics fixtures.
- 3.7 To catalogue Athletics Mpumalanga's records and performances.
- 3.8 To establish and maintain standards and practices provincially relating to the particular discipline of athletics.
- 3.9 To co-operate and collaborate with ASA Development Department in furtherance of the national development of athletics.
- 3.10 To drawing up and enforce regulations for the organizers of events subject to the approval of the Executive Board, but no such regulations shall contravene a provision of the Competition Rules.

### **4. PROCEEDINGS OF THE COMMISSIONS**

- 4.1 Not less than seven clear day's notice of all meetings shall be given to all members of the Commission entitled to attend thereat. Such notice shall be to their respective addresses as registered with the office of Athletics Mpumalanga.

- 4.2 At least three members present, including the Chairperson or Vice Chairperson will form a quorum at Commission meetings.
- 4.3 The Chairperson of the Commission, or any three members of the Commission, may through the Chairperson, call an emergency meeting at any time on a notice of at least three days.
- 4.4 Issues arising at any meeting shall be determined by a majority of votes and in the case of any equality of votes, the presiding member shall have a casting vote.
- 4.5 If the Chairperson of the Commission is not present at the start of the meeting, the Vice-Chairperson shall chair the meeting.
- 4.6 The Commission shall lodge a copy of the minutes of each of its meetings with the CEO.
- 4.7 Except where otherwise herein provided, the Commissions shall determine their own procedures and methods for as long as such procedures and methods comply with provisions of the Constitution of Athletics South Africa and this Constitution.