

KWAZULU-NATAL AQUATICS

CONSTITUTION

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1.0 DEFINITIONS

- 1.1 KwaZulu-Natal Aquatics (KZNA) is the official body in the district of KwaZulu-Natal (as defined herein) responsible for the aquatic disciplines of Diving, Open Water Swimming, Swimming, Synchronised Swimming and Water Polo.
- 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 'Council' shall mean the Council referred to in Clause 8.1 hereof.
- 1.4 'Affiliates' shall mean the Clubs affiliated to KZNA in accordance with Clause 6.0 hereof.
- 1.5 'Members' shall mean the Clubs and Associations, and the individual members of such Clubs and Associations.

2.0 PREAMBLE

- 2.1 Words importing the masculine gender shall include the feminine gender.
- 2.2 Where the context so requires, words of a plural nature shall include the singular and the singular shall include the plural.
- 2.3 KZNA, based on its activities and objectives, will apply to be registered with the Department of Sport and the South African Revenue Services as a Public Benefit Organisation.
- 2.4 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 any body having control over the recognised aquatic disciplines in the Republic of South Africa, and agree to abide hereby.
- 2.5 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 KwaZulu-Natal Aquatics (KZNA) in and to SSA, shall apply *mutatis mutandis* in respect of the Member in and to KZNA.

3.0 OBJECTIVES

The objectives of KZNA shall be:

- 3.1 To promote and encourage Swimming, Open Water Swimming, Diving, Water Polo and Synchronised Swimming 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 Swimming, Open Water Swimming, Diving, Water Polo and Synchronised Swimming.
- 3.5 To act as Board of Appeal and Tribunal in all matters concerning Swimming, Open Water Swimming, Diving, Water Polo and Synchronised Swimming, 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;
 - 3.5.5 to act as a controlling body for all Clubs under its jurisdiction;
 - 3.5.6 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 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 recordsand matters ancillary thereto.
 - 3.5.7 to represent the interest of, divers, water polo players and synchronised swimmers, open water swimmers and swimmers of KwaZulu-Natal Aquatics at all meetings of SSA;
 - 3.5.8 to pass on to Clubs communications of interest and importance from SSA;
 - 3.5.9 to stimulate public opinion, by all possible means, so as to influence all authorities to provide pools for diving, swimming, synchronised swimming

and water polo facilities in accordance with the standards as laid down from time to time by SSA, CANA and FINA; and

3.5.10 to raise funds by donation, bequest or sponsorship in any lawful manner.

3.5.11 to accelerate the transformation process at all levels of our sport.

4.0 JURISDICTION

4.1 The jurisdiction of KZNA shall be the area in the legislative Province of KwaZulu-Natal south of the Tugela River and such other place or area as may be allotted to it's jurisdiction by SSA.

5.0 MEMBERSHIP

5.1 Membership of KZNA shall be open to Clubs 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 swimming, open water swimming, diving, water polo, synchronised swimming club or association, provided that it has a registered membership of individuals members, as defined in Clause 5.1.3 is eligible to affiliate.

5.1.2 A Club seeking membership with KZNA must deposit a fee as determined by Council with its application for membership, together with a copy of its constitution.

5.1.3 A Club seeking membership must register within fourteen (14) days of its deposit fee at least three (3) officials (Chairperson, Secretary and Treasurer or other).

5.1.4 Should the application for membership be revoked, the application fee will be returned.

5.1.5 Council in its sole discretion, and without giving reasons, may refuse any application for membership.

5.1.6 KZNA shall recognise two forms of Clubs seeking membership.

5.1.6.1 those Clubs who are entering the sport for the first time, with no experienced competitors, and

5.1.6.2 those Clubs who are entering the sport with experienced competitors.

Clubs Entering with No Experienced Competitors

These Clubs will fall under the jurisdiction of the Development Council, who will assist the Clubs until such time that the Council agrees that all criteria to progress forward have been met.

Clubs Entering with Experienced Competitors

These Clubs will fall under the jurisdiction of the Boards concerned. The Club must register at least five (5) competitors (diving and synchronised swimming) or fifteen (15) competitors (swimming and water polo).

- 5.1.7 Clubs must adhere to the minimum registration numbers quoted above to each discipline. Should the registration numbers not be maintained, membership of the Club to KZNA is immediately terminated.
- 5.1.8 During the first two years of membership, no new Club will be entitled to a vote.
- 5.1.9 In terms of Clause 5.1.3, all Clubs are required to forward copies of their constitutions and financial statements to KZNA annually by 30th September of each year.

5.2 Individual Members

All individual members of Clubs and Associations shall automatically become Members of KZNA on registering with a Club or Association, by completing the prescribed Registration Form.

Only individual members may hold any official position in a Club or Association.

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 Other

Membership to KZNA will also be open through agreement to representation from the United Schools Swimming Association of South Africa, and the Tertiary Association of South Africa.

6.0 AFFILIATION FEE

6.1 Every affiliated body or Club, 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.

In determining the annual affiliation fees payable, the Council of KZNA shall separately determine the fees payable by affiliated Clubs.

6.2 The 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.

6.3 The Council may differentiate between classes of membership in determining the annual affiliation fee.

6.4 The Council may increase the affiliation fee at any time in respect of any class of member as it may consider necessary or desirable.

6.5 The affiliation fees shall be payable in advance on or before the 30th April in each year and in the event of the affiliation fee being unpaid, all rights and privileges shall be suspended until the affiliation fee is paid.

6.6 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 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.

6.7 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 all Clubs, with the Registration Secretary / Treasurer of KZNA for each season and such registration shall be on the forms approved by the 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 there shall be paid a registration fee in an amount determined by Council from time to time and the registration fee shall be payable, and shall be paid when the registration form concerned is submitted.
- 7.3 The Council may increase the registration fee at any time in respect of any class of members as it may consider necessary.
- 7.4 In any competition held under the auspices of KZNA and/or SSA, no unregistered swimmer, open water swimmer, synchronised swimmer, diver or water polo player may compete.
- 7.5 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.
- 7.6 Affiliated Clubs may hold internal domestic events in which unregistered members may take part.
- 7.7 Two classes of officials are recognised by KZNA, namely club and other administrators, and poolside / technical officials.

8.0 ADMINISTRATION

- 8.1 The Management of KZNA shall be vested in a Council of the following members:
- President
 - Vice President
 - General Secretary
 - Treasurer
 - Two Executive Members
 - The Chairpersons of each Board
 - One delegate representing USSASA, and
 - One delegate from the Tertiary Association.
- 8.2 The President, Vice-President, General Secretary, Treasurer, and the Executive Members shall form the Executive Committee of the Council and shall hold office for two years.
- 8.3 It shall be lawful for the same person to hold the posts of Honorary Secretary and Honorary Treasurer, but an additional Executive Member shall not be elected to the Council where this occurs.

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

Council Meetings

- 8.4 The Members of Council shall hold office and act until the completion of their term following the date on which they were elected or appointed. The Council shall have the power to fill any vacancy occurring in Council Membership.
- 8.5 In the case of a Board's delegate inability to attend a Council meeting, an alternate, to be nominated by that Board, but who must be a registered member of the relevant Board, may attend a Council meeting of KZNA in the delegate's stead.
- 8.6 The Council shall meet regularly to transact the business of the KZNA. Ten (10) days notice in writing of such meeting shall be given to the Council Members unless all members shall waive such notice.
- 8.7 At all Council meetings of KZNA, six (6) 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 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 Council upon good cause shown at the next ensuing meeting.

- 8.8 Council shall have the powers to deal with all cases of misconduct and is empowered to expel, suspend or fine any member, 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 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 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 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 Council shall at all times be empowered to appoint sub-committees to carry out any specific duties allocated by the Council.

Finance

- 8.11 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 other officials approved by the Council.

- 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 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 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.

Executive Meetings

- 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 Council as provided in Clause 8.6, 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 or Club, save suspension pending investigation by the Council.
- 8.18 In cases of emergency, the Executive Committee shall have the power to conduct business on behalf of the Council, subject to Clause 8.17.

General

- 8.19 The Council may employ part-time employees in the field of clerical, secretarial or technical assistance.

9.0 ANNUAL AND SPECIAL GENERAL MEETINGS OF THE ASSOCIATION

- 9.1 The Annual General Meeting of KZNA shall be held on a date to be determined by its Council, but not later than the 31st day of August, in each year, and fourteen (14) days notice of Meeting shall be given in writing to each member, Club 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 and Chairpersons of Associations shall be submitted, together with reports on major events.
- 9.3 Officers set out in Clause 8.2 shall be elected every second year.
- 9.4 The nominations, with written acceptances from the nominees as referred to in Clause 8.2 hereof, shall be submitted to the 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 President or the Chairperson of the meeting may permit nominations to be moved from the floor.
- 9.5 The following persons or bodies shall be elected at the Annual General Meeting:
- President
 - Vice President
 - General Secretary
 - Treasurer, and
 - Two Executive Members
- 9.6 Notices of motion, duly given, shall be considered.
- All notices of motion must be delivered in writing to the Secretary of KZNA at least forty (40) days before the Annual General Meeting.
- 9.7 The ratification of all Boards members and Selection Committee members shall also take place at the Annual General Meeting.
- 9.8 The nominated delegates representing the Schools and Tertiary Associations shall also be announced.
- 9.9 Nominations for awards must be forwarded to the Secretary of KZNA, with a detailed "curriculum vitae" within forty (40) days prior to the Annual General Meeting.

Special General Meeting

- 9.10 A Special General Meeting may be summoned at any time by the Council, or by the 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

9.11 At Annual and Special General Meetings, those entitled to vote will be:

Each Association - two delegates, each with one vote

Each Club - two delegates, each with one vote

Each Member of Council - 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 fifteen (15) members or delegates who are entitled to vote.

9.13 Notwithstanding anything in this Constitution contained, no person, 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.

9.14 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 Secretary until the next Annual Meeting, whence the Secretary will confirm their disposal.

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

9.17 In the case of the Presidency, should the President be elected from the advantaged community, then the Vice-President must be elected from the disadvantaged community. The reverse will also apply.

9.18 In the case of the Executive Members, one Member must be elected from the advantaged community and the other from the previously disadvantaged community.

10.0 BOARDS/COMMITTEES

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

Boards

The disciplines to be controlled and administered by the Boards are:

Development
Diving
Open Water Swimming

Swimming,
Synchronised Swimming, and
Water Polo

- 10.2 The Development Board will conduct its business as the Development Council.
- 10.3 The Development Council will be responsible, among other issues, for the development and growth of the sport in all its disciplines. In this role, the Development Council will assist Clubs to be formed, and to ensure a strong stable administration, maintaining acceptable standards and will be financially sustainable.
- 10.4 Boards may form specialised Committees, such as for Officials, etc.

Committees

- 10.5 The Transformation Committee will comprise of four (4) nominated members from the Development Council and the Chairperson of each Board.
- 10.6 The Chairperson of the Committee will be nominated by the nominated members of the Committee.
- 10.7 The objective of the Transformation Committee is to monitor the progress of transformation at all levels within the Association, and to report to the KZNA Executive of progress, with recommendations.

11.0 ANNUAL AND SPECIAL GENERAL MEETINGS OF BOARDS

- 11.1 The Annual General Meeting of each Board, and any of its official Committees, shall be held not later than twenty-eight (28) days before the Annual General Meeting of KZNA and at least fourteen (14) days notice shall be given to each Member, affiliated Club 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;
Election of the Executive; and
The ratification of the nominated representatives and administrators for the ensuing year.

- 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 Secretary of KZNA at least twenty-eight (28) days before the date of the Annual General Meeting of

the Board 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, those entitled to vote shall be:

Two (2) delegates from each affiliated Club;

Two (2) delegates from each Association, including Schools and Tertiary Associations, and

One (1) delegate from each of the Executive Members of the Board.

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 Secretary of KZNA 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 President or the Chairperson of the meeting may permit nominations to be moved from the floor.

- 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 the Development Council and Swim Board, eight (8) members

11.8.2 in the case of the remaining disciplines, six (6) 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.

In the case of Swim Board, the top four (4) highest votes and in the case of the remaining disciplines, the top three (3) candidates from the advantaged community will be duly elected, irrespective of placing.

In the case of Swim Board, the top four (4) highest votes and in the case of the remaining disciplines, the top three (3) candidates from the previously disadvantaged community will be duly elected, irrespective of placing.

- 11.10 At the first meeting of the Board, 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.
- 11.11 If the elected Chairperson is a member from the advantaged community, then the Vice-Chairperson must be elected from the disadvantaged community, and vice-versa.
- 11.12 Each Board 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. 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 Chairperson of each Board will submit the names of the elected delegates to the Annual Meeting of KZNA for ratification.
- 11.15 Each elected Board member shall serve for two (2) years.
- 11.16 In pursuance of Clause 11.15, in the second year the roles of the Chairperson and Vice-Chairperson of each Board as elected in Clause 11.11 will be reversed.
- 11.17 In the event of the Board 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.
- 11.18 The results of the voting shall be retained by the Secretary of the Association until the next Annual Meeting, when they will be destroyed.

Special General Meetings

- 11.19 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

Boards

- 12.1 Each Board, other than the Development Council, shall:
- 12.1.1 form a Club Forum, consisting of not more than two (2) nominated delegates from each participating Club and a representative from each of the registered Associations falling within the relevant discipline.
 - 12.1.2 cater for and ensure representation of various Associations or official bodies associated with the discipline and recognised by KZNA.
 - 12.1.3 be responsible for the development, control and administration (including discipline on charges of misconduct) of its discipline.
- 12.2 The management of each Board shall be vested in an Executive which shall consist of the elected members as indicated in Clause 11.9.
- 12.3 The 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 11.9.
- 12.4 The Executive will be responsible for all grassroots development of their discipline.
- 12.5 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.
- 12.6 The Executive shall at all times be entitled to appoint sub-committees to carry out specific duties allocated by the Executive.
- 12.7 In the case of emergencies, the Executive shall make decisions and act on behalf of the Board, which decisions shall be binding upon the Board provided that such decision/s or action/s is/are reported at the next Board meeting.
- 12.8 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.
- 12.9 All income and expenditure received or incurred by the Board will be administered through the Honorary Treasurer of KZNA.

- 12.10 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.
- 12.11 All Boards will utilise the standardised KZNA letterhead, with the details of each Board clearly identified.

Committees

- 12.12 The Officials Society will be elected similarly to Swim Board.
- 12.13 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 six (6) members from nominations submitted to the 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 Chairperson.

- 13.3 All selections must be ratified by the Boards.

- 13.4 The nominations, with written acceptances from the nominees, shall be submitted to the Secretary of KZNA 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 President or the Chairperson of the meeting may permit nominations to be moved from the floor.

- 13.5 The Chairperson of each Board shall submit the name of the elected members to the Council for ratification.
- 13.6 Each elected member of the Selection Committee will serve for two (2) 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 three (3) delegates from the advantaged community will be duly elected, irrespective of placing.

The top three delegates from the previously 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.

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 knobkierie, 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 Above the emblem either horizontal or in an arc, 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 Council may decide from time to time.

17.0 APPEALS AND COMMUNICATIONS WITH THE ORGANISATION

- 17.1 The Board of Appeal shall consist of the Council of KZNA provided that any member of Council having a direct interest in the appeal shall not be entitled to vote on the question at issue.
- 17.2 An Appeal to the relevant Board Council shall be lodged with the Chairperson of that Board who shall give directions as to how the matter should be dealt with and considered by his/her Board.

Should the party lodging such an appeal be aggrieved by the decision of the Board, a further appeal may be lodged within fourteen (14) days of the determination of the case by the Council of the relevant Board with the Chairperson of that Board Council, who shall forthwith transmit such appeal to the Secretary of the Board of Appeal of KZNA, together with any representations and/or particulars which his/her Board may wish to place before the board of Appeal.

In the case of a member of a directly affiliated Club or Association, the afore going provisions of this rule shall apply *mutatis mutandis* to such affiliated Club or Association.

- 17.3 The appellant shall deposit the sum of the one hundred rand (R100,00) when lodging his appeal with the Chairperson of the Board, which deposit shall be forwarded to KZNA and which deposit may be forfeited or re-funded at the sole discretion for the Board of Appeal.

The Board of Appeal shall not be required to give reasons for its decisions.

18.0 LAWS GOVERNING THE SPORT

- 18.1 The laws governing the sport as laid down by FINA as adopted and/or amended by the SSA shall govern all aspects of Swimming, Diving, Water Polo and Synchronised Swimming under the jurisdiction of KZNA.
- 18.2 Every swimmer, open water swimmer, diver, water polo player and synchronised swimmer who is registered with or affiliated to KZNA and who has participated or is about to participate in a race or other 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.

19.0 GENERAL

- 19.1 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.

- 19.2 No affiliated member of a 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 Council.

- 19.3 No member of an affiliated 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.
- 19.4 Any competition staged by an affiliated Member, Club or Association, as a fund-raising event, shall not be liable to a staging or registration fee, provided the organising body remits to KZNA a levy on each participating competitor.

The levy for each season will be announced at the Annual Meeting.

20.0 RULES AND ALTERATIONS

- 20.1 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.
- 20.2 Notice in writing shall be given to the 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 Clubs, Associations and Council members shall be notified, in writing, at least fourteen (14) days before the date set down for the Meeting.

- 20.3 The 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.

- 20.4 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.

21.0 FIRST CLAIM MEMBERS

21.1 A member, may not belong to more than one Club in respect of each branch of the sport. The branches of the sport referred to are Swimming, Diving, Water Polo and Synchronised Swimming.

A member may, however, belong to different Clubs in respect of the different branches of the sport.

This Rule shall not apply to a member of a University Swimming Club and Open Water Swimming.

21.2 The United Schools Swimming Association within the jurisdiction of KZNA shall be regarded as a district association throughout these rules.

22.0 INDEMNIFICATION

22.1 KwaZulu Natal Aquatics 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.

22.2 All immovable property or other rights relating to immovable property, which might be obtained by KwaZulu-Natal Aquatics from time to time, shall be registered in the name of KZNA.

22.3 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.

22.4 In pursuance of Clause 2.3, 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.

23.0 LEGAL PROCEEDINGS

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

24.0 WINDING UP

24.1 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.

THIS CONSTITUTION WAS SUBMITTED AND ADOPTED AT THE THIRD GENERAL MEETING OF KWAZULU NATAL AQUATICS HELD ON THE SIXTH (6) DAY OF JULY 2003 AT DURBAN.

PRESIDENT

SECRETARY