

# **SOUTH AFRICAN FLYFISHING ASSOCIATION**



## **CONSTITUTION**

**(WORKING DRAFT FOR DISCUSSION AND REVISION AT PROVINCIAL  
LEVEL)**

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## 1. POLICY

### **It is the policy of this Association**

- 1.1. **THAT** Fly Fishing should be practiced, administered and promoted on a non-racial, non-political and democratic basis;
- 1.2. **THAT** all persons, irrespective of race, colour, creed or gender, should have the right in whatever capacity to participate, in the sport of Fly Fishing ;
- 1.3. **THAT** this policy statement is and shall form part of this Constitution.

### **Therefore**

- 1.4. This Association shall in all its activities and functions, observe the principles set out above, and shall encourage all its member Association, associate members, constituent elements, committees, sub-committees and sportsmen to adhere to the said principles.
- 1.5. This Association shall, in all its activities forbid any form of discrimination based on race, colour creed or gender.
- 1.6. This Association shall, at National, Provincial and at all other levels, right down to club level, encourage policies and programs aimed at redressing imbalances and at creating a non-racial, non-political and democratic dispensation, such policies and programs aimed at achieving, expeditiously, the non-racial, non-political and democratic structuring of this Association and all its constituent elements.
- 1.7. This Association also endorses and supports SASACC, SASCOC and SRSA policies and priorities to get more people involved in the sport of angling and casting both in the competitive and recreational spheres of the sport

## 2. DEFINITIONS

In this Constitution, unless the context indicates otherwise:

- 2.1. “Action Committee” means the managing body of this Association when a General Meeting is not in progress.
- 2.2. “Annual Report” means the Annual Reports of Office Bearers as approved on the Annual General Meeting of the Association.
- 2.3. “Association” means SAFFA or the South African Fly Fishing Association.
- 2.4. “Constitution” means the Constitution of SAFFA.

- 2.5. “Delegate” means a delegate appointed by a Provincial Association to represent it at any General Meeting.
- 2.6. “Executive Committee” means the decision making body of the Association constituted in terms of section 13.5 of the Constitution.
- 2.7. “Executive Committee Meeting” means the General Half Year meeting of the Association
- 2.8. “Provincial Association” or “Member Association” means a Provincial Fly Fishing Association affiliated to this Association;
- 2.9. “General Meeting” means any general meeting of the Member Association and includes an Annual General Meeting, Executive Committee Meeting or a Special General Meeting.
- 2.10. “Income Tax Act” means the Income Tax Act 1962 (Act. No. 58 of 1962).
- 2.11. “International Controlling Bodies” means the relevant body coordinating Sport Angling on an International level;
- 2.12. “Majority” means fifty percent (50%) plus one (1) of the Members of SAFFA entitled to vote;
- 2.13. “Memorandum” means the Memorandum of Agreement of SRSA.
- 2.14. “Republic” means the Republic of South Africa;
- 2.15. “Rules and Regulations” means rules and regulations made by the General Meeting in terms of the Constitution;
- 2.16. “SAFFA” or “Association” means the South African Fly Fishing Association
- 2.17. SASACC means the South African Sports Anglers and Casting Confederation
- 2.18. “SAFALFA” means South African Federation of Artificial Lure and Fly Anglers
- 2.19. “SASCOC” means South African Sports Confederation and Olympic Committee;
- 2.20. "Fly fishing " means all facets of Fly fishing and casting of which the rules and regulations are approved by the relevant national and/or international bodies.

- 2.21. “SRSA” means Sport and Recreation South Africa;
- 2.22. Words importing the singular include the plural and vice versa;
- 2.23. Any word importing one gender includes the other;
- 2.24. Section and paragraph headings are for purposes of reference only and should not be used in interpretation.

### **3. NAME**

The name of the Association is and shall be the SOUTH AFRICAN FLY FISHING ASSOCIATION, hereinafter referred to as SAFFA or “the Association”.

### **4. OBJECTIVES OF THE ASSOCIATION**

- 4.1. To act as controlling and co-ordinating body and to be the sole representative of Member Associations regarding cooperation, negotiations and putting into operation, wherever possible, the rules, regulations, directives and priorities of governmental authorities.
- 4.2. To be and to function as the co-ordinating sporting body for all Member Associations and recreational anglers interested in the promotion, protection and sustainable utilisation of fly fishing resources in South Africa, according to the laws of the Republic.
- 4.3. To promote and foster a healthy relationship between Member Associations and to affiliate with, or to, any other body having similar objectives in Southern Africa or elsewhere including inter alia national or international bodies.
- 4.4. To adopt and enact such measures which, in the sole opinion of the Association will foster, promote, regulate and encourage fly fishing amongst all persons, irrespective of race, colour, creed or gender, and to eliminate any discrimination and inequality amongst participants and administrators alike.
- 4.5. To encourage its Member Associations to adhere to any program of development and transformation as laid down by SASACC, SASCOG or SRSA.
- 4.6. To prohibit any action which, in the sole opinion of the Association, incites or may incite racial, ethnic, religious, linguistic or political hatred, or provokes or may provoke violence, or insults, degrades or defames or may insult, degrade or defame, or encourages or may encourage abuse of any racial, ethnic, religious, linguistic, gender or political group.

- 4.7. To be a member of/or affiliated to any other organisation whose aims and objects are compatible to those of the Association, and to appoint representatives thereto.
- 4.8. To obtain such funds, to accrue such assets and to undertake such liabilities as may be deemed expedient by the Association, pursuant to the Constitution and for these purposes to enter into such contracts, deeds and agreements as may be deemed necessary.

## **5. LIMITATIONS**

The income and property of the Association, howsoever derived, shall be applied solely towards the promotion of the objectives of the Association as set forth in the Constitution. No portion thereof shall be paid or transferred, directly or indirectly, by way of a bonus or profit or otherwise, to any individual person except as remuneration for services rendered or expenses incurred as a Member Association or office bearer of the Association.

## **6. HEAD OFFICE AND POSTAL ADDRESS**

The address at which the Head Office is situated shall be decided upon at the Annual General Meeting of the Association. The postal address shall be that of the Secretary, or the postal address as decided upon at the Annual General Meeting.

## **7. POWERS OF THE ASSOCIATION**

- 7.1. The Association is a legal persona, it exists autonomously, is entitled to own property, conclude legal transactions and enter into legal actions. The Association has jurisdiction within the borders of the territory of South Africa and over its Member Associations, officials and participants through SAFFA membership, wherever they might be at the time while engaging in SAFFA Member Activities or National Team activities. The Association has the power to act and be acted against in its own name and sue or be sued in its own name.
- 7.2. To buy, sell, hire, let, legally obtain, own donate, mortgage or in any other legal manner deal with movable and fixed assets of rights and title herein or thereon, in the name of the Association and for the realisation of its objectives.
- 7.3. To invest monies and funds of the Association in South Africa at the discretion of the Action Committee and to draw, to accept and to issue cheques, issue debentures and borrow monies against such security as may be determined and or require in the execution of its objectives.

- 7.4. To make bye-laws, rules and regulations in relation to the Association and the conditions under which the fly fishing sport is conducted, to annul or vary any bye-laws, rules or regulations so made, and to bind its Member Associations to all bye-laws, rules and regulations so made and for the time being in force.

## **8. OFFICIAL LANGUAGE**

The official language of the Association in the case of any dispute will be English.

## **9. FINANCIAL YEAR**

The financial year of the Association shall be from 1 July of one year to the 30 June of the next year.

## **10. MEMBERSHIP OF THE ASSOCIATION**

- 10.1. Membership shall be restricted to the Provincial Associations of the Republic's recognised Provincial Sporting Divisions.
- 10.2. National Associations affiliated to Member Associations and the provincial structures of the Association, where in existence, may be admitted as associate members of this Association.

## **11. TERMINATION OF MEMBERSHIP**

- 11.1. This Association may by resolution at an Annual General Meeting, suspend the membership of a Member Association on grounds of non-fulfilment of procedural documentation requested, not meeting financial obligations, not attending General Meetings, contravention of prescribed behavioural and disciplinary codes and/or conflicting Constitutional practices considered to be in conflict with the interest of the Association.
- 11.2. Should contraventions not be rectified within three months from date of suspension or if a Member Association continuously fails to comply with the rules and regulations of this Constitution, membership shall automatically terminate. In the event of the termination of membership, the relevant body will cease forthwith to be a member of this Association. A full calendar year shall elapse before an application for membership may again be submitted.
- 11.3. In the event of a Member Association wishing to terminate membership at its own will, it shall inform SAFFA of its intentions in writing and disclosed all information of whatsoever nature to SAFFA, to enable SAFFA to consider the affiliation or continue affiliating the said Member Association, to the best interest of South African sport



- 11.4. Any Member Association, whose membership is terminated, shall remain responsible for all his financial obligations towards the Association prior to the date of termination of membership.
- 11.5. A Member Association may exercise his right to an appeal.

## **12. SUBORDINATE STATUS OF MEMBERS**

- 12.1. Member Associations shall be subordinate to SAFFA and must comply with this Constitution, the Regulations, the Rules and any directives issued by SAFFA from time to time provided that any directive shall not be in conflict with any requirement of the relevant international body to which the Member Association is affiliated.
- 12.2. Member Association Constitutions and any rules or regulations formulated thereunder shall not be in conflict with this Constitution and the International Body's Constitution.

## **13. GOVERNING BODIES OF THE ASSOCIATION**

- 13.1. The General Committee shall consist of the following office bearers who shall be elected at the Annual General Meeting for a two year tenure :
  - 13.1.1. President
  - 13.1.2. Vice President
  - 13.1.3. Secretary
  - 13.1.4. Treasurer
  - 13.1.5. Safety Officer
  - 13.1.6. Head Coach
  - 13.1.7. Tournament Officer
  - 13.1.8. Records Officer
  - 13.1.9. Conservation Officer
  - 13.1.10. Development Officer
  - 13.1.11. Publicity, Marketing & Fund Raising Officer
  - 13.1.12. Uniform and Corporate Identity Officer
- 13.2. In addition to the above Office Bearers the Chairperson of each Provincial Association shall automatically be a member of the General Committee.
- 13.3. A person may be elected to serve in more than one position.
- 13.4. The General Committee shall at its first meeting elect Committee Members to form an Executive Committee and an Action Committee.
- 13.5. The Executive Committee shall be responsible for the day to day running and act as the administrative and management body of the Association at all time except at the Annual General Meeting or Special General Meeting of the Association. The Executive Committee shall consists of:



- 13.5.1. The President
- 13.5.2. The Vice-President
- 13.5.3. The Secretary
- 13.5.4. The Treasurer

- 13.6. The Action Committee shall be the supreme decision making body and act for and on behalf of the Association in all matters that need attention. Action Committee decisions shall be submitted to the next General Meeting for confirmation and/or approval. Specific powers may be delegated by the members at a General Meeting to the Action Committee in addition to the general powers and authority herein conferred on the Action Committee. The Action Committee shall consist of:

- 13.6.1. The President
- 13.6.2. The Vice-President
- 13.6.3. The Secretary
- 13.6.4. The Tournament Officer
- 13.6.5. The Treasurer
- 13.6.6. The Chairperson of each Provincial Association

#### **14. VOTING RIGHTS AT GENERAL MEETINGS**

- 14.1. The following persons shall be eligible to vote at General Meetings:

##### **14.1.1. Members of the Executive Committee**

- (a) The President of the Association (1 vote)
- (b) Vice-President (1 vote)
- (c) Secretary (1 vote)
- (d) Treasurer (1 vote)

provided that Office Bearers are affiliated members of their Associations.

##### **14.1.2. Member Associations**

- (a) Member Associations whose membership has been audited and verified in terms of a resolution on the Executive Committee, shall be entitled to appoint two (2) delegates to represent it at General Meetings and each delegate shall have one (1) vote each.

- 14.2. In the case of an equal vote, the President shall have a casting vote, unless it is stated otherwise.

- 14.3. All persons entitled to vote must be present on a General Meeting to be entitled to vote. No form of proxy vote will be accepted.
- 14.4. No delegate may be appointed by a Member Association, unless he is duly authorized to make decisions and to vote on all matters on the agenda of a General Meeting, should these go to the vote.

## **15. ELECTION OF EXECUTIVE COMMITTEE AND ACTION COMMITTEE**

- 15.1. The Chairman of each Member Association shall Ex Officio be members of the Action Committee.
- 15.2. The other Office Bearers of the Executive Committee shall be elected by a vote of delegates present at the Annual General Meeting of the Association.
- 15.3. If the President of a Member Association is elected as President of the Association, the Vice President of that Member Association will be the Ex Officio member of the Action Committee.
- 15.4. Member Associations must submit nominations on the prescribed form to the Secretary of the Association at least forty-five (45) days prior to the date of the Annual General Meeting.
- 15.5. Nomination forms will not be accepted by the Association unless the Chairman and Secretary of the Member Association submitting the nomination have signed the nomination form. The nominee should submit to the Secretary of the Association his signed acceptance of the nomination on the original form or on a fax copy thereof. This signed acceptance must be received by the Secretary at least forty-five (45) days prior to the date of the Annual General Meeting.
- 15.6. The Secretary shall send a list of the nominations with the agenda and other meeting documents at least 30 days prior to the date of the Annual General Meeting to all Member Associations Associate Members and all the persons entitled to attend such meeting.
- 15.7. Prior to the commencement of the elections, the meeting shall appoint an electoral officer and two other persons who are not candidates for office and who are not eligible to vote, to conduct the election.
- 15.8. All Office Bearers shall be elected for a period of two (2) years. All the members of the Action Committee and the Executive Committee shall be eligible for re-election on completion of their term of office.
- 15.9. If a nominee receives two or more nominations, the nominee is fairly and duly proposed and seconded. If only one nomination was received, the nominee must still be duly seconded at the Annual General Meeting. If no nominations were received for office, nominations and a second must be obtained from the floor at the Annual General Meeting.

15.10. The Office Bearers of the Association shall be elected in the following order:

- 15.10.1. The President
- 15.10.2. The Vice President
- 15.10.3. Secretary
- 15.10.4. Treasurer
- 15.10.5. Tournament Officer
- 15.10.6. Conservation Officer
- 15.10.7. Safety Officer
- 15.10.8. Head Coach
- 15.10.9. Publicity, Marketing and Fundraising officer
- 15.10.10. Records Officer
- 15.10.11. Development Officer
- 15.10.12. Uniform & Identity Officer

15.11. For the purpose of the election of the Office Bearers, voting shall be by show of hands and each person mandated to vote shall be required to exercise such vote.

15.12. The candidate polling the most number of votes will be elected. If there is a tie amongst candidates, there will be a second ballot in respect of those candidates. If the second ballot also results in a tie, the electoral officer will draw the name of one of the candidates who shall be declared the successful candidate.

15.13. At the conclusion of the meeting, all elected members shall immediately take office and constitute the Executive Committee.

15.14. Should the office of any office bearer on the Executive Committee become vacant, the remaining members of the Action Committee shall have the power to co-opt a member in his place until the next Annual General Meeting. Should the office of the President become vacant the Vice-President shall act as President, until the next Annual General Meeting.

15.15. At any Annual General Meeting, elections will be held to fill offices vacated during the previous year.

15.16. All the members of the Executive Committee may serve or hold office on the Executive Committee of any Member Association.

## **16. GENERAL MEETINGS**

### **16.1. Annual General Meetings**

16.1.1. Members of the Executive Committee shall be obliged to attend Annual General Meetings of the Association.

- 16.1.2. Associate Members may not submit or second a motion submitted to the Association, but shall be entitled to speak at any General Meeting. The Association may also allow non-members to attend General Meetings with or without debating rights.
- 16.1.3. Annual General Meetings shall be held at such time and place, as the Action Committee shall determine. The Secretary shall by registered post, facsimile or electronic mail, give all Member Associations, Associate Members, Executive Committee Members and all persons entitled to attend the Annual General Meeting, at least thirty (30) days advance notice of the Annual General Meeting.
- 16.1.4. The Association shall hold at least two General Meetings during a financial year, of which one shall be the Annual General Meeting. The Annual General Meeting will be held after 30 June but not later than the last day of November of each year.
- 16.1.5. Motions for discussion at the Annual General Meeting shall be submitted to the Secretary in writing per registered post and/or facsimile and/or electronic mail, not less than forty-five (45) days prior to the date of such meeting. If the date of Annual General Meeting is not pre-determined a sixty (60) day written preliminary notice of the Annual General Meetings shall be given by the Secretary, requesting Member Associations to forward motions, discussion points and nominations not less than forty-five (45) days prior to the meeting.
- 16.1.6. The following information and documents must accompany the notice of the Annual General Meeting:
- (a) The place, date and hour of the meeting.
  - (b) Copies of the minutes of the preceding Annual General Meeting
  - (c) Copies of minutes of any other General Meetings of the Association held since
  - (d) Copies of the Annual Report
  - (e) Copies of the audited or certified financial statements
  - (f) Particulars of motions submitted.
  - (g) A list containing nominations received for office bearers for the Executive Board.

- (h) List of decisions taken by the Action Committee since the previous General Meeting

16.1.7. The term of the notice shall be exclusive of the day on which the notice is posted, and exclusive of the day on which the Annual General Meeting is to be held.

16.1.8. The unintentional omission to give notice of an Annual General Council Meeting to a Member Association, Associate Member, Executive Board Member or any person entitled to receive notice, shall not invalidate the proceedings at that meeting.

16.1.9. The business to be transacted at an Annual General Meeting shall be:

- (a) To confirm the minutes of the preceding Annual General Meeting and of any other Executive Board meetings since.
- (b) To consider and adopt, with or without modification, the Annual Report and Financial Statements.
- (c) To elect (if applicable) the members of the Executive Committee.
- (d) To appoint an auditor or auditors for the next financial year.
- (e) To consider and to pass, with or without modification, any resolutions concerning the affairs of the Association
- (f) To consider and to pass, with or without modification, any resolution adding to, rescinding or amending, any part of the Constitution, of which due and proper notice is given.
- (g) To ratify all decisions actions made by the Action Committee
- (h) Portfolio reports

16.1.10. Members must forward in writing to the Secretary, the names, the facsimile, electronic mail and telephone numbers of the Delegates who will attend the General Meeting. Unless such confirmation is received at least seven (7) days before the meeting, the Delegates in question will not be accredited and will not be entitled to participate in the meeting.

16.1.11. No business shall be transacted at any General Council meeting of the Association unless a quorum is present.

## 16.2. **Executive Board Meeting**

The Association shall hold an Executive Committee Meeting after 31 March but not later than the last day of May of each year. The procedures regarding the

Executive Committee Meeting coincide with that of the Annual General Meeting except for the Agenda and the documents to accompany the notice of the meeting.

### **16.3. Special General Meetings**

- 16.3.1. A Special General Meeting may be convened by the Action Committee within forty-five (45) days upon receipt of a fully motivated request signed on behalf of at least two (2) Member Association of the Association. The agenda for such meeting shall be specified in the requisition.
- 16.3.2. Written notice of the Special General Meeting shall specify the place, the date, the hour of the meeting and the general nature of such meeting. The Secretary shall circulate the agenda to all Member Association, Associate Members, Executive Board Members and persons entitled to attend General Meetings per registered post and/or facsimile and/or electronic mail not less than thirty (30) days prior to the Special General Meeting. Any item on the Agenda for discussion must be accompanied by a discussion document together with the necessary motivations by the proposer.
- 16.3.3. The business to be transacted at any Special General Meeting shall be that set out in the notice of the meeting.

## **17. PROCEEDINGS AT GENERAL MEETINGS**

- 17.1. The President, or in his absence, the Vice President shall preside as Chairperson at any General Meeting of the Association, or if any of them shall not be present within fifteen (15) minutes of the time appointed for the meeting, or is unwilling to act as such, the representatives present, shall elect a Chairperson from amongst their midst.
- 17.2. Any resolution tabled at a General Meeting shall require both a proposer and a seconder.
- 17.3. At any General Meeting, a resolution put to the vote shall be decided on a show of hands unless a poll is requested by the Chairperson or by a majority of votes. If a poll is requested, the Chairperson shall be entitled to appoint scrutiners. The result of a poll shall be deemed to be the resolution of the meeting.
- 17.4. For the purpose of the election of the Executive Committee voting will be done by a show of hands and each person mandated to vote shall be required to exercise such vote.
- 17.5. In the case of a tie, whether by a show of hands or on a poll, the Chairperson of the meeting shall have a casting vote. However, no casting vote will be available at the election of members of the Executive Committee.



- 17.6. Any objection to the admissibility of a vote by a show of hands or by a poll shall be raised at the General Meeting. That objection shall be determined by the Chairperson of that General Meeting and his decision shall be final and binding.

## **18. QUORUM AT GENERAL MEETINGS**

- 18.1. Accredited delegates of at least 50% of the members entitled to vote shall form a quorum at a General Meeting.
- 18.2. If within sixty (60) minutes after the starting time of the meeting, a quorum is not present, the meeting shall stand adjourned to such other time and place as the persons present on the meeting may determine. If at the adjourned meeting a quorum is not present, the persons present and entitled to vote thereat, shall constitute a quorum.

## **19. GENERAL MEETINGS ADJOURNED**

- 19.1. The Chairperson may, with the consent of any General Meeting of the Association at which a quorum is present, adjourn the meeting from time to time and from place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- 19.2. When an Annual General Meeting is adjourned for thirty (30) days or more, notice of the adjourned meeting shall be given as in the case of the original meeting.

## **20. MINUTES AND INSPECTION**

- 20.1. The Action Committee shall cause a record to be made of all resolutions of SAFFA proposed and passed at General Meetings in a book provided for that purpose.
- 20.2. Detailed minutes must be kept of all General Meetings. After approval of the minutes by the General Meeting, the Chairperson and Secretary of the Action Committee must sign the minutes. The minute book shall be open for inspection and may be copied as provided in the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

## **21. RESOLUTIONS IN WRITING**

A resolution in writing, signed by all persons being entitled to receive notice of and to attend and vote at General Meetings of the Association, shall be as valid and effective as if the same had been passed at a General Meeting of the Association duly convened and held.



## **22. FUNCTIONS OF THE ACTION COMMITTEE**

The Action Committee shall furthermore-

- 22.1. delegate any of its powers and functions to any other Committee Members and, for that purpose, co-opt persons as deemed necessary;
- 22.2. suspend, define and terminate the membership of any individual affiliated through their respective Member Association to SAFFA and/or to suspend Member Associations who infringes the Constitution, the Rules, the Regulations, directives or resolutions of SAFFA or engages in any act of misconduct, improper practices, misdemeanour, acts of defiance, or brings SAFFA into disrepute;
- 22.3. approve SAFFA budget and control of monies in terms thereof;
- 22.4. meet as often as the President may deem necessary, but at least once a year;
- 22.5. ensure that proper financial records and annual financial statements of the affairs of Association are maintained and are made available for perusal and approved by members;
- 22.6. receive, invest and apply funds for the execution of the Association's functions; and
- 22.7. determine dates and venues of meetings.

## **23. NATIONAL COLOURS:**

- 23.1. All applications for participating in an International Event and the awarding of National Colours, must be submitted to the Association not less than sixty (60) days prior to the International Event. After ratifying the applications, the Association must submit the applications to SASACC for onward submission to the National Colours Commission of SASCOG not less than forty five (45) days prior to the commencement of the International Event.
- 23.2. Within thirty (30) days of completion of an International Event, the Association must submit a full report to SASACC. To enable the Association to meet this obligation Team Managers must submit their reports on format prescribed by this Association to the President of the Association within fourteen (14) days of completion of the event..
- 23.3. The authority to award national colours vests with the National Colours Commission, acting in consultation with the SASACC. SAFFA and The Member Association have a duty to ensure the prestige of national colours and to protect them against abuse and/or misuse.

- 23.4. National Colours will only be awarded to anglers of Member Association if national trials according to a SAFFA approved selection process, were held or conducted to select such national teams and that reasonable, fair and equal opportunities were provided for every eligible angler that qualified, to participate in such trials.
- 23.5. National Colours may only be awarded to anglers who actually participate as a member of a representative national team and to the official reserves, if merited and as determined by the technical Rules and Regulations of the relevant Member Association and its International Controlling Body.
- 23.6. National colours will only be considered for anglers who can submit proof that they are South African nationals and are in possession of a valid South African passport. Anglers with South African resident permits only are not eligible.

#### **24. FUNDING OF THE ASSOCIATION**

- 24.1. Funding shall be obtained from all possible sources open to the Association and these shall include the public and private sectors.
- 24.2. Member Association affiliation fees shall be payable annually but not later than the 31 August of each year in an amount which shall be determined from time to time at the previous Annual General Meeting.

#### **25. FINANCE**

- 25.1. SAFFA shall be conducted on a non-profit basis and shall invest its funds in the manner contemplated in the objectives of the Association.
- 25.2. Any donations, sponsorships and subsidies must strictly be utilised for the specific purposes for which they were allocated. Funds utilised for other purposes or expenditure that cannot be accounted for is recoverable by SRSA and may disqualify the Association from receiving future subsidies.
- 25.3. The Action Committee shall open and maintain a bank account for SAFFA. The signatories of SAFFA cheques shall be any two (2) duly authorized persons appointed by the Executive Committee.
- 25.4. An auditor's opinion must be expressed on the financial statements and his opinion must cover all the pages of the financial statement. The agreed upon audit procedure must be for a full audit and must cover all the terms and stipulations reflected in SRSA Memorandums of Agreement.
- 25.5. Only financial statements audited by auditors registered with the Public Accountant's and Auditor's Board shall be considered. All Agreements and Addendums to Agreements entered into with SRSA must be submitted to the Association's auditors in order to certify compliance in the auditor's report.

The yearly appointment of an honorary auditor shall be dealt with at the Annual General Meeting.

- 25.6. SAFFA financial records shall be kept at the office or such other place or places as the Action Committee thinks fit. The records shall be open to inspection by SASACC External Auditors and members of the Confederation's Action Committee.
- 25.7. A copy of any annual audited financial statements, which are to be laid before SAFFA at the Annual General Meeting shall, not less than thirty (30) days before the date of that meeting, be sent to all persons entitled to attend the Annual General Meeting.
- 25.8. The Associations financial statements must be approved and signed on the Annual General Meeting and should carry the signature of the President and Treasurer before being submitted to SASACC.
- 25.9. Within six months after the end of SAFFA financial year, the Action Committee shall cause the annual audited financial statements to be submitted to the Director of Non-Profit Organisations and the South African Revenue Service.

## **26. AMENDMENTS TO THE CONSTITUTION**

- 26.1. Amendments to the Constitution of the Association may only be made at an Annual General Meeting or at a Special General Meeting convened for such purpose.
- 26.2. Notice of the intention to amend, rescind or add to the Constitution must be given by Member Associations in writing, not later than forty-five (45) days prior to the date fixed for such meeting. The Action Committee of the Association shall in turn give written notice of the intended amendment, rescission or addition to all Member Association, Associate Members and Executive Board members and to all the persons entitled to notice and to attend such meeting and vote thereat, at least thirty (30) days prior to the date of the relevant meeting.
- 26.3. To be effective, any amendment, rescission or addition to the Constitution, shall require the support of at least two-thirds of all persons present and entitled to vote, at the meeting concerned.
- 26.4. A copy of amendments to this Constitution must be submitted to the Commissioner for the SA Revenue Service for his approval, for purposes of the continued tax exemption of the Association.

## **27. RULES AND REGULATIONS**

- 27.1. The Rules and Regulations of the Association are contained in an Annexure to this Constitution.

- 27.2. The Rules and Regulations may be amended by a simple majority at any General Meeting. Notice of the intention to amend, rescind or add to the Rules and Regulations must be given by Member Association in writing, not later than forty-five (45) days prior to the date fixed for such meeting. The Action Committee of the Association shall in turn give written notice of the intended amendment, rescission or addition to all Member Association, Associate Members and Executive Board members and to all the persons entitled to notice and to attend such meeting and vote thereat, at least thirty (30) days prior to the date of the relevant meeting.

## **28. DISPUTE PREVENTION AND RESOLUTION**

- 28.1. This Association and/or any Member Association and/or any individual falling under the jurisdiction of SAFFA shall ensure that any dispute that it has with another body or individual falling under the jurisdiction of SASACC and SASCOC, is resolved in accordance with the dispute prevention and resolution procedures set out in the Constitution, Rules and Regulations of SASCOC.
- 28.2. Where no specific dispute prevention or resolution procedure is set out in the Constitution, Rules or Regulations, disputes shall be resolved by arbitration in terms of the Rules of the Arbitration Foundation of Southern Africa (AFSA) or its successor or, if appropriate, by the Court of Arbitration for Sport (CAS) in terms of CAS's Rules and Regulations. The decision of the arbitrator or of CAS shall be final and binding on all parties, in all manners whatsoever.
- 28.3. Subject to the Constitution of the Republic, and in circumstances where there is a need for urgent relief which cannot be obtained through the dispute resolution procedures contemplated by this Section, 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.

## **29. INDEMNITY**

Member Associations of this Association are indemnified against all losses, charges, costs, damages and all other expense and liabilities that the Executive Board may incur or be put to, concerning the bona-fide execution of their duties as office bearers of this Association.

## **30. ANTI-DOPING**

The Association and its Member Association agree to comply, be bound by and to ensure that their members comply with the Code presently in force and adopted by the Government of South Africa and the IOC arising out of the World Anti-Doping convention declaration adopted in Copenhagen in March 2002.

### **31. INTERPRETATION**

The interpretation of this Constitution and all Rules and Regulations made there under shall rest entirely with the Executive Board, whose interpretation shall be final and binding on all Member Associations and their members.

### **32. ITEMS NOT COVERED IN THIS CONSTITUTION**

Subject to the Constitution of the Republic, should this Constitution be silent on any matter or matters that may arise, the Executive Board shall give a ruling on such matter or matters, which shall be binding. Should this decision require a vote then voting must be conducted in terms of section 18 of the Constitution.

### **33. DISSOLUTION**

- 33.1. The Association may be dissolved by a resolution passed at an Special General Meeting called for that purpose, provided that such resolution is passed by a majority of two thirds of the members present and entitled to vote at such a meeting.
- 33.2. In the event of closing down or being wound up or dissolved then all assets of the Association of whatsoever nature and where ever situated, after paying off all its debts, shall not be distributed amongst the Member Association and or any member of the Executive Board, but shall be held in trust by the Trustees for and on behalf of a non-profit body to be formed with similar objectives as underlie this Association as decided at and directed by a Special General Meeting of the Member Association called specifically for the purpose of establishing such a new body or give in some way to another non-profit organization that has similar objectives. The Association may not give any of its money or property to its members, member bodies or office bearers. The only time that it can do this is when it pays for work that a Member Association or office bearer has done for the Association. The payment must be reasonable and proportionate to the work that has been done.