

**ZULULAND DISTRICT SPORTS CONFEDERATION  
CONSTITUTION**

**AFFILIATED TO  
KWAZULU NATAL SPORTS CONFEDERATION  
(KZNSC)**

1. **PREAMBLE**

Whilst development of federations will be encouraged, but this Confederation will seek to close gaps amongst codes without any form of prejudice. This confederation will also seek to take sports to the marginalized areas of this District.

2. **NAME**

2.1 The name of the organization is Zululand District Sports Confederation, hereinafter referred to as the ZDSC

3. **INTERPRETATION**

In this Constitution, in the absence of the an express provision or statement to the contrary -

3.1. the headings are used for reference and convenience only and shall in no way be used to explain, amplify or modify or aid in the interpretation of this Constitution;

3.2. when any number of days is prescribed in this Constitution, same shall be reckoned exclusively of the first and inclusively of the last day unless the last day falls on a Saturday, Sunday or officially recognized South African public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or officially recognized South African public holiday, and "business day" is any day which is not a Saturday, Sunday or officially recognized South African public holiday;

3.3. where figures are referred to in numerals and in words, if there is any conflict between the two, the word shall prevail;

3.4. where any term is defined within the context of any particular clause in this Constitution, the term so defined, unless it is clear from the clause in question that the term so defined has limited application to the relevant clause, shall bear the meaning ascribed to it for all purposes in terms of this Constitution, notwithstanding that that term has not been defined in this interpretation clause;

- 3.5. the expiration or termination of this Constitution shall not affect such of the provisions of this Constitution as expressly provide that they will operate after any such expiration or termination or which of necessity must continue to have effect after such expiration or termination, notwithstanding that the clauses themselves do not expressly provide for this; and
- 3.6. words importing any one gender shall include the other , words importing the singular shall include the plural and *vice versa* and words importing natural person shall include created entities (whether corporate or not) and *vice versa*.

#### 4. **DEFINITIONS**

- 4.1. "the Act" the Non Profit organization Act 71 of 1997(as amended);
- 4.2. "KZNSC Constitution" means KwaZulu-Natal Sports Confederation Constitution;
- 4.3. "Athlete's Commission" shall mean athletes presently constituted into the body of members who are currently still active in a particular Sporting Code;
- 4.4. "Annual General Meeting " means the annual general meeting of the membership held in accordance with the provisions of this Constitution;
- 4.5. "Executive Committee" means the Executive Committee of the District Sports Confederation as constituted from time to time in terms of this constitution.
- 4.6. "CAS" means the Court of Arbitration for Sport, presently constituted and domiciled in Switzerland;
- 4.7. "Calendar Year" means in each year, the period commencing 1 January ending 31 December of the relevant year;

- 4.8. "Constitution" means this constitution of the District Sports Confederation;
- 4.9. "Constitution of the Republic" means the Constitution of the Republic of South Africa Act 108 of 1996 (as amended);
- 4.10. "Delegate" means a delegate appointed by a Member to represent it at any General Meeting;
- 4.11. "General Assembly" means the general assembly of the District Sports Confederation as contemplated by clause 2.1.1;
- 4.12. "General Meeting" means any general meeting of the Members and excludes an annual general meeting, quadrennial general meeting, and special general meeting or an ordinary general meeting;
- 4.13. "Good Standing" means a member or individual who has not violated the provisions of this Constitution and/or the Rules and Regulations governing the members.
- 4.14. "Mayor" means the Mayor of the District Municipality Council responsible for Sport and Recreation in the District;
- 4.15. "MANCO" means the Management Committee of the Zululand District Sports Confederation, consisting of FIVE (5) Executive Committee members
- 4.16. "Member" means a member of the District Sports Confederation in terms of this Constitution.

- 4.17. "National Sports Act" means the National Sports and Recreation Act, no 18 of 2007 as amended or any other Act which replaces it;
- 4.18. "Provincial Sports Federation" means a district sports association that is recognized and accepted by National Federation and or in terms of the Rules and Regulations of KZNSC.
- 4.19. "Notice" shall unless the context indicates otherwise, mean a written communication which has to be delivered to the addressee by ordinary or registered post to its address as notified by it and recorded in the records of the District Sports Confederation, sent by post or telefaxed transmission or e-mail, to the number or e-mail address provided by the addressee and recorded in the records of the District Sports Confederation. Any notice sent by post shall be deemed to have been received by the addressee within 5 (five) days of the proven date of posting. Any notice sent by telefaxed transmission shall be deemed to have been received by the addressee on the day after the {proven date of telefax transmission. Any e-mailed notice shall be deemed to have been received by the addressee on the day after the proven date of the e-mail transmission.
- 4.20. "District" means the jurisdictional area of the District Government of South Africa;
- 4.21. "District Federation" means a sports organization recognized as such and affiliated to a Provincial Sports Federation, and responsible for coordinating, organizing and managing a sports code in the District;

- 4.22. "Quadrennial General Meeting" shall mean a Quadrennial General Meeting held in accordance with the provisions of this Constitution;
- 4.23. "Local Sport Council" means the Local within the District as defined by the Provincial Government and in terms of the Federation's Sporting Code;
- 4.24. "KZNSC" means the KwaZulu-Natal Sports Confederation as defined in the South African Sports Confederation and Olympic Committee Articles of Association (as amended)
- 4.25. "South Africa" means the "Republic of South Africa" as defined in the Constitution of the Republic of South Africa, 1996.
- 4.26. "Special General Meeting" means the Special General Meeting of the membership held in accordance with the provisions of this Constitution;
- 4.27. "Financial Year" shall be the period 1April to 31 March the following Year
- 4.28. In this constitution unless inconsistent with the context, the singular included the plural and vice versa and persons shall include bodies corporate.

## 5. **OBJECTIVES OF THE DISTRICT SPORTS CONFEDERATION**

5.1. The mandate of Zululand District Sports Confederation is to:

- 5.1.1. apply for membership of KZNSC. Act as a structure recognized by KZNSC as a coordinating and monitoring structure of sport in the communities within the geopolitical District.

- 5.1.2. act as a structure recognized by KZNSC as a coordinating and monitoring structure for District federations.
- 5.1.3. promote, advance, develop sports initiatives in the District, furtherance of mandates delegated to it by KZNSC;
- 5.1.4 promote, advance, develop and co-ordinate all sporting codes at a District level, in line with the Articles of Constitution, sporting programmes, rules, policies and directive of KZNSC;
- 5.1.5 act as an advisory body.
- 5.1.6 participate in the Planning Process of District Departments of Sport and Recreation.
- 5.1.7 promote transformation of the sport sector and to facilitate sports development in the District
- 5.1.8 co-operate, liaise and work with District Federations, District Ministry of Sports and Recreation or Departments, Local Government and with any other organization established to promote sports in the District;
- 5.1.9 initiate partnerships with the private and public sector regarding resources needed to support sporting programmes.
- 5.1.10 establish strategic partnership with Municipalities on the building needs and usage of facilities.
- 5.1.11 promote the creation of sports structures and efficient management and assist with the creation of non-racial and non-sexist sport with unitary structures in all sporting codes at a District level; and
- 5.1.12 foster co-operation and build partnership amongst all sectors of society that are committed to sports development within the District;

## 6 **THE ROLE OF ZULULAND DISTRICT SPORTS CONFEDERATION**

The role of the Zululand District Sports Confederation shall be to;

- 6.1 Serve and function in furtherance of the KZNSC's aims and objective as the coordinating structure for sport development at District level across all sporting codes;
- 6.2 Promote and foster the spirit of co-operation and collaboration amongst all role players of sport in the District;
- 6.3 Assist and co-operate with District Sports Federation in developing their Sports codes and in the implementation of their sports development programmes, inclusive of competitive sporting events and mass participation programmes; and
- 6.4 Promote and advocate for increased sports development across the District;

## 7 **STATUS**

Zululand District Sport Confederation is established in terms of clause 14.1.1 of the KwaZulu-Natal Sports Confederation Constitution.

## 8 **LEGAL PERSONALITY**

- 8.1 Zululand District Sport Confederation is a voluntary association having a separate legal existence identity, from that of its Members, and is entitled to own property, whether movable or immovable or otherwise, as well as to sue and be sued in its own name, notwithstanding any change in the composition of its membership from time to time, it shall have perpetual succession.
- 8.2 All movable property or other rights relating to immovable property which may be obtained by Zululand District Sports Confederation from time to time shall be registered in the name of the Zululand District Sports Confederation .
- 8.3 Zululand District Sports Confederation shall be a non-profit organization.

## 9 **INDEMNITY**

9.1 Every office bearer, official or employee of the Zululand District Sports Confederation are indemnified by the Zululand District Sports Confederation 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.

9.2 Every office bearer, official or employee of Zululand District Sports Confederation are indemnified by Zululand District Sports Confederation against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against Zululand District Sports Confederation or against such office bearer, official or employee in his or her representative capacity, provided the indemnity conveyed herein has not extend to private personal acts of such office bearers, official or employee, or cause as a result of negligence, dishonesty or bad faith.

## 10 **OFFICIAL LANGUAGE**

The official language of Zululand District Sports Confederation in case of any dispute shall be English.

## 11 **FINANCIAL YEAR**

The financial year of the Zululand District Sports Confederation shall be from 1 April and shall end on 31<sup>st</sup> March of the next year.

## 12 **AREA OF JURISDICTION**

The area of jurisdiction shall be the District of Zululand as defined in the Republic of South Africa's Constitution.

### 13 **HEADQUARTERS**

The headquarters of Zululand District Sports Confederation shall be the City of Ulundi.

### 14 **MEMBERSHIP**

14.1 The following shall be eligible for membership of the Zululand District Sports Confederation:

#### 14.2

14.1.1 The members of Zululand District Sports Confederation shall be the District Federation and the Local Sports Confederations whose application for membership are ratified by the General Assembly.

14.1.2 Any other Sport Governing Body and Controlling Bodies prescribed by the National Sport and Recreation Act and KZNSC Constitution in relation to sports activities in the District;

14.1.3 Any other civil society comprising of community whether same be area level based clubs, local sports councils;

14.1.4 Zululand District Sports Confederation shall, in its discretion grant full, special or associate membership to applicants referred to under paragraphs 14.1.2, and 14.1.3 provided that such applicants meet with any required guidelines as may be laid down by the Zululand District Sports Confederation from time to time with due consideration to Clause 14.1.2.

14.1.5 An application for membership shall only be considered if the following conditions are complied with:-

14.1.4.1 A letter of application as well as the completed prescribed application form.

14.1.4.2 A copy of the constitution of the applicant, as well as written proof from the duly appointed auditor that they are in compliance with the provisions of the Constitution.

14.1.4.3 A list of all affiliates of the applicant

14.1.4.4 And that the application is tabled at either an Annual General Meeting or a Special General Meeting and it appears on the Agenda of the meeting at which it is to be considered.

## 15 **MEMBERSHIP RECOGNITION CRITERIA**

15.1 To be eligible for recognition, organizations which control the development of, and participation by local and District sporting codes must meet the following criteria:-

15.1.1 must be properly constituted and operate on democratic principles;

15.1.2 have a formal written constitution and acceptable democratically elected committee(s) or structure(s), which operates in a transparent, accountable, and responsible manner; and

15.1.3 demonstrate an agreed level of management and financial accountability and stability.

15.1.4 the sports body must abide by the anti-doping policy of the institute for Drug Free Sport, and WADA as adopted by KZNSC

15.1.5 participation must be available to all sections of the community and not be restricted for reasons of finance, gender. Disability or any other discriminatory reason.

16 **SUBORDINATE STATUS OF MEMBERS**

- 16.1 Members shall be subordinate to Zululand District Sports Confederation and must comply with this Constitution, the Regulations, the Rules and any directives issued by Zululand District Sports Confederation from time to time subject to the proviso that any directive shall not be in conflict with any requirement of KZNSC.
- 16.2 Members' constitutions and any rules or regulations formulated thereunder shall not be in conflict with the ZDSC Constitution.

17 **MEMBERSHIP MATTERS TO BE REGULATED IN THE RULES AND OR REGULATIONS**

The executive committee shall draft such Rules and/or Regulations as may be deemed necessary, for approval by the General Assembly.

- 17.1 The Rules may regulate any matter relating to Membership, including but not limited to the following matters:
- 17.1.1 the criteria and procedure for acceptance of Members;
  - 17.1.2 the colours and emblems of District Members;
  - 17.1.3 the membership fees and subscriptions to be paid by Members;
  - 17.1.4 the obligations of Members with respect to financial statements and books of accounts;
  - 17.1.5 the grounds on which Members may be suspended from membership to Zululand District Sports Confederation; and
  - 17.1.6 any amendment to Zululand District Sports Council's constitution.

- 17.2 The criteria referred to in 15 above shall, include the following requirements:
- 17.2.1 No Member will be eligible to acquire or to retain membership of Zululand District Sports Confederation unless it has a constitution which provides for:
- 17.2.1.1 open elections to be held at intervals of not more than four (4) years;
  - 17.2.1.2 minutes of meetings and annual financial statements to be presented to its membership;
  - 17.2.1.3 the member must recognize and accept the authority of ZDSC; and
  - 17.2.1.4 it has complied fully with such provisions of its constitution and has provided written proof of such compliance to the Zululand District Sports Confederation.
- 17.2.2 No Member may be affiliated to Zululand District Sports Confederation unless it is entitled to take its own decisions on any matter connected with its affiliation independently of any external body;
- 17.2.3 No Member may be used as a source of profit for its officials or for those who have lent funds to it, provided that the payment of a normal rate of interest to the latter shall be permissible.
- 17.2.4 In the event of a Member wishing to enter into an agreement with any company, which may change the Member and its affiliation with Zululand District Sports Confederation, it shall inform Zululand District Sports Confederation of its intentions in writing and disclose all

information of whatsoever nature to Zululand District Sports Confederation, to enable it to consider the affiliation or continued affiliation of the said Member is in the best interests of sport in the District.

## **18 AFFILIATION**

18.1 Zululand District Sports Confederation shall apply for affiliation to the KwaZulu-Natal Sports Confederation (KZNSC),

18.2 The provisions of this Constitution shall be subject to, and not in conflict with the KZNSC's Constitution and any rules, policies or regulations of KZNSC. In the event of such conflict, the provisions of the KZNSC's Constitution, or rules or policies or regulations shall prevail.

## **19 POWERS OF THE DISTRICT SPORTS CONFEDERATION**

19.1 The Zululand District Sports Confederation shall have all powers as may be necessary or reasonably required in law to achieve its objectives as set out in clause 5 above, and for its proper and efficient functioning and administration, it shall have the following powers:

19.1.1 it shall be capable to exist on its own and shall continue to exist even after its membership changes;

19.1.2 to purchase or acquire in any way land, buildings, agencies, shares, debentures and every other kind or description of movable and immovable property;

19.1.3 to manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, turn to account or in any way otherwise deal with all or any part of its property and assets;

- 19.1.4 to accept donations and legacies and raise funds, subject to the express limitation that should the services of a fund raiser be used for collection of contributions, the expenses (remunerations and/or commission included) may not exceed 15% (fifteen per centum) of the total proceeds of the collection;
- 19.1.5 to borrow money;
- 19.1.6 to secure payment of monies borrowed in any manner including the mortgaging and pledging of property and without detracting from the generality thereof, in particular by the issue of any kind of debenture or debenture stock, with or without security;
- 19.1.7 to invest funds in any manner;
- 19.1.8 to open and operate banking accounts with any registered bank or financial institution in the Republic;
- 19.1.9 to open a banking account and authorize those officials who may sign, issue, accept, endorse, draw and execute on behalf of Zululand District Sports Confederation any negotiable instruments, powers of attorney or other deeds or instruments;
- 19.1.10 to make, draw, issue, accept, endorse and discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments;
- 19.1.11 to enter into indemnities, guarantees and suretyship and to secure payment thereunder in anyway;

- 19.1.12 to sue and to be sued in its own name;
- 19.1.13 as per prior agreement to remunerate any person or persons in cash for services rendered in its formation or in the development of its objects;
- 19.1.14 to enter into contracts and to execute any contracts deeds and documents provided that Zululand District Sports Confederation shall not have the powers to carry on any business, including ordinary operations in the commercial sense, speculative transactions, dividends stripping activities and the letting of property on a systematic or regular basis, and no loans may be made to a patron member, donor or any of their relatives or any private company.

## 20 **FINANCE**

- 20.1 The activities of Zululand District Sports Confederation shall be conducted on a non-profit basis with the intent and purpose that its capital and income from whatever source, shall be applied solely towards the promotion of its objects.
- 20.2 The Confederation's income and property are not distributable to its members or office-bearers, but shall not preclude the payment in good faith to an affiliate or any other person in respect of:-
  - 20.2.1 reasonable agreed remuneration for the services actually rendered on behalf of Zululand District Sports Confederation;
  - 20.2.2 reimbursement of actual costs, expenses or other commitments incurred on behalf of Zululand District Sports Confederation;
  - 20.2.3 payment of such monies to affiliates as found advisable for the advancement of sport in the District;

Furthermore:-

- 20.2.4 All payments shall be authorized by any two (2) of three (3) duly authorized persons appointed by the District Executive Committee;
  - 20.2.5 Zululand District Sports Confederation may invest its funds in the manner contemplated in clause [19.1.7] of this constitution;
  - 20.2.6 The Executive Committee shall open and maintain a bank account for Zululand District Sports Confederation.
- 20.3 The Executive Committee shall from time to time determine whether, or to what extent and at what times, places and under what conditions or regulations the accounting records of Zululand District Sports Confederation or any document may be open to inspection by Members' Membership at the General Assembly.
- Zululand District Sports Confederation is prohibited from carrying on any business undertaking or trading activity, otherwise than to the extent that -
- 20.3.1 The undertaking or activity is -
    - 20.3.1.1 integral and directly related to the sole object of the Confederation;
    - 20.3.1.2 carried out or conducted on a basis substantially the whole of which is directed towards the recovery of costs and which would not result in unfair competition in relation to taxable entities; or
    - 20.3.1.3 is not integral and directly related to the sole object of the Confederation, or it should be of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation.

## **21 GOVERNING BODIES**

### **21.1 The General Assembly**

Zululand District Sports Confederation General Assembly shall be the supreme decision making body of Zululand District Sports Confederation and shall comprise all Members meeting at the occasion of a General Meeting.

### **21.2 Executive Committee**

21.2.1 There shall not be more than (11) eleven Executive Committee members who are not connected persons in relation to each other, and shall comprise the following Executive members:

21.2.1.1 The Chairperson, who shall not be entitled to serve for a period in excess of (two) 2 terms in that office and shall be for the purposes of the composition of the Executive Committee, deemed not to represent either a District Sports Federation and/or a Local Sports Confederation.

21.2.1.2 One Deputy Chairperson

21.2.1.3 One General Secretary

21.2.1.4 One Deputy Secretary

21.2.1.5 Treasurer,

21.2.1.6 Transformation and Development Officer and

21.2.1.7 FIVE (5) additional Executive Committee members.

21.2.1.8 One (1) additional member elected by the Athletes Commission from Sportsmen who are currently still participating in the Sport at a competitive level, and duly elected by current participating athletes in whatever Sporting Code they represent.

21.2.1.9 Any co-opted members, as determined by the Executive Committee, but shall not exceed (four) 4 in number and who shall have the full powers to vote on any issues before them. It is specifically recorded that if and when such additional co-opted members are appointed, the Executive Committee shall take cognisance of any gender or other sensitivity matters which may arise out of the elections.

21.2.2 The members of the Executive Committee shall be elected in terms of Clause 21.2.1 and shall hold office for a term of four (4) years, but shall not be entitled to serve for longer than three (3) successive terms in their current elected position. Save as aforesaid, all Executive Committee members shall be eligible for re-election and shall retain office until their successors have been elected.

21.2.3 Any person elected to a position on the Executive Committee must vacate his/her position and retire by no later than the end of the calendar year during which he/she attains the age of seventy (70) years.

## **22 POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE**

22.1 The powers of Zululand District Sports Confederation shall be exercised by ZDSC Executive Committee, who shall have specified powers delegated to them by the General Meeting, in addition to the general powers and authority herein conferred on the Executive Committee and without in any way limiting such powers and authority, they shall have the following powers and duties:

22.1.1 To oversee, and if necessary manage, the activities of Zululand District Sports Confederation, which shall include and shall not be restricted to:

22.1.1.1 The activities of its Members;

- 22.1.1.2 Inquiring into the administrative and/or financial affairs of Members, and, where necessary, to recommend corrective measures in this regard, and if these measures are not implemented to make recommendations to take over the administrative and/or financial affairs of the Member until these are placed on a satisfactory footing. In the case of a District Federation, this should be conducted in consultation with the Provincial Federation.
- 22.1.1.3 Appoint such sub-committees or commissions upon such terms as it may consider necessary to give effect to its powers;
- 22.1.1.4 Suspend, fine and/or terminate the membership of any Member or individual affiliated through their respective Sporting organization or to suspend and/or fine any Member who infringes the Constitution, the Rules, the Regulations, directives or resolutions of Zululand District Sports Confederation or of KZNSC engages in any act of misconduct, improper practices, misdemeanour, acts of defiance, or brings Zululand District Sport Confederation and/or KZNSC into disrepute;
- 22.1.1.5 Prepare and monitor a detailed business plan for Zululand District Sports Confederation and its activities, as approved by the General Meeting.
- 22.1.1.6 Control of monies in terms of a budget as approved by the General Assembly.
- 22.1.1.7 Appoint standing committees as and when the necessity arises, which standing committees shall consist of a chairperson who shall preferably be a member of the Executive Committee and such other members as are deemed necessary. It is specifically recorded that such standing committees shall take cognizance of the

composition of the Executive Committee in appointing the relevant sub-committees and more in particular shall be cognisant of any imbalances or sensitivities in respect of representivity or equity or disability issues;

22.1.1.8 In matters of mutual interest, Zululand District Sports Confederation and any eligible Members may enter into a written agreement covering issues such as the establishment of a joint liaison committee, communication, competitions whether District or otherwise, compensation, levies, disputes, officials, coaches and the like;

22.1.1.9 Subject to the Constitution, Rules and Regulations, to delegate any of its powers or functions to the management committee;

22.1.1.10 Approve the budget and all intended expenditure of Zululand District Sports Confederation.

22.1.1.11 Enact, repeal and amend the Regulations of Zululand District Sports Confederation, provided that:

22.1.1.11.1 the Executive Committee may make no regulation which is inconsistent with this Constitution, and

22.1.1.11.2 any regulation made by Zululand District Executive Committee shall be tabled at the next Annual General Meeting of Zululand District Sports Confederation and will be of no force and effect beyond the date of that Annual General Meeting unless it is ratified at that Annual General Meeting.

22.1.1.12 The Executive Committee shall meet at least four (4) times per annum.

22.1.1.13 Subject to the provisions of this constitution and to any decision of the General Assembly, the Executive Committee shall have the authority to do anything or take any steps, which might be done by ZDSC in the furtherance of its objectives and the policies decided upon by the General Assembly without limiting the generality of the foregoing, this shall include the following:

22.1.1.13.1 to attend to all legal matters on behalf of ZDSC;

22.1.1.13.2 to host, when applicable, any events in conjunction with the appropriate structures and organizations concerned;

22.1.1.13.3 generally to execute any legal act on behalf of ZDSC, thus doing all that is necessary for the fulfillment of the objectives in ZDSC, provided that such act is not contrary to the constitution or any instruction of the General Assembly.

22.1.1.14 No member of the Executive Committee who has any direct or indirect interest in or who would benefit from any contract to be entered into between ZDSC and a third party, shall be present at the meeting at which such contract is considered, debated and decided.

22.1.1.15 Notwithstanding section 20.2.4 and 20.2.5, no member of the Executive Committee may have benefit accrue to them whilst executing their duties within the organization.

22.1.1.16 No member of the Executive Committee shall have any claim to the property or any assets belonging to the Confederation by virtue of being an office bearer of the Zululand District Sports Confederation.

22.1.1.17 The quorum for meeting of the Executive Committee shall be 50% plus 1 (one) of its members.

22.1.1.18 All decisions made by the Executive and Management committees will be the basis of a simple majority.

22.1.1.19 A Management Committee (MANCO) will oversee the day-to-day activities of the organization. This Management Committee will be made up of not more than SIX (6) members of the Executive Committee and are office-bearers of the organization. This MANCO will consist of the Chairperson, Deputy Chairperson, Treasurer, General Secretary, Deputy Secretary and a Transformation Officer.

## **23 ELECTION OF OFFICERS**

23.1 Subject to the provisions of this clause, the election of the Executive Committee members shall be by vote of Delegates present at a Quadrennial Annual General Meeting.

23.2 Only nominees of Members in Good Standing and who are citizens of the Republic shall be eligible for election as a member of the Executive Committee.

23.3 Employees of the District Sports, Art and Culture Department are not eligible to stand for election onto the Executive Committee and executive Members of Zululand District Sports Confederation are not eligible for full time employment by the District Sports and Recreation Department.

- 23.4 Each Delegate present at the General Meeting shall have a vote determined by the voting strength referred to in Clause 28 and 29 in any election of Executive Committee members, provided that no Delegate shall be entitled to vote unless the Member which he/she represents is a Member in good standing.
- 23.5 Any Member in Good Standing shall be entitled to submit nominations for the Chairperson, one Vice Chairperson, General Secretary, Deputy Secretary, Treasurer, Transformation and Development Officer and the Executive Committee members referred as determined in clause 21.2.1.
- 23.6 A candidate may be nominated for more than one office provided that if and when elected to a particular office, the candidate's remaining nominations shall lapse.
- 23.7 Sixty (60) days prior to the date of the Quadrennial Meeting the Secretary shall distribute nomination forms to Members per registered post, telefax and /or electronic mail.
- 23.8 Members shall submit the original nomination forms to Zululand District Sports Confederation's auditor such that they are received at least thirty (30) days prior to the date of the General Meeting. The closing date and time shall be specified in a circular distributed by the Secretary with the nomination forms.
- 23.9 No nomination form will be accepted by Zululand District Sports Confederation unless:
- 23.9.1 The nomination form is signed by the president/chairperson and the secretary of the Member submitting the nomination; and
- 23.9.2 The nominee has submitted to the auditor his/her signed acceptance of the nomination on the form provided for this purpose, or on a copy or facsimile thereof, and this signed acceptance has been received by the auditor at least thirty (30) days prior to the date of the General Meeting.

- 23.10 The onus shall be on the Member concerned to ensure that nominations and acceptances are received by the auditor on or before the closing date.
- 23.11 Within seven (7) days after the closing date for nominations, the auditor shall submit a list of those persons properly nominated to the Secretary. The original nomination forms shall be retained by the auditor, and shall be available for inspection if required at the Annual General Meeting.
- 23.12 The Secretary shall send the list of nominations as received from the auditor to all Members along with the agenda for the General Meeting at least twenty one (21) days prior to the date of the meeting.
- 23.13 Prior to the commencement of the elections, the meeting shall appoint an electoral officer and two other persons who are not candidates for office, to conduct the elections.
- 23.14 Should there be fewer nominations than there are vacancies to be filled, those persons presently occupying office, shall continue in office for the further period.
- 23.15 The first person to be elected shall be the Chairperson. Should only one nomination be received, the candidate shall be declared duly elected.
- 23.16 Following the election of the Chairperson, the Vice-Chairperson shall then be elected. Should only one nomination be received, the candidate shall be declared duly elected.
- 23.17 Following the election of the Vice Chairperson, the General Secretary shall then be elected. Should only one nomination be received, the candidate shall be declared duly elected.
- 23.18 Following the election of the General Secretary, the Deputy Secretary shall then be elected. Should only one nomination be received, the candidate shall be declared duly elected.

- 23.19 Following the election of the Deputy Secretary, the Treasurer shall then be elected. Should only one nomination be received, the candidate shall be declared duly elected.
- 23.20 Following the election of the Treasurer, the Transformation and Development Officer shall then be elected. Should only one nomination be received, the candidate shall be declared duly elected.
- 23.21 Five (5) additional Executive Committee members in accordance with clause 21.2.1.3 shall be elected using a single round of voting.
- 23.22 If there is a tie amongst more candidates than there are positions to be filled on the Executive Committee, there will be a second ballot in respect of those candidates. If the second ballot also results in a tie amongst any of those candidates, the electoral officer will draw the name of one or more candidates (as the case may be) who shall be declared the successful candidate/s.
- 23.23 Should any dispute relating to an election arise during the meeting, the electoral officer shall rule thereon, and his/her ruling shall be final and may not be challenged by any candidate, Delegate or Member.
- 23.24 Following the election of all Executive Members, the Electoral Officer shall announce the names of the successful candidates.
- 23.25 Subject to the provisions of these Clauses, Executive Committee members shall hold office until their successors have been elected at an Annual General Meeting.
- 23.26 A vacancy in any office of the Executive Committee shall occur:
- 23.26.1 Upon the death of a member;
- 23.26.2 If a member is absent from three (3) consecutive meetings of Zululand District Executive Committee without prior permission unless Zululand District Executive Committee upon good cause being shown, otherwise decides; or

- 23.26.3 If a member is found guilty of having conducted himself/herself in any manner likely to prejudice the objectives or activities of Zululand District Sports Confederation or KZNSC and/or whose conduct has the effect of bringing Zululand District Sport Confederation and/or KZNSC and/or sport into disrepute.
  - 23.26.4 If a member becomes of unsound mind;
  - 23.26.5 If a member is sequestered;
  - 23.26.6 If a member proposes a compromise with his/her creditors generally;
  - 23.26.7 If a member resigns his/her office by notice in writing to Zululand District Sports Confederation; and
  - 23.26.8 If a member becomes an employee of the District Sports Department
- 23.27 Should the office of any member of the Executive Committee become vacant, the remaining members of the Executive Committee shall have the power to co-opt a member in his/her place until the next Annual General Meeting provided that should the office of the Chairperson become vacant, Zululand District Executive Committee shall, at its next meeting, elect the Vice-Chairperson to act as Chairperson until the next Annual General Meeting. When a position becomes vacant, such a position may only be filled by co-option of a member from the specific grouping either sport association or sport confederation.
- 23.28 At any Annual General Meeting elections will be held to fill offices vacated during the previous year. Candidates for such elections may be nominated only in accordance with the nomination procedures of this Clause 23.9 in each category. Delegates may vote for as many candidates as there are vacancies with the required number of candidates who obtain the highest number of votes in the first round of voting being elected. In the event of a tie, the tie-break mechanisms set out in Clause 23.20 will apply.

## **24 REGISTER OF MEMBERS**

- 24.1 Zululand District Sports Confederation shall maintain the register of Members at the office, or at any other place where the work of making up such register is done.
- 24.2 The register shall be open to inspection by Members.
- 24.3 The Executive Committee shall be empowered to make regulations as it thinks fit relating to the opening and closing of such register provided that such register shall not be closed for more than 60 days in any calendar year.
- 24.4 Zululand District Sports Confederation may establish and maintain a branch register.

## **25 GENERAL MEETINGS OF MEMBERS**

- 25.1 Zululand District Sports Confederation shall hold at least two General Meetings of Members during a calendar year, of which one shall be the Annual General Meeting to be held not later than six months after the end of the financial year.
- 25.2 Zululand District Executive Committee may, whenever it thinks fit, convene a General Meeting, at any time and place as determined by them. Provided that there are a minimum of three (3) duly elected Zululand District Executive Members at such meeting. In the event of there not being a quorum at the specific meeting, the meeting shall be postponed and thereafter any three (3) members may reconvene a General Meeting in the same manner as the previous meeting called by the Executive Committee.
- 25.3 A General Meeting shall be called by the Executive Committee within 30 days after receipt of a request signed on behalf of one third of the Members in Good Standing. It is specifically recorded that Good Standing shall also mean any member who is fully paid up in respect of any fees, and who has complied fully with the requirements of their respective Constitutions, Rules and Regulations and who is not currently under suspension. The agenda for such meeting shall be specified in the request.

- 25.4 Subject to the provisions of this Clause a General Meeting shall be held at such time and place as Zululand District Executive Committee shall determine.
- 25.5 The Secretary shall, by registered post, telefax or electronic mail, give all Members at least sixty (60) days advance notice of the date of the Annual General Meeting, which date shall be determined by Zululand District Executive Committee. The Annual General Meeting shall be called no later than 30 November of each calendar year.
- 25.6 Motions to an Annual General Meeting shall be submitted to the Secretary in writing per registered post and/or telefax and/or electronic mail not less than thirty (30) days prior to the date of such Annual General Meeting. The Secretary shall circulate all motions submitted to him together with the agenda for the Meeting and the audited financial statements of Zululand District Sports Confederation to all Members per registered post and/or telefax and/or electronic mail not less than fourteen (14) days prior to the Annual General Meeting.
- 25.7 Members must forward in writing to the Secretary the names of the Delegates who will represent them at the Annual General Meeting. Unless such confirmation is received by the Secretary 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.
- 25.8 The Quorum at any meeting shall be 50% plus one of the membership.
- 25.9 A simple majority shall be sufficient to carry any decision of the General Assembly, excluding changes to the constitution as per clause 33 and dissolution as per clause 35.

## **26 NOTICE OF GENERAL MEETINGS**

- 26.1 A meeting called for the passing of a Special Resolution shall be called by not less than 21 days' notice in writing and any other General Meeting (other than the Annual General Meeting) shall be called by not less than 14 days' notice in

writing. Notice in terms of this clause shall be exclusive of the date on which it is served or deemed to be served and exclusive of the date for which it is given.

26.2 The notice of a meeting shall specify:

26.2.1 the place;

26.2.2 the date and the hour of the meeting; and

26.2.3 in the case of special business, the general nature of such business, and shall be given in the manner hereinafter provided or in such other manner as may be prescribed by Zululand District Sports Confederation in General Meeting and to such persons as are, under the clauses, entitled to receive such notices from Zululand District Sports Confederation.

26.3 A General Meeting shall, notwithstanding that it is called by shorter notice than that specified in Clauses 26.1, be deemed to have been duly called if it is so agreed by a majority in number of the Members having a right to attend and vote at the meeting, who hold not less than a 2/3 majority of the total voting rights of all the Members.

26.4 A General Meeting shall be entitled to deal with special business, the general nature of which has not been notified, if it is so agreed by a majority in number of the Members having a right to attend and vote at the meeting, who between them hold not less than a 2/3 majority of the total voting rights of the Members.

## **27 PROCEEDINGS AT GENERAL MEETINGS**

27.1 The Annual General meeting shall deal with and dispose of all matters, including the consideration of the annual financial statements, the election of the Executive Committee, the appointment of an auditor and the fixing of the remuneration of the auditor, and may deal with any other business laid before it and of which

notice has been duly given in terms of the clause 26.1 or in respect of which notice has been waived in terms of clause 26.3.

- 27.2 Business may be transacted at a General Meeting only while a Quorum of Members are present.
- 27.3 If within half an hour after the time appointed for the General Meeting a Quorum is not present, the General Meeting, if convened upon requisition of the Members, shall be dissolved. In any other case the General Meeting shall stand adjourned to the same day in the next week at the same time and place, or if that day is not a business day, to the next succeeding business day, and if at such adjourned General Meeting a Quorum is not present within half an hour after the time appointed for the meeting, the Members present in person shall constitute a Quorum, provided that every Member shall have received notice of the adjourned General Meeting not less than 72 hours prior thereto by either electronic mail, facsimile, hand delivery, telegram, telex, post or telephone call.
- 27.4 The Chairperson or, in his/her absence, the Vice-Chairperson shall preside as chairperson at every General Meeting and the Executive Committee meetings of Zululand District Sports Confederation.
- 27.5 If there is no such chairperson or if at any General Meeting he/she is not present within 15 minutes after the time appointed for the holding of the meeting or if he/she is unwilling to act as chairperson, the Executive Committee shall choose one of their number to act as chairperson and, failing any Executive Committee member present and willing to act, the Members present shall elect one of their number to be the chairperson of the meeting.
- 27.6 The chairperson of a General Meeting at which a Quorum is present may (and shall if so directed by the meeting) adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than business left unfinished at the meeting at which the adjournment took place. When a meeting is adjourned, it shall not be necessary to give notice thereof.

- 27.7 A resolution tabled at a General Meeting shall require both a proposer and a seconder.
- 27.8 At any General Meeting a resolution put to the vote shall be decided on a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by the chairperson or by at least two Members entitled to vote at the meeting. No poll shall, however, be demanded on the election of the chairperson of the meeting or on any question of adjournment. Unless a poll is so demanded, a declaration by the chairperson of the meeting that a resolution has, on a show of hands, been carried or carried unanimously or by a particular majority or failed, an entry to that effect in the book containing the minutes of the proceedings of Zululand District Sports Confederation shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution.
- 27.9 If a poll is demanded:
- 27.9.1 the poll shall be taken in such manner and at such time as the chairperson of the meeting shall direct;
  - 27.9.2 the chairperson of the meeting shall be entitled to appoint scrutineers;
  - 27.9.3 no notice of a poll other than an announcement at the meeting at which it is demanded shall be required;
  - 27.9.4 the demand for a poll shall not prevent the continuation of the meeting for the transaction of any business other than the question on which the poll has been demanded;
  - 27.9.5 a demand for such a poll may be withdrawn; and

- 27.9.6 the result of a poll shall be deemed to be the resolution of the meeting on any question on which the poll is taken.
- 27.10 In the case of an equality of votes, whether by show of hands or on a poll, the chairperson of the meeting at which the show of hands takes place or at which the poll is taken shall if he/she is a Delegate of a Member, have a casting vote. However, no casting vote will be available at any election of members of the Executive Committee.
- 27.11 Any objection to the admissibility of a vote on a show of hands or on a poll shall be raised at the General Meeting at which that show of hands or poll is to take place or takes place. That objection shall be determined by the chairperson of that General Meeting and his/her decision thereon shall be final and binding. Accordingly any vote not disallowed at that meeting shall be valid for all purposes.
- 27.12 A resolution shall not be invalid because a vote which should not have been included has been taken into account unless, in the opinion of the chairperson of that meeting (whose decision thereon shall be final and binding), the exclusion of that vote would have altered the result of the voting on that resolution. Conversely a resolution shall not be invalid because a vote which should have been included has not been taken into account unless, in the opinion of the chairperson of that meeting (whose decision thereon shall be final and binding), the inclusion of that vote would have altered the result of the voting on that resolution.

## **28 REPRESENTATION**

- 28.1 Each Local Sports Confederation shall be entitled to appoint two (2) Delegates to represent it at General Meetings.
- 28.2 Each District Federation shall be entitled to appoint two (2) Delegates to represent it at General Meetings.

28.3 No Delegate may be appointed by a Member unless he/she is a duly authorized representative, and the relevant Representation form has been signed by both the President / Chairman and General Secretary. Such original Representation Form shall be brought to the meeting by the representative and shall be available for inspection if need be. It is specifically recorded that in the event of the original document not being available, then such person shall not be allowed to participate in the meeting.

## **29 VOTING RIGHTS**

29.1 All Delegates of Members in Good Standing and eligible to vote shall be entitled to vote at any General Meeting of the District Sports Confederation.

29.2 No Member shall be entitled to obtain any form of proxy vote whatsoever.

29.3 Each District Federation shall have three (3) votes and each Local Sports Confederation shall have one (1) vote per delegation.

29.4 It is specifically recorded that, irrespective of the number of Delegates present at the meeting, the Delegate nominated to cast the votes on behalf of his/her respective delegation, shall exercise the number of votes to which that Member is entitled, as per Clause 29.3

29.5 For the purpose of the election of the Executive Committee:

29.5.1 No voting will be done by a show of hands. Voting shall be by secret ballot and each person mandated to vote shall be required to exercise such vote.

29.5.2 The Chairperson shall act as chairperson at all meetings of Zululand District Sports Confederation, except elections, and shall have a deliberative as well as a casting vote.

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

### **30 MINUTES AND INSPECTION**

30.1 The Executive Committee shall record all resolutions of Zululand District Sports Confederation taken at General Meetings in a book provided for that purpose.

30.2 The minutes kept in terms of clause 30.1 (or any extract there from) which purports to be signed by the chairperson of the Executive Committee or by any member of the Executive Committee or the Secretariat shall be *prima facie* evidence of the matters therein stated.

30.3 The minute book shall be open for inspection.

### **31 COMPLIANCE WITH THE CONSTITUTION OF KZNSC**

The powers of Zululand District Sports Confederation shall not be exercised in a manner which is contrary to the Constitution of KZNSC. In the event of a conflict, the Constitution of KZNSC will take precedence.

### **32 DISPUTE PREVENTION AND RESOLUTION**

32.1 Every Member falling under the jurisdiction of Zululand District Sports Confederation shall ensure that any dispute that it has with a body or individual falling under the jurisdiction of Zululand District Sports Confederation is resolved in accordance with the Dispute Prevention and Resolution Procedures set out in the Constitution, Rules and Regulations of KZNSC.

32.2 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 or its successor or, if appropriate, by CAS in terms of CAS's Rules and Regulations.

- 32.3 It is recorded that the decision of the Arbitrator or of CAS shall be final and binding on all parties, in all manners whatsoever.
- 32.4 Subject to the Constitution of the Republic, and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this Clause, no body or individual falling under the jurisdiction of Zululand District Sports Confederation shall approach a Court of Law to decide on a dispute it has with a body or individual affiliated.

### **33 AMENDMENT TO THE CONSTITUTION**

- 33.1 No part of this Constitution shall be amended, altered or rescinded except at the Annual General Meeting or at a Special General Meeting called for that purpose and by way of a resolution of a two-thirds majority of those present and eligible to vote, and without the prior written approval of KZNSC.
- 33.2 Notice in writing of any proposed alteration shall be sent by the Secretary at twenty one (21) days prior to such meeting and the Secretary shall send a copy of such notice to all affiliates.
- 33.3 A copy of any amendments to this Constitution shall be submitted to the Commissioner of Inland Revenue for purposes of section 30 of the Income Tax Act No 58 of 1962.
- 33.4 A copy of any amendments to this Constitution shall be submitted to the National Government Director responsible for managing section 19.1 of Act 71, Nonprofit Organization Act, 1997.

### **34 COLOURS AND EMBLEM**

- 34.1 ZDSC acknowledges that awarding of District Colours may be done by the body authorized by ZDSC.
- 34.2 ZDSC shall ensure the promotion of and the maintenance of a high standard by sports codes in awarding such District colours.

34.3 ZDSC shall control the design of any colours and /or emblem as approved by the General Assembly and registered by ZDSC, restrain the unlawful and unauthorized use thereof and take disciplinary or other action in respect of any such unlawful use of the emblem or colours registered by ZDSC.

34.4 the emblem of ZDSC shall be the District emblem.

34.5 the colours of ZDSC shall be the colours registered with KZNSC.

## 35 **DISSOLUTION**

35.1 Zululand District Sports Confederation may be dissolved at any time by a resolution in favour of dissolution by a majority of not less than four-fifths of the Members present in person and entitled to vote as set out above at a Special General meeting called specifically for such purpose and of which thirty (30) clear days notice specifying the intention to propose such a resolution has been given.

35.2 upon the dissolution of ZDSC Sports Confederation its property not consisting of money shall be sold and the proceeds, together with so much thereof as shall consist of money, shall be applied in satisfaction of the debts and liabilities of Zululand District Sports Confederation and subject thereto, the balance shall be distributed as follows:-

35.2.1 No past or present Member or Officer of Zululand District Sports Confederation, or person appointing an Officer of the Confederation, is entitled to any part of the net value of the Confederation after its obligations and liabilities have been satisfied; and

35.2.2 The entire net value of the Confederation must be distributed to persons (including but not limited to one or more non-profit companies carrying on activities within the Republic, voluntary associations, non-profit trusts or governing bodies) having objectives similar to those detained in section 5 above, provided that such a person must be:

35.2.2.1 Registered as a “Public Benefit Organization” in terms of Section 30 of the Income Tax Act, or

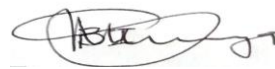
35.2.2.2 To some other similar public benefit organization which has been approved in terms of section 30 of the income Tax Act No 58 of 1962, to be determined by the Confederation at or before the time of its dissolution or, falling such determination, by the Court.

**This Constitution was adopted on 06 day of December month; at 2019 and is signed by:**



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**Mr Emmanuel Vusumuzi Zungu**  
Chairman



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**Mr Bongani Isaac Sibiya**  
General Secretary