

SA BIATHLON ASSOCIATION



CONSTITUTION OF THE SA BIATHLON ASSOCIATION

AS AMENDED AND APPROVED ON 25 JULY 2020

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CLAUSE 1: DEFINITION AND APPLICATION

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

"ASSOCIATION"	The South African Biathlon Association (SABA).
"CONSTITUTION"	The Constitution of the South African Biathlon Association.
"DELEGATE"	A representative of a member, belonging to that Member.
"GENERAL MEETINGS"	The meetings as formulated in Clause 7.
"EXECUTIVE COMMITTEE"	The Executive Committee as constituted in terms of Clause 13
"MEMBER(S)"	Any region affiliated to the Association constituted in terms of Clause 5
"REGISTERED VOTERS"	Delegates of Members and the Executive Committee
"REGULATIONS"	The constitutional regulations relative to the administration of SA Biathlon.
"RULES"	The rules of the Association.
"SA BIATHLON"	Combination of run and swim in accordance with the SA Biathlon competition rules.
"SELECTION COMMITTEE"	The Selection Committee as constituted in terms of Clause 19.
"SOUTH AFRICA"	The Republic of South Africa.

CLAUSE 2: NAME AND LEGAL PERSONALITY

- 2.1 The name of the Association shall be the South African Biathlon Association.
- 2.2 The association shall have legal personality and shall;
- 2.2.1 have an independent existence,
 - 2.2.2 be entitled to own property,
 - 2.2.3 be entitled to enter into legal transactions and institute legal actions.
 - 2.2.4 be registered as a Public Benefit Organisation.
- 2.3 The Association shall not distribute its annual profits amongst its members.

CLAUSE 3: AIMS AND OBJECTS

The aims and objects of the Association are:-

- 3.1 to promote the interests of SA Biathlon and its athletes, and to uphold the Rules relative to amateur status and the eligibility of athletes to compete under the rules of the UIPM and the Association;
- 3.2 to administer Biathlon under the jurisdiction of the Association;
- 3.3 to inquire into such irregularities as may have occurred during Biathlon events and meetings or in the course of the administration of Biathlon and have been submitted to the Association or have come to its notice;
- 3.4 to hear appeals against the decisions of Members, and to pronounce upon such appeals;
- 3.5 to hold interprovincial meetings and an annual National Championships meeting in Biathlon;
- 3.6 to attend to the selection of athletes who are to represent the Association;
- 3.7 to provide for the keeping of official lists of records of performances;
- 3.8 to decide upon the nature, award, recognition and protection of National and other colours;
- 3.9 to maintain the principle of non-discrimination i.r.o. gender, race, religion and political views.

CLAUSE 4: WAYS AND MEANS OF ACHIEVING AIMS AND OBJECTS

The aims and objects of the Association may be achieved by:-

- 4.1 cooperation with any Sports Federation practising running and swimming as disciplines,
- 4.2 providing suitable facilities, equipment and other conveniences necessary for the hosting of events,

- 4.3 the acquisition of such assets as may be required to achieve the aims and objectives of the Association,
- 4.4 entering upon such negotiations and concluding such contracts and agreements as may be lawfully undertaken by an incorporated body and are not incompatible with the aims and objectives of the Association,
- 4.5 acquiring funds for any purpose which may be deemed necessary.

CLAUSE 5: MEMBERS

- 5.1 The Members of the Association are:-

Boland Biathlon Association
Border Biathlon Association
Central Gauteng Biathlon Association
Eastern Province Biathlon Association
Eden Biathlon Association
Gauteng North Biathlon Association
Griqualand West Biathlon Association
KwaZulu-Natal Biathlon Association
Limpopo Biathlon Association
Mpumalanga Biathlon Association
Northern Free State Biathlon Association
Northwest Province Biathlon Association
Southern Free State Biathlon Association
Western Province Biathlon Association

- 5.2 In the event of new applications to affiliate the constitution of the applicant body must first be recommended by the Executive Committee, and the application be accepted by a majority of an AGM of the Association;
- 5.3 Members shall be duly constituted and exercise control of such areas and/or clubs as are determined by the constitution and approved by the Association (according to the applicable by-laws).
- 5.4 Members shall exercise control of and superintend Biathlon or any aspects thereof, within the limits of their jurisdiction and hear, inquire into and settle all disputes and objections pertaining thereto.

CLAUSE 6: ORGANISATION OF THE ASSOCIATION

- 6.1 The principal constituent bodies of the Association are:
- 6.1.1 The General Meeting;
 - 6.1.2 The Executive Committee.
- 6.2 Other Committees and Subcommittees may be constituted by the principal constituent bodies in conformity with the provisions of the Constitution as need arises.

CLAUSE 7: GENERAL MEETINGS

- 7.1 The General Meeting constitutes the supreme authority of the Association and shall be held once every year on a date to be fixed by the Executive Committee. The minutes of all meetings of the Executive Committee held since the previous Annual General Meeting shall be laid before the meeting to be noted and discussed.
- 7.2 Special General Meetings shall be called by the Executive Committee when it so decides, or upon receipt of written requests signed on behalf of at least three Members. Such a Special General Meeting shall be called within 30 days after receipt of the said requests.
- 7.3 Special General Meetings may be conducted by using available technology.

CLAUSE 8: NOTICE OF GENERAL MEETINGS

- 8.1 Members, Executive Committee members and Honorary Life Members shall receive 28 days written notice of the time and venue of the Annual General Meeting;
- 8.2 All notices of motions to be treated at the Annual General Meeting are to reach the Secretary not less than 14 days before such meeting;
- 8.3 The Secretary shall notify all Members, Executive Committee members and Honorary Life Members of the agenda for the Annual General Meeting 14 days before the meeting;

8.4 All Special General Meetings shall be called in writing by the Executive Committee and notice be given at least 14 days in advance. The notice calling the meeting shall include its agenda. Such notice shall be sent to every member of the Executive Committee, to the Chairman and Secretary of each Member and to Honorary Life Members.

CLAUSE 9: REPRESENTATION AT GENERAL MEETINGS

9.1 Every Member shall be entitled to be represented by two delegates at General Meetings.

9.2 Delegates of Members shall be entitled to participate in the business of the Association.

CLAUSE 10: QUORUM AT GENERAL MEETINGS

A minimum of *50% plus one* of registered voters representing at least *50% of the* different Members shall constitute a quorum at any General Meeting.

CLAUSE 11: PROCEDURE AT GENERAL MEETINGS

11.1 At General Meetings the President shall preside, or in his absence the Vice-President; in the absence of both, the delegates present shall elect a Chairman.

11.2 The agenda of the Annual General Meeting shall be disposed of in the following order:

11.2.1 scrutiny of delegates credentials;

11.2.2 reading of the notice of meeting;

11.2.3 reading, discussion and adopting the minutes of the previous Annual General Meeting and of Special General Meetings;

11.2.4 dealing with the minutes of the Executive Committee;

11.2.5 submission, discussion and adoption of the President's report;

11.2.6 submissions, discussion and adoption of an audited financial statement of receipts and expenditure of the previous year;

11.2.7 dealing with any amendments to the Constitution or with any matter proposed and of which due notice has been given;

11.2.8 election of office bearers in terms of Clause 13;

11.2.9 election of a Selection Committee in terms of Clause 19;

11.2.10 election of Honorary Members in terms of Clause 20.

11.2.11 election of an honorary auditor.

11.3 The agenda of a Special General Meeting shall be disposed of in the order specified below:

11.3.1 scrutiny of delegates credentials;

11.3.2 reading of the notice of meeting;

11.3.3 dealing with only matters proposed and of which previous notice has been duly given.

11.4 No motion or amendment on the agenda of General Meetings may be withdrawn without the approval of the Meeting. If the original proposer of a motion is absent at the meeting, any other representatives of the member who proposed the motion or amendment shall be competent to introduce the motion, in which case he shall, for all practical purposes, be vested with the rights and privileges of the original proposer.

CLAUSE 12: VOTING PROCEDURE AT GENERAL MEETINGS

12.1 In all matters calling for a resolution voting shall be by show of hands; or by secret ballot if 50% plus one of registered voters so demand before voting is proceeded to, or if the President so decides.

12.2 The President and each elected member of the Executive Committee and every delegate shall have one vote each; but if a Member is represented by a single delegate, such delegate shall be entitled to two votes provided that the member give notice in advance of its intentions. The President shall, in addition to his ordinary vote, have a casting vote.

12.3 Honorary Members present at the General Meetings shall have one vote each.

CLAUSE 13: THE EXECUTIVE COMMITTEE

13.1 The direction of the Association's affairs shall be vested in the Executive Committee.

13.2 The Executive Committee shall be made up of:

- 13.2.1 The President, Vice-President, Secretary and Treasurer, to be elected by the delegates at the Annual General Meeting, but they need not themselves be delegates;
- 13.2.2 Three additional members;
- 13.2.3 The president elected may after consultation with the other members of the Executive committee co-opt an additional member or members on the Executive committee to provide for wider representation on the committee.

- 13.3 Nominations for the offices of President, Vice- President, Secretary, Treasurer and members of the Executive Committee must be submitted by a Member in good standing to the Secretary in writing and at least 14 days before the Annual General Meeting. These nominations shall appear unchanged on the agenda of the Annual General Meeting.

- 13.4 Voting for office-bearers shall be by secret ballot.

CLAUSE 14: MEETINGS OF THE EXECUTIVE COMMITTEE

- 14.1 The Executive Committee shall meet at least two times per year; or when the President thinks fit.
- 14.2 Members of the Executive Committee shall be notified in writing of meetings, and receive the agenda at least a fortnight in advance.
- 14.3 A meeting of the Executive Committee may be called either on the initiative of the President, or at the written request of at least three members of the Executive Committee.
- 14.4 At any meeting of the Executive Committee 50% plus one members of the said committee shall constitute a quorum.
- 14.5 All members of the Executive Committee present will have one vote each while the Chairman has an additional casting vote. Honorary members attending Management Executive Committees shall have no voting powers.
- 14.6 Minutes of all meetings shall be sent to Members.

CLAUSE 15: POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE

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

- 15.1 when vacancies occur in the offices of President, Vice- President, Secretary or Treasurer, to fill such vacancies for the remaining period until the next Annual General Meeting,
- 15.2 to establish criteria for the hosting of Interprovincial and National Championships,
- 15.3 to consider the applications and to confirm the venues of the Interprovincial and National Championships, and to inform the Annual General Meeting in this regard,
- 15.4 to decide where any other events of the Association shall be held,
- 15.5 to make recommendations to the General Meeting in connection with International competitions,
- 15.6 to nominate delegates to any association with which the Association is affiliated,
- 15.7 to make recommendations to the Annual General Meeting in respect of delegates to International congresses,
- 15.8 to approve the constitutions of Members,
- 15.9 to make the following appointments every year at its first meeting after the Annual General Meeting:-
 - 15.9.1 a Financial Committee with the President and the Treasurer *ex officio* members;
 - 15.9.2 Executive Members responsible for the following portfolios: Affiliation to national and international bodies; Finance; Secretarial Functions; Development; Marketing; Records and Statistics; Colours and Clothing; Technical Rules; Constitution; Competition Events; Computer Program and Website; and as deemed necessary.
- 15.10 to convene an Annual General Meeting of the Association every year;

- 15.11 to prosecute, or take action against, any person or member who attempts to obtain any award dishonestly, or has so obtained it;
- 15.12 to suspend or restore temporarily or permanently the status of any person who has been convicted of misbehaviour or dishonourable practices in Biathlon in accordance with the finding of the Annual General Meeting, if a Member has proposed a motion to this effect;
- 15.13 to hear appeals against the decisions of Members and to pronounce on these;
- 15.14 to submit to the Annual General Meeting a President's Annual report;
- 15.15 to submit to the Annual General Meeting an audited financial report for the previous financial year (1 September - 31 Augustus) and provisional financial statements for the current financial half year (1 September – 28/29 February);
- 15.16 to consider any violation or infringement of the Constitution, Rules and Regulations of the Association, and to make the necessary recommendations, or to take the necessary actions;
- 15.17 to open bank accounts for the Association and to pay any expenses which the Executive Committee may decide;
- 15.18 to do everything that is desirable for the affairs of the Association, in keeping with its accepted aims and subject to the conditions of this Constitution and to directions of the Annual General Meeting;
- 15.19 the approval and amendments to the by-laws *subject to Clause 26*;
- 15.20 *to prepare and submit to the Annual General Meeting for discussion and approval a proposed Budget for the following financial year which Budget shall include proposals as to Annual Affiliation Fees, Interprovincial Participation Fees per athlete, Penalty and Appeal Fees and any other charges or fees.*

CLAUSE 16: FORFEITURE OF OFFICE

- 16.1 If any member of the Executive Committee or any other Committee absents himself without leave from two successive meetings, it shall be presumed that he has forfeited his office.

CLAUSE 17: HEAD OFFICE

- 17.1 The Head Office of the Association shall be situated at the place decided upon by the Executive Committee at their first meeting after the Annual General Meeting;
- 17.2 On a decision to move the Head Office all members must immediately be notified of the new address. If decided to move, the Head Office shall become operative at the new address within two months.

CLAUSE 18: INDEMNITY

- 18.1 Every office bearer, official or employee of the South African Biathlon Association are indemnified against all losses, charges, costs, damages and all other expenses and liabilities which he or she may incur or become liable for by virtue of any reason or any act, omission in the discharge of his or her duties, unless the loss in question is caused by his or her own negligence, dishonesty or bad faith.
- 18.2 Every office bearer, official or employee of the South African Biathlon Association are indemnified against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against the South African Biathlon Association or against such office bearer, official or employee in his or her representative capacity, provided the indemnity conveyed herein has not extended to private personal acts of such office bearers, official or employee, or cause as a result of negligence, dishonesty or bad faith or caused by his or her own negligence, dishonesty or bad faith.

CLAUSE 19: SELECTION COMMITTEE

- 19.1 How constituted:
- 19.1.1 There shall be one Selection Committee namely a Biathlon Selection Committee, consisting of three members who will be elected every year at the Annual General Meeting by delegates of Members;
- 19.1.2 Nominations for selectors shall be submitted to the Secretary in writing at least 14 days before the Annual General Meeting. These nominations shall appear on the agenda of the Annual General Meeting;
- 19.1.3 The election of selectors shall be by secret ballot;
- 19.1.4 The President shall not be a member of the Selection Committee;

19.1.5 Both genders will be represented.

19.2 Functions and Powers:

19.2.1 The selection of any athlete, athletes, team or teams to represent the Association shall be performed by the Selection Committee subject to the approval of the President;

19.2.2 The Management Executive Committee shall determine a date for the final selections of any team;

19.2.3 Teams shall be selected by the Selection Committee at meetings specially called for this purpose by the convener. Excluding the convener, any two members present at such meeting shall constitute a quorum;

19.2.4 At least one member of the Selection Committee shall as far as possible attend the SA Championships as well as any Interprovincial and Championships.

19.2.5 The expenses of selectors for the selection of a team or teams shall be met by the Association with the judgment of the Management Executive Committee.

CLAUSE 20: HONORARY MEMBERS

20.1 Honorary Members may be elected by the delegates at the Annual General Meeting;

20.2 Nominations for Honorary Members have to be submitted in writing to the Secretary by the Members and at least 14 days before the Annual General Meeting. These nominations shall appear unchanged on the agenda of the Annual General Meeting;

20.3 Voting shall be by secret ballot;

CLAUSE 21: COLOURS

21.1 The official National colours, logo and corporate identity will be determined by the Association.

21.2 The Association's Colours, Logo and Corporate identity will be confirmed in the by-laws.

CLAUSE 22: AWARD OF COLOURS

- 22.1 Award to athletes, *officials, managers and coaches*: Association colours may be awarded by the Executive Committee to athletes, *officials, managers and coaches* of the Association.
- 22.2 South African Biathlon Colours are awarded to biathletes selected to represent South Africa.

CLAUSE 23: CODE OF CONDUCT

- 23.1 All biathletes *officials, managers and coaches* to whom national colours have been awarded shall at all times conduct themselves in a manner that will benefit their sport and their country.
- 23.2 The Executive committee may take disciplinary action against any biathlete or official who did not behave in terms of the code of conduct.

CLAUSE 24: HONORARY AWARDS FOR SERVICE

- 24.1 An honorary award for services rendered to Biathlon may be made to a maximum of three persons per year by the Executive Committee;
- 24.2 Nominations shall be submitted to the Executive Committee 7 21 days before the Annual General Meeting by members, together with a report on the services rendered *to SA Biathlon* on national level for at least three years;
- 24.3 The names of candidates to whom honorary awards have been made shall be announced at the *Prize Giving at the SA Championships*.
- 24.4 The honorary colours shall be the official badge of the Association with the following wording added to the blazer badge: "Honoris Causa".

CLAUSE 25: FINANCIAL MATTERS

- 25.1 Membership Fees:
- 25.1.1 Every Member shall annually contribute to the Association an affiliation fee and such other contributions as determined by the Annual General Meeting;

- 25.1.2 Provincial affiliation fees shall be due before 1 October of every calendar year, the minimum athlete registration fee for 100 athletes shall be due before 1 December of every calendar year and additional athlete SA registration fees (for more than 100 athletes) shall be due on a monthly basis, as determined in the by-laws;
 - 25.1.3 If the affiliation fees and/or such other contributions have not been paid before the Annual General Meeting this shall entail the automatic disqualification of the defaulting Member from taking part in the AGM;
 - 25.1.4 If the amount due as well as a penalty is paid, the Executive Committee may cancel the disqualification;
 - 25.1.5 The penalty fee amount shall be determined by the Annual General Meeting.
- 25.2 If a Member ceases to exist or abandons its activities for an indefinite period, it shall rest with the Association; after all lawful claims have been met, to decide what has to be done with all the assets and records of such a Member.

CLAUSE 26: RULES AND REGULATIONS

- 26.1 In addition to the provisions of the Constitution of the Association may issue such Rules, Regulations and any addenda as may be needful for the smooth running of its affairs;
- 26.2 Such Rules, Regulations and any addenda may be issued or amended only by:
- 26.2.1 An Annual General Meeting;
 - 26.2.2 A Special General Meeting called for this purpose or;
 - 26.2.3 The Executive Committee, with the proviso that it is approved at the following Annual General Meeting.
- 26.3 Any amendment of the Rules, Regulations and any addenda shall be entered in the minutes of the particular meeting at which such amendments have been passed. If the minutes have been duly circulated, as provided for in the Constitution, this shall be deemed sufficient notice of such amendments.
- 26.4 No Rules, Regulations and any addenda may be in conflict with the Constitution of the Association.
- 26.5 All Members shall:

- 26.5.1 be obliged to observe and accept the Rules, Regulations and any addenda of the Association:
 - 26.5.2 furnish any information required by the Association in connection with any matters falling within the province of Members' activities;
 - 26.5.3 refrain from introducing any incompatible amendments or additions to the Rules, Regulations and any addenda of the Association.
- 26.6 The Association shall issue Competition Rules that shall be applicable and must be complied with at all provincial, interprovincial and National Championship meetings.

CLAUSE 27: INTERPRETATION OF RULES AND REGULATIONS

- 27.1 Decisions of the Executive Committee concerning the interpretation of any clauses of the Rules in terms of which Biathlon is administered, shall be final and binding until amended or overturned by the Annual General Meeting of the Association;
- 27.2 Doubts concerning interpretations, or any matter not provided for shall be laid in writing before the Secretary of the Association by the Secretary of the Member, to be investigated and commented upon by the Executive Committee. The decision of the Executive Committee shall be final and binding until amended or overturned by the Annual General Meeting of the Association.

CLAUSE 28: APPEALS

- 28.1 Appeals against the decision of any Member:
- 28.1.1 shall in the first instance be addressed to the executive of the Member;
 - 28.1.2 if satisfaction is not obtained and/or if there is any uncertainty about the decision, an appeal may be directed via the Member to the Executive Committee;
 - 28.1.3 the decision of the Executive Committees shall be final and binding;
 - 28.1.4 a fee shall be paid to the Treasurer of the Executive Committee by the Appellant for every appeal launched before the appeal is attended to by the Executive Committee and shall be refunded to the Appellant if the appeal is successful.

CLAUSE 29: AMENDMENTS TO THE CONSTITUTION

- 29.1 The Constitution may be amended only at an Annual General Meeting or at a Special General Meeting called for this specific purpose;
- 29.2 Notice of any proposed amendments shall be entered on the agenda in accordance with the procedure laid down in Clause 8;
- 29.3 The notice shall specify which clause of the Constitution it proposes to amend and shall indicate clearly what should be omitted or added to it;
- 29.4 The Constitution shall only be amended by a two-thirds majority of all possible votes by delegates of eligible members and the Executive Committee;
- 29.5 Any amendment to the Constitution takes immediate effect unless the contrary is decided;

CLAUSE 30: LIQUIDATION/DISSOLUTION

- 30.1 SABA shall be liquidated / dissolved at the desire and request of two thirds [67%] of all members affiliated to SABA and be decided at a Special General Meeting specially convened for that purpose.
- 30.2 Upon the liquidation/dissolution of SABA, all assets of SABA must be converted into cash and all debts and liabilities settled. If after doing this, any assets, property or money should remain, it may not be paid or distributed to members of SABA but should be transferred to an Association of persons with similar objectives to those of SABA and also registered as a non-profit organisation in terms of the Non-Profit Organisations Act 71/1997.
- 30.3 Not less than twenty-one (21) days' notice shall be given of such meeting and notice convening the meeting shall state clearly the question of liquidation/dissolution of SABA and disposal of its assets will be considered. If there are not at least two thirds of eligible voters present at such Special General Meeting, the meeting shall stand adjourned for not less than twenty-eight (28) days and the eligible voters present at such adjourned meeting shall be regarded as representing 100 % of all eligible voters of the Association.
- 30.4 No financial gain shall accrue to any individual, organization or authority either private or government, without prior approval of Council and the Commissioner for non-profit organisations.

APPROVAL

Amended and approved by special electronic voting of the Association held 25 July 2020.

HJ SWART
PRESIDENT

PJ FERREIRA
SECRETARY