



**CONSTITUTION
OF
Mpumalanga Fly Fishing Association**

(MFFA)

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1. BODY CORPORATE

- 1.1 **MFFA** shall be a body corporate as envisaged by Section 16(1)(c) of the Non-profit Organisations Act No. 71/1997.
- 1.2 It shall have an identity and existence distinct and apart from that of its members and office bearers.
- 1.3 It shall exist in its own right and it shall continue to do so regardless of changes in its membership or office bearers.
- 1.4 It shall be capable of owning any property and it may sue and be sued in its own name.
- 1.5 The headquarters, the address and the postal address of **MFFA**, unless changed at an Annual General Meeting, shall be that of the secretary of **MFFA**

2. AIMS AND OBJECTIVES

- 2.1 Facilitate, develop and maintain Member Associations and Clubs in South Africa and promote Angling in fresh and salt water.
- 2.2 **To** promote the sport of fly fishing amongst all members of the population irrespective of race, religion, creed, political affiliation, colour, age or gender on a sustainable conservation orientated basis with particular attention to benefiting social development; to identify, prioritise and solve problems related to fly fishing, disorder, fears and poor sportsmanship.
- 2.3 **To** oppose any actions deemed detrimental to the sport of angling be it competitive, recreational or to the environment.
- 2.4 **To** promote unity amongst all anglers in the interest of protecting their piscatorial pursuits.
- 2.5 **To** increase the contribution made by anglers to the South African economy with particular emphasis on sustainable job creation.
- 2.6 **To** act as the controlling body of properly constituted affiliated Provincial Fly Fishing Associations.
- 2.7 **To** practice good financial and administrative governance.
- 2.8 **To** diffuse among its members information on all matters affecting fish life, and to print, publish, issue and circulate such papers, periodicals, books, and circulars and other literary undertakings as may seem conducive to any of these objects.

- 2.9** To establish, subsidize, promote, co-operate with, receive into union, become a member of, act as or appoint trustees, agents, or delegates for, control, manage, superintend, lend monetary assistance to, or otherwise assist any associations and institutions, incorporated or not incorporated, with objectives altogether or in part similar to those of the Association.
- 2.10** To admit any persons to be associates or honorary members of the **MFFA** on such terms and to confer on them such rights and privileges, as may seem expedient.
- 2.11** To purchase, lease, or otherwise acquire any movable or immovable property, or any estate or interest therein; to improve, manage, develop, exchange, lease, mortgage, dispose of, turn to account, sell or otherwise deal with, all or any part of the property and rights of **MFFA**, whether movable or immovable.
- 2.12** To enter into any arrangement with any government or authority, national, provincial, municipal or otherwise and to obtain from any such government or Authority any rights, concessions and privileges that may seem conducive to **MFFA**'s objects or any of them.
- 2.13** To ensure compliance with the Nonprofit Organizations Act (NPO No 71 of 1997) as well as the Income Tax Act No. 58 of 1962.
- 2.14** To open and operate upon cheque and savings accounts and to make, draw, accept, discount, execute and issue promissory notes, bills of exchange, bills of lading, debentures and other negotiable and transferable instruments.
- 2.15** To borrow, or raise, and secure the repayment of, money, in such manner as the **MFFA** shall think fit, and in particular by overdraft or loan from bankers or others, or by the issue of debentures charged upon, or secured by a conveyance to trustees; or otherwise, on all or any part of the property and assets of the Association, both present and future, and by passing mortgage or notarial bonds for registration with the proper authorities.
- 2.16** To lend money, with or without interest, on such securities or otherwise on such conditions as may seem expedient.
- 2.17** To provide guarantees and to enter into contracts of surety ship, indemnification and insurance.

- 2.18** To invest and deal with moneys of the Association not immediately required upon such securities as may from time to time be determined in compliance with the Nonprofit Organisations Act No 71 of 1997.
- 2.19** To appeal for and to accept donations whether in money or in kind.
- 2.20** And generally to do all such things as may be necessary, incidental or conducive to the carrying out of the objects of SAFFA and the powers herein before set forth.
- 2.21** The income and property of the association whence-so-ever derived shall be applied solely towards the promotion of its main objective, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus, or otherwise howsoever, to the members or officers of **MFFA**: provided that nothing herein contained shall prevent the payment in good faith of reasonable remuneration to any officer or servant of **MFFA** or to any member thereof in return for any services actually rendered to **MFFA**.

3. DISSOLUTION AND CHANGE

- 3.1** Upon its winding-up, deregistration or dissolution the assets of **MFFA** remaining after the satisfaction of all its liabilities shall be given or transferred to some other association or institution or association or institutions having objects similar to its main objective, to be determined by the members of the association at or before the time of its dissolution or, failing such determination, by a competent Court.
- 3.2** In the event of the liquidation of **MFFA** the liability of **MFFA** members shall be limited to two Rand (R2.00).
- 3.4** The constitution of **MFFA** may be changed only by way of special resolution and **MFFA** may also be wound up by way of a special resolution in the manner contemplated in paragraph 6 hereunder.

4. MEMBERSHIP

- 4.1** Membership shall be restricted to Associations, clubs, unions and sub provinces each represented by 2 duly elected delegates from each member. and who will fall under the auspices of that the bona fide Province.

- 4.2 **All member bodies shall: Have** a Constitution, not inconsistent with the SAFFA/MFFU Constitution.
- 4.3 **Affiliation Fees.** Each Club to levy a fee on its competitive anglers (Juniors excepted), non-competitive fly-fisher's to pay 10% of the decided fee. Provinces to base the fee payable to them by Clubs to cover expenses and relative to the affiliation fee they have to pay to **MFFA**. The amount payable to **MFFA**, by the members, to be determined at the relevant Annual General Meeting of **MFFA**. The minimum affiliated fee payable by the members to **MFFA** to be no less than for 10 members (inclusive of competitive and non-competitive members). Multi faceted clubs are only liable for the portion of its membership actively involved in their fly-fishing facet.
- 4.4 **Keep** in good financial standing with **MFFA**
- 4.5 **Have** sufficient administrative personnel to carry out the aims and objectives of **MFFA**.
- 4.6 **Ensure** that all members secretaries have an e-mail address, with software compatible with the **MFFA** Secretary.
- 4.6 **Have** no rights in or to the property or other assets of **MFFA** solely by virtue of their being members.

5. THE COMMITTEE

- 5.1 **All** candidates intending to stand for election must have been furnished with and must have acquainted themselves with the written job description relating to the position they intend to stand for.
- 5.2 **The** following office bearers shall be elected at the Annual General Meeting to be held each August for a three-year tenure.
 - Honorary Life President.
 - Honorary President.
 - President.
 - Vice-President (A female representing lady and junior anglers, hereinafter referred to as "Vice President ladies and juniors", it being recorded that junior members cease to be classified as such at the end of the year in which they attain the age of eighteen (18) years.)
 - Secretary.
 - Treasurer.
 - Safety Officer.
 - Head Coach
 - Head Tournament Liaison Officer
 - Publicity Officer.
 - Records Officer

Conservation Officer
Development Officer
Marketing and Fund Raising Officer
Uniform and Corporate Identity Officer

- 5.3 **Notwithstanding** the above one person can be elected to serve in more than one position.
- 5.4 No office bearer shall have any right in and to the property or other assets of MFFA solely by virtue of their being office bearers.

6. VOTING

- 6.1 **In** addition to the two representatives allowed to vote from each member in good standing the following committee members will be entitled to vote.

President.
Vice-President Ladies and Juniors
Secretary.
Treasurer.

- 6.2 **In** the case of a deadlock the President or in his/her absence the Vice-president will have a casting vote.
- 6.3 **Voting** shall be done by a show of hands unless two thirds of those who have the right to vote decide that voting should be done by ballot.
- 6.4 **A** quorum shall consist of at least two thirds of the above mentioned /selected committee members and for the passing of any special resolutions a two-thirds majority of those present at the meeting is required.
- 6.5 **Clubs** shall, before the commencement of the mid year Meeting, submit their affiliation fees and membership lists; otherwise they will not be entitled to vote. A provincial association, which is in arrears with its affiliation fees, shall be barred from taking part in any of the Association's activities. The membership lists must include full names, identity numbers, addresses (postal and home), telephone numbers (home, work, fax and cellular) and e-mail address. Copies of the membership lists are to be supplied to **MFFA** for record purposes. All provincial associations are obliged to affiliate to **MFFA**.

7. ANNUAL GENERAL MEETING

- 7.1** The business to be transacted at an Annual General meeting to be held within 3 months of the financial year end and the order thereof shall be;
- 7.2** To ascertain who has the right to vote.
- 7.3** To read the notice convening the meeting.
- 7.4** To read and confirm the minutes of the previous Annual General Meeting.
- 7.5** To receive the report of the committee members dealing with its activities since the previous meeting, and to deal with all matters arising out of such report, and, if thought fit, adopt same.
- 7.6** Ascertain any honoraria.
- 7.7** Fix remuneration of the auditors for the past year.
- 7.8** To proceed with the election of president, officers and members of the committee.
- 7.9** To appoint auditors for the ensuing year.
- 7.10** To deal with any resolutions or special business brought before the meeting.

8. SECRETARY AND TREASURER The secretary shall:

- 8.1** Record, in writing minutes and on tape of the proceedings of all association, executive committee, ordinary, special and annual general meetings of **MFFA**.
- 8.2** Present a written report on the affairs of the Association relating to the Secretary at the Annual General Meeting and the mid-year meeting.
- 8.3** Call all meetings by way of notice, stating date, time and venue as decided upon by the rest of the executive committee and be responsible for the delivery of such notices, any and other notices and newsletter of **MFFA**. Twenty-one days notice in writing shall be necessary for any meeting at which it is proposed to pass a special resolution.

- 8.4 Receive** and issue and be responsible for all correspondence on behalf of **MFFA** and keep accurate records thereof and also keep and maintain all secretarial and administrative information and records as may be necessary and as determined from time to time.
- 8.5 Issue**, receive and keep all duly completed applications for provincial membership of **MFFA**.
- 8.6 Together** with the records officer, update and maintain a comprehensive library of all records and meritorious catches and other related information. The secretary must ensure that records certificates are printed for all the new records that have been approved.
- 8.7 Together** with the records officer, have the duty and responsibility to control and attend to the maintenance of all existing and issued trophies of **MFFA**. Photos must also be on record of all the trophies.
- 8.8 Maintain** an information library record of all the inter-provincial, national, and international competitions and championships. Ensure that the documents are sent to the relevant government/quasi-government departments for authorisation.
- 8.9 Ensure** that provincial teams selections are done on merit relative to the ranking list and taking Cognisance of compliance with The National Sports Council Regulations. Minimums of 6 selectors for participation for provincial teams are to be elected at an Annual General meeting.
- 8.10 When** teams are chosen, the secretary is to ensure that the relevant details of the competition are forwarded to the relevant Manager. The Manager is then responsible to inform the team members. The secretary must also forward a letter of congratulations to the members after being selected for a team.
- 8.11 Keep** a complete record of the updated constitutions of the clubs and any other affiliates. Any amendment to a club constitution must be forwarded to the Secretary within 30 days.
- 8.12 Any** other issues as may be required to be performed for and on behalf of **MFFA** from time to time.

The Treasurer shall:

- 8.13** **Be** responsible for the maintaining and updating of the books of account and other financial documents in a proper and auditable system of the operation/s of the Association, including those relating to all investments of the Association of whatever nature in a system which will facilitate the auditing thereof.
- 8.14** **Present** a written report on the financial affairs of the Association at the A.G.M and the half-year meeting.
- 8.15** **Deposit** all monies belonging to the Association in a banking account nominated by the executive committee from time to time for the credit of **MFFA**.
- 8.16** **Ensure** that all payments be made in a manner approved by the auditor and are authorised at a properly constituted executive meeting. Any cheques are to be signed by the Treasurer and the President.
- 8.17** **Prepare** annual financial statements of account of **MFFA** which shall be audited by a qualified and registered auditor and lay these statements before the members of **MFFA** at the annual general meeting for approval.
- 8.18** **Ensure** that the audited financial report is submitted within 60 days of the end of the financial year being the 30th June in terms of Non-profit Organisations Act, 1997 (Act No 71 of 1997).
- 8.19** **Ensure** compliance with the Income Tax Act.

9. RESIGNATIONS FROM THE COMMITTEE

- 9.1** **Incumbent** committee members not intending to stand for re-election must advise the Secretary of **MFFA** 60 days prior to the annual general meeting. The secretary in turn must advise all affiliated secretaries in writing.
- 9.2** **In** addition should either the secretary or the treasurer decide to resign their positions, they must give 3 months notice in writing and are obligated to give every assistance to whomsoever takes their place.

10. FINANCIAL YEAR

The financial year of MFFA shall be from the 1st JULY to the 30th JUNE.
Audited annual financial statements must be submitted to all provinces 30 days prior to the annual general meeting.

11. THE EXECUTIVE COMMITTEE (Excom)

- 11.1 The following shall be responsible for the running of **MFFA** on a day-to-day basis and have the right to co-opt additional persons should they deem it necessary.
The President,
Vice-President Ladies and Juniors
Secretary
Treasurer
- 11.2 **The** Excom shall hold meetings on an ad hoc face to face basis and incorporate other elected office bearers if matters up for discussion affect their relative functions, because of the logistics of distance and cost these meetings can be held by e-mail or by any other means prevalent at the time of these communications, the recorded contents of, shall serve as the minutes of what transpired and are to be kept by the secretary. Notwithstanding the afore going the management committee shall hold at least two ordinary but formal meetings each year.
- 11.3 **The** Excom may replace any committee member who is not carrying out his/her duties in terms of their job description.
- 11.4 **Notwithstanding** anything to the contrary, an Excom member shall cease to be a member of the committee if he/she:
Becomes a disqualified person as envisaged in Section 218 (i) of the Companies Act;
- 11.5 **or** Shall have been convicted of any offence contained in part 2 of the Second Schedule of Act 51 of 1977 as amended
- 11.6 **or** Is declared insane by a competent Court of law;
- 11.7 **or** Resigns his/her office by notice in writing to **MFFA**;
- 11.8 **or** Is directly or indirectly interested in any contract with the Association or participates in the profits of any contract with the Association; provided, however, that an officer of the committee shall not vacate his/her office by reason of his/her having any interest in or his/her being a member of any corporation which has entered into contracts with or done any work for the **MFFA** if he/she shall have declared the nature of his/her interest in manner required by sections 234 -238 of the Companies Act, but the officer or member shall not vote in respect of any such contract or work or any matter arising there out.

12. CONDUCT – UNSPORTSMANLIKE

- 12.1 For the purposes of this paragraph “member” shall mean an angler who is a member of any Provincial Fly Fishing Association or a member of any club affiliated to such association and who participates in an event or meeting which is hosted, arranged or organized by **MFFA**.
- 12.2 If in the opinion of the Committee any member is guilty of unsportsmanlike conduct and or conduct which in the opinion of the Committee, is considered to endanger or jeopardise any of the property, objects or rights of **MFFA**, or if any member has been found guilty of a serious criminal offence, or has acted in a manner prejudicial to the interests of **MFFA**, the Committee may, by registered letter addressed to such member, stating briefly the complaint against such member, call upon him/her to attend a meeting of the Committee, of which at least ten days notice shall be given, on a date, and at a place and time to be stated in such notice, At such meeting the member shall be called upon to explain and answer the complaint against him/her. Should such member not attend the said meeting, or should he/she, at such meeting, including any adjournment thereof, fail to give to the Committee an explanation which is to their satisfaction and which exonerates him/her from the complaint, the Committee may, by a vote of a two-thirds majority of its members present at such meeting, suspend him or her from membership, temporarily or permanently. The member shall not during suspension be entitled to any of the privileges of membership of **MFFA**. If the member wishes to have legal representation at the said hearing he/she must advise the Committee in writing at least two days (not being a weekend or recognized public holiday) before the meeting. Failure to do so timeously will exclude the member’s legal representative from the meeting.
- 12.3 A member who is aggrieved by the decision of the Committee and who is of the opinion that he or she has a right to have the decision reviewed may approach a competent Court of law for that purpose.

13. IMMUNITY

- 13.1 Neither the members of **MFFA**, the representatives of those members or the office bearers of **MFFA** shall become liable for any of **MFFA**’s obligations and liabilities solely by virtue of their status as aforesaid.
- 13.2 No member, representative of a member or office bearer shall be personally liable for any loss suffered by any person as a result of an act or omission, which occurs in good faith whilst he or she is performing functions for and on behalf of **MFFA**.

14. COMPETITION RULES AND REGULATIONS

- 14.1 A comprehensive set of rules and regulations governing competitions consistent with the aims and objectives of **MFFA** must be drawn up and be available to all member bodies. Any changes to these rules must be circulated to all member bodies 60 days prior to the Annual General Meeting for a decision to be taken as to their adoption at the AGM.

15. ADOPTION OF CONSTITUTION

This Constitution was approved and accepted by the members of The Mpumalanga Fly Fishing Association at an annual general meeting held on the 8th day of September 2012.

PRESIDENT

SECRETARY