

KWAZULU NATAL SPORTS CONFEDERATION

CONSTITUTION

AFFILIATED TO

SOUTH AFRICAN SPORTS CONFEDERATION,

OLYMPIC AND PARALYMPIC COMMITTEE (SPORT SA)

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1. PREAMBLE

1.1. The KwaZulu Natal Sports Confederation, hereafter referred to as KZNSC, is herein established in terms of the Articles of Association of the South African Sports Confederation, Olympic and Paralympic Committee (previously SASCOC). KZNSC shall not discriminate against any individual, association, federation or club on the basis of race, religion, sex, physical ability or political affiliation and these shall be the guiding principles of KZNSC in its endeavor to enhance unity, peace and harmony in sport in KwaZulu Natal. The main object of KZNSC is to implement all SPORT SA programs and to act as a controlling body of sports and recreation in KwaZulu Natal. KZNSC is responsible for the oversight of transformation, development and all the activities of all the sports and recreation that its members may participate in. KZNSC will act as a controlling body for preparation and delivery of Team KwaZulu Natal to all multi-national games.

2. STATUS

2.1. The KwaZulu Natal Sports Confederation was established in terms of clause 6.6 of the Articles of Association of SASCOC at its inception, (now SPORT SA).

3. INTERPRETATION

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

3.1. The headings are used for reference and convenience only and shall not be used to explain, amplify, 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.

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

"the Act"	the Non-Profit Organization Act 71 of 1997(as amended);
"AGM"	means the Annual General Meeting as contemplated in Article Error! Reference source not found.
"Article"	a separate clause or distinct numbered section of this constitution.
"Associate Member"	means an Associate member contemplated by Article Error! Reference source not found.
"Athletes' Commission"	means a specific commission of KZNSC established under specific terms of reference which comply with the guidelines of the IOC's Athletes' Commissions, whose members are those athletes serving on the Athletes' Commission on behalf of Olympic, Paralympic, athletes with other disabilities, and non-Olympic sports as contemplated in Article Error! Reference source not found. , and in its Terms of Reference.
"EXCO Commission"	means the Commissions appointed by the EXCO - and ratified by the General Assembly - from nominations from Members for a four-year term of office to address commissions set out in the King 4 Codes for Non-profit Organisations and as contemplated in Articles Error! Reference source not found.
"ad hoc Committee"	means the independent and ad hoc committees of the KZNSC appointed by the EXCO of

	KZNSC with a specific mandate and timeframe as prescribed by EXCO and as contemplated in Article Error! Reference source not found.
“Bye-laws”	means a document regulating the affairs of KZNSC which has been approved by the General Assembly.
“CAS”	means the Court of Arbitration for Sport, presently constituted and domiciled in Switzerland.
“Coaching Commission”	means the standing commission established to coordinate coaching and monitor the Provincial Coaching Association for the benefit of all accredited coaching personnel.
“Constitution”	means this document, read together with the Rules and Regulations, policies, bye-laws, and other governance handbooks of KZNSC, where applicable.
“Constitution of the Republic”	means the Constitution of the Republic of South Africa Act No. 108 of 1996, as amended.
“Credentials”	means the requisite documentation conferred either expressly or impliedly on the holder of a proper mandate and authority to act as contemplated in Article
“Day”	means a calendar day.
“Delegate”	means a delegate appointed by a Member to represent it at any General Meeting. It also means a delegate appointed by the EXCO to attend meetings nationally and internationally to represent KZNSC.
"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;
“Department”	means the Provincial Government Department responsible for sport and recreation.
“Digital meeting”	means a web-based meeting or conference

	<p>format which could from time to time be converted to an 'e-meeting' that allows people to see and hear each other though not being in the same room, city and /or country and utilizing one of the online facilities used for that purpose.</p> <p>This shall also apply to elections and polling where applicable</p>
"Director of Non-Profit Organisations"	means the person designated in terms of Section 8 of the Non-Profit Organisations Act No.71 of 1997, as amended.
"District Sport Confederation"	means the District within the KwaZulu Natal as defined by the KwaZulu Natal Government and in terms of the Federation's Sporting Code.
"Electronic"	means communication via digital platforms inclusive of emails, web information transfers or digital meetings.
"Executive Committee" or EXCO	means the Executive Committee of the KwaZulu Natal Sports Confederation as constituted from time to time in terms of this constitution.
"Ex Officio Member"	means an ex officio member as contemplated in Article Error! Reference source not found.
"Financial Year"	shall be the period 1 April to 31 March of each year
"General Assembly"	means the general assembly of KZNSC as contemplated by Article Error! Reference source not found.
"General Meeting"	means any general meeting of the Members as contemplated by Article. Error! Reference source not found.
"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, where applicable
"Headquarters"	means the registered place of business of

	KZNSC.
“High Performance Sport”	means the high-level participation in major international sporting events including but not limited to national championships, world championships, continental championships and other international multi-sport events including but not limited to Olympic Games, Commonwealth Games, Paralympic Games, International School Sport Games, World Games and All Africa Games.
“Honorary Member”	Honorary Members, being persons, who are elected by the General Assembly for meritorious service to sport on the recommendation of the EXCO and will be accorded privileges as determined by the EXCO from time to time as defined in article Error! Reference source not found.
“Hybrid meeting”	means a meeting held simultaneously in person as well as via digital meeting platforms.
“Income Tax Act”	means the Income Tax Act No.58 of 1962, as amended.
“ISF”	means the International School Sports Federation which organises school sports and its competitions and games.
“JB”	means the Judicial Board duly appointed by the EXCO to administer any forms of judicial process inclusive of investigations, hearings, appeals and determinations as contemplated in Article Error! Reference source not found. and the associated rules and regulations.
“King Code”	means the King IV Report, which is a trademarked report structured and compiled by the Institute of Directors of South Africa inclusive of a Code, with additional, separate sector supplements for small, and medium enterprises, not-for-profit organisations, state-owned entities, municipalities and retirement funds. It contains both principles and recommended practices

	aimed at achieving good governance outcomes.
“KwaZulu-Natal”	means the jurisdictional area of the KwaZulu-Natal Government of South Africa
“KwaZulu-Natal Federation”	means a sports organization recognized as such and affiliated to a National Sports Federation and responsible for coordinating, organizing and managing a sports code in the KwaZulu-Natal;
Kwazulu Natal Sports Confederation	means the Provincial Sports Confederation, which is the multi-sport coordinating body in the geopolitical demarcated provinces of Kwazulu Natal
“MANCO”	means the Management Committee of the KwaZulu-Natal Sports Confederation, consisting of five (5) Executive Committee members.
“Member”	means the Members of KZNSC as contemplated in Article Error! Reference source not found.
“Member in good standing”	means a Member who has complied with all obligations imposed upon Members by this Constitution and any regulations and/or bye-laws of KZNSC, where applicable
"MEC"	means the Member of the Executive Council responsible for Sport and Recreation in KwaZulu Natal;
“Metro”	means the Metropolitan within KwaZulu-Natal as defined by the KwaZulu Natal Government and in terms of the Federation’s Sporting Code.
“National Sports Act”	means the National Sports and Recreation Act No. 110 of 1998 as amended by Act No. 18 of 2007, as amended, or any other Act which replaces it;
“National Federation” (NF)	means a national governing body of a sport or recreational activity in the Republic of South Africa.
"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 KwaZulu Natal Sports Confederation, or by telefaxed transmission or e-mail, to the number or e-mail address provided by the addressee and recorded in the records of the KwaZulu Natal Sports Confederation.
“Policy”	means a policy approved by the EXCO to ensure good governance and which shall be reported to the General Assembly.
“Provincial Colours”	means any or more of the following: the name, title or designation of the official logo as accepted by the KZNCC; the words “KwaZulu Natal” when used in a badge or emblem or part thereof, including on formal and informal clothing; the colours, with an emphasis on Black/White, when used as part of a prescribed uniform or dress in connection with; any name, badge, uniform, emblem, device, trade mark, design or similar matter over which the EXCO has any rights, whether by virtue of registration or otherwise.
“Prohibited List”	means the list updated annually or from time to time of substances and methods that are prohibited both in- and out-of-competition, which substances are banned in particular sports and which is mandatory to adhere to by all signatories of the World Anti-Doping Code.
“PBO”	means a public benefit organisation which can be a trust, a company (a not-for-profit company in terms of the new Companies Act) or another association registered with the South African Revenue Service (SARS) in terms of Section 30(1) of the Income Tax Act No. 58 of 1962.
“QGM”	means Quadrennial General Meeting as contemplated in Article Error! Reference source not found.
“Quorum”	In the case of General Meetings, means 50%

	<p>(fifty percent) plus 1 (one) of the total number of Members of KZNSC entitled to vote at General Meetings save for a General Meeting called to dissolve KZNSC in which case a quorum of 75% is required, and</p> <p>In the case of General Meetings on short notice as defined in Article Error! Reference source not found., a quorum of 2/3rd the number of members entitled to vote will be required.</p> <p>In the case of EXCO Meetings, Commission and EXCO Committees, means 50% (fifty percent) plus 1 (one) of the Members</p>
“Register”	means the register of Members kept in terms of the Article Error! Reference source not found.
“Regulations and rules”	means regulations and rules required to regulate functions within the organisation as established by the EXCO from time to time.
“Republic”	means the Republic of South Africa.
"South Africa"	means the “Republic of South Africa” as defined in the Constitution of the Republic of South Africa, 1996
“Sport”	<p>SPORT may be defined as any activity that requires a significant level of physical involvement and in which participants engage in either a structured or unstructured environment, for the purpose of declaring a winner, though not solely so; or purely for relaxation, personal satisfaction, physical health, emotional growth and development.</p> <p>RECREATION in is a guided process of voluntary participation in any activity which contributes to the improvement of general health, well-being and the skills of both the individual and society.</p>
“Sport SA”	means the South African Sports Confederation, Olympic and Paralympic Committee, known as Sport SA
“Sport Ethics”	shall be defined in the Code of Ethics and shall include honesty, fairness, integrity,

	responsibility, and respect as key virtues.
“SGM”	means Special General Meeting as contemplated in Article Error! Reference source not found.
“Sport or Recreation Body”	means any national federation, agency or body, including a trust or registered company of such a national federation, agency or body involved with the administration of sport or recreation at national level.
“WADA”	means the World Anti-Doping Agency responsible for determining the World Anti-Doping Code which includes, inter alia, anti-doping policies, international standards and rules.

5. **NAME**

5.1. The name of the organization is the KwaZulu Natal Sports Confederation, hereinafter referred to as the KZNSC.

6. **HEADQUARTERS**

6.1. The headquarters of the KwaZulu Natal Sports Confederation shall be at 305 Musgrave Road, Strathmore House, Suite 105, Durban or as otherwise determined from time to time by the General Assembly. KZNSC will accept service of legal process and other notices at this address.

7. **FLAG AND EMBLEM**

7.1. The flag Logos and emblem adopted by KZNSC for use in relation to its activities, including Inter-Provincial Games, shall be subject to the approval of the KZNSC General Assembly, SPORT SA and KZNSDR.

7.2. KZNSC shall establish a Provincial Colours Board to consider applications for the award and withdrawal of provincial colours in accordance with the regulations.

8. **ROLE AND OBJECTIVES OF THE KWAZULU NATAL SPORTS CONFEDERATION**

- 8.1. To act as a conduit between sports organizations, civil society and government, ensuring that the correct principles are conveyed in order to enable the KZNSC to act as an advisory body to the relevant MEC.
- 8.2. To take appropriate action against any form of pass rules, violence and abuse in sport, corruption, illegal betting, manipulation of matches and competitions, doping, safeguarding, trafficking and any unethical practices.
- 8.3. To act as a structure recognized by SPORT SA to coordinate and monitor sport in the communities within the geopolitical boundaries of KwaZulu Natal and to act as a coordinating and monitoring structure for KwaZulu Natal Federations.
- 8.4. To promote, advance and develop sports initiatives in KwaZulu Natal in furtherance of mandates delegated to it by SPORT SA;
- 8.5. To promote, advance, develop and co-ordinate all sporting codes at a provincial level, in line with the Articles of Association, sporting programmes, rules, policies and directive of SPORT SA issued from time to time;
- 8.6. To promote transformation of the sport sector and to facilitate sports development in KwaZulu Natal;
- 8.7. To initiate partnerships with the private and public sector regarding resources needed to support sporting programmes.
- 8.8. To establish strategic partnerships with Municipalities in the development of Sports Infrastructure and facilities;.
- 8.9. To promote the creation of sports structures and the efficient management thereof and to assist with the creation of non-racial and non-sexist sport with unitary structures in all sporting codes at a KwaZulu Natal level; and
- 8.10. To foster co-operation and build partnership amongst all sectors of society that are committed to sports development within KwaZulu Natal;
- 8.11. To assist and co-operate with Provincial Sports Federations in developing their Sports codes and in the implementation of their sports development programmes, inclusive of competitive sporting events and mass participation programmes; and
- 8.12. To Ensure that all members have Safeguarding Policies in place which are aligned to those of SPORTSA and that those members adhere to those policies.

- 8.13. To uphold the spirit and ethos of this Constitution and ensure that all members uphold the spirit and ethos of this Constitution and that all members abide by all the byelaws and rules of KZNSC
- 8.14. To Mediate and/or arbitrate any disputes between its members and to be the final arbiter on disputes between members in the Province of KZN.
- 8.15. To create the necessary mechanisms, rules panels, sub-committees or bodies to give effect to all aspects referred to and set out in this Constitution.

9. LEGAL PERSONALITY

- 9.1. The KwaZulu Natal Sports confederation is a voluntary association having a separate legal existence and identity from that of its Members or office bearers 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.
- 9.2. The KwaZulu Natal Sports Confederation shall have perpetual succession.
- 9.3. All movable property and/or immovable property and/or other rights relating to immovable property which may be obtained by the KwaZulu Natal Sports Confederation from time to time shall be registered in the name of the KwaZulu Natal Sports Confederation.
- 9.4. The KwaZulu Natal Sports Confederation shall be a non-profit organization.

10. INDEMNITY

- 10.1. Every office bearer, official or employee of the KwaZulu Natal Sports Confederation is indemnified by the KwaZulu Natal 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 or omission in the discharge of his or her duties, unless the loss in question is caused by his or her own gross negligence, fraud, dishonesty or bad faith.
- 10.2. Every office bearer, official or employee of the KwaZulu Natal Sports Confederation is indemnified by the KwaZulu Natal Sports Confederation against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against the KwaZulu Natal Sports Confederation or against such office bearer, official or employee in his or her representative capacity, provided the indemnity conveyed herein does not

extend to private personal acts of such office bearers, official or employee, or caused as a result of gross negligence, dishonesty, fraud or bad faith.

11. OFFICIAL LANGUAGE

The official language of the KwaZulu Natal Sports Confederation shall be English.

12. FINANCIAL YEAR

The financial year of the KwaZulu Natal Sports Confederation shall be from the 1st April and shall end on 31st March of the following year.

13. AREA OF JURISDICTION

The area of jurisdiction shall be the Province of KwaZulu Natal as defined in the Republic of South Africa's Constitution.

14. MEMBERSHIP

The KZNSC Membership Commission shall decide on all issues relating to membership contained in this constitution.

14.1. The following entities and organisations shall be eligible for membership of the KwaZulu Natal Sports Confederation:

14.1.1. Provincial Federations and District Sports Confederations whose applications 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/or SPORT SA's Articles of Association in relation to sports activities in the KwaZulu Natal;

14.1.3. Associate Members where such Member is multi-sport which caters for special needs and interests; including but not limited to USSA, SAPS, SANDF, Masters, Schools, Disability Groups, Wargames and Traditional Sports;

14.1.4. Honorary Members, being persons, who are elected by the General Assembly for meritorious service to sport on the recommendation of the EXCO and will be accorded privileges as determined by the EXCO from time to time.

- 14.1.5. Any other civil society organisations, local sports council comprising of community members who do not have a provincial federation or association to represent them based and operating within the jurisdiction of KZNSC;
- 14.1.6. Ex officio Members who are elected or co-opted Members of EXCO and shall include the Office Manager.
- 14.2. The KwaZulu Natal Sports Confederation shall, in its discretion, grant full, interim or associate membership to applicants referred to under article 15.1 provided that such applicants meet with any required guidelines as may be laid down by the KwaZulu Natal Sports Confederation from time to time.
- 14.3. An application for membership shall only be considered if the following conditions are complied with:-
- 14.3.1. The provision of a letter of application as well as the completed prescribed application form.
- 14.3.2. The full name of the applicant, its registered address, telephone, website, email address, social media accounts, names and contact information for its key personnel.
- 14.3.3. A copy of the constitution of the applicant which shall comply with the provisions of both KZNSC and respective National Federation's Constitution. The constitution must make provision for:
- 14.3.3.1. the establishment of an Executive with open elections for the Executive Members to be held at periodic intervals of not more than four (4) years.
- 14.3.3.2. a term limit of 12 years for any Executive Member to hold the same office continuously.
- 14.3.3.3. the establishment of an Athletes' Commission and such other commissions and committees to support sports integrity corporate and ethical governance.
- 14.3.3.4. annual reports and audited financial statements to be presented to its membership and KZNSC.
- 14.3.3.5. the adoption of:

- 14.3.3.5.1. a code of ethics.
- 14.3.3.5.2. codes of conduct and any Governance Code for Sport in South Africa as adopted by Sport SA and KZNNSC.
- 14.3.3.5.3. a policy framework including as a minimum of safeguarding, transformation and conflict of interest policy.
- 14.3.3.5.4. the principles of human rights and non-discrimination.
- 14.3.3.5.5. best practice in line with the King Commission recommendations related to general, financial and corporate governance applicable to South African organisations from time to time.
- 14.3.3.5.6. procedures to resolve disputes fairly and cost effectively internally.
- 14.3.4. Written confirmation from the duly appointed auditor that the applicant is in compliance with the provisions of corporate governance.
- 14.3.5. A list of all affiliates of the applicant.
- 14.3.6. Confirmation that the application for membership has been tabled at either at an Annual General Meeting or a Special General Meeting and that it has appeared on the Agenda of the meeting at which it is to be considered.

15. MEMBERSHIP RECOGNITION CRITERIA

- 15.1. The criteria for membership shall be the criteria as approved by the KZN Sports Confederation and ratified at its Annual General meeting, as amended from time to time.
- 15.2. To be eligible for recognition, organizations which control the development of, and participation by, local and KwaZulu Natal sporting codes must meet the following criteria:-
 - 15.2.1. They must be properly constituted and operate on democratic principles;
 - 15.2.2. They must have a formal written constitution and acceptable democratically elected committee(s) or structure(s), which operate in a transparent, accountable, and responsible manner;

- 15.2.3. They must demonstrate an agreed level of management and financial accountability and stability.
- 15.2.4. They must abide by the anti-doping policy of the institute for Drug Free Sport and WADA as adopted by SPORT SA.
- 15.2.5. Participation must be available to all sections of the community and not be restricted for reasons of race, finance, gender, ability or for any other discriminatory reason.
- 15.2.6. They must have a written safeguarding policy and designated safeguarding policies in line with the Safeguarding policy SPORT SA

16. SUBORDINATE STATUS OF MEMBERS

- 16.1. Members shall be subordinate to the KwaZulu Natal Sports Confederation and must comply with this Constitution, and any Regulations and/or Rules and any directives issued by the KwaZulu Natal 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 provisions of the KZNSC constitution.

17. MEMBERSHIP RULES AND OR REGULATIONS

The Executive Committee shall draft such Rules and/or Regulations as may be deemed necessary and which shall be approved by the General Assembly. The Rules may regulate any matter relating to Membership and shall include but not be limited to the following matters:

- 17.1. the criteria and procedure for acceptance of Members;
- 17.2. the colours and emblems of KwaZulu Natal Members;
- 17.3. the membership fees and subscriptions to be paid by Members;
- 17.4. the obligations of Members with respect to financial statements and books of accounts;
- 17.5. the grounds on which Members may be suspended from membership to KwaZulu Natal Sports Confederation;

- 17.6. any amendment to any District Sports Confederation constitution.
- 17.7. No Member will be eligible to acquire or to retain membership of the KwaZulu Natal Sports Confederation unless it has a constitution which provides for:
- 17.7.1. open elections to be held at intervals of not more than four (4) years;
 - 17.7.2. minutes of meetings and annual financial statements to be presented to its membership;
 - 17.7.3. the member must recognize and accept the authority of SPORT SA; and
 - 17.7.4. it has complied fully with such provisions of its constitution and must provide written proof of such compliance to the KwaZulu Natal Sports Confederation.
 - 17.7.5. It does not have a written safeguarding policy and designated safeguarding officer in line with the safeguarding policy of KZNSC or SPORTSA
- 17.8. No Member may be affiliated to KZNSC unless it is entitled to take its own decisions on any matter independently of and without any undue influence from any third party.
- 17.9. No person affiliated to, employed by or belonging to a Member shall profit from that Member, except that such persons may provide services or loans to that member if such loans or services were approved and ratified unanimously by the executive or delegated authority of such member, and provided that the services are market related and interest on the loans no more than the savings account compounded rate of Nedbank from time to time.
- 17.10. In the event of a Member wishing to enter into an agreement with any company, which may change the status of the Member's affiliation with KwaZulu Natal Sports Confederation, it shall inform the KwaZulu Natal Sports Confederation of its intentions in writing and disclose all information of whatsoever nature to KwaZulu Natal Sports Confederation. This is to enable KZNSC to consider whether the affiliation or continued affiliation of the said Member is in the best interests of sport in KwaZulu Natal.

18. AFFILIATION

18.1. The KwaZulu Natal Sports Confederation shall apply for affiliation to the South African Sports Confederation and Olympic and Paralympic Committee (SPORT SA).

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

19. POWERS OF THE KWAZULU NATAL SPORTS CONFEDERATION

19.1. The KwaZulu Natal Sports Confederation shall have all powers as may be necessary or reasonably required in law to achieve its objectives as set out in Article 8 above.

19.2. For its proper and efficient functioning and administration, it shall have the following powers:

19.2.1. it shall be capable to exist on its own and shall continue to exist even after its membership or office bearers' changes;

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

19.2.3. 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;

19.2.4. 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;

19.2.5. to borrow money;

19.2.6. to secure payment of monies borrowed in any manner including by 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;

19.2.7. to invest funds in any manner;

- 19.2.8. to open and operate banking accounts with any registered bank or financial institution in the Republic;
- 19.2.9. to open a banking account and authorize those officials who may sign, issue, accept, endorse, draw and execute on behalf of the KwaZulu Natal Sports Confederation any negotiable instruments, powers of attorney or other deeds or instruments;
- 19.2.10. to make, draw, issue, accept, endorse and discount promissory notes, bills of exchange and any other kind of negotiable or transferable instruments;
- 19.2.11. to enter into indemnities, guarantees and suretyship and to secure payment thereunder in anyway;
- 19.2.12. to sue and to be sued in its own name;
- 19.2.13. to remunerate any person or persons in cash for services rendered in its formation or in the development of its objects in accordance with an agreement duly authorised;
- 19.2.14. to enter into contracts and to execute any contracts, deeds and documents;
- 19.2.15. the KwaZulu Natal 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;
- 19.2.16. no loans may be made by the KwaZulu Natal Sports Confederation to a patron member, donor or any of their relatives or to any private company.

20. FINANCE

- 20.1. The activities of KwaZulu Natal 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 objectives.
- 20.2. The Confederation's income and property are not distributable to its members or office bearers but this 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 the KwaZulu Natal Sports Confederation;
- 20.2.2. reimbursement of actual costs, expenses or other commitments incurred on behalf of the KwaZulu Natal Sports Confederation;
- 20.2.3. payment of such monies to affiliates as are advisable for the advancement of sport in the KwaZulu Natal;

Furthermore:-

- 20.2.4. All payments shall be authorized by any two (2) duly authorized persons appointed by the KwaZulu Natal Executive Committee;
 - 20.2.5. All payments will only be authorized in compliance with the KZNSC financial policies applicable from time to time.
 - 20.2.6. The KwaZulu Natal Sports Confederation may invest its funds in the manner contemplated in article [19.2.7] of this constitution;
 - 20.2.7. The Executive Committee shall open and maintain a bank account for the financial transactions of the KwaZulu Natal Sports Confederation.
- 20.3. The Executive Committee shall from time to time determine to what extent and at what times, places and under what conditions or regulations the accounting records of the KZNSC or any document may be open to inspection by members of the KwaZulu Natal Sports Confederation's or in General Assembly.
- 20.4. The KwaZulu Natal Sports Confederation is prohibited from carrying on any business undertaking or trading activity, otherwise than to the extent that the undertaking or activity is integral and directly related to the sole object of the Confederation.

21. GOVERNING BODIES

- 21.1. The General Assembly

The General Assembly shall be the supreme decision-making body of the KZNSC and shall comprise all Members meeting at the occasion of a General Meeting.

21.2. The Executive Committee (EXCO)

21.2.1. There shall not be more than (10) ten Executive Committee members who are not connected persons in relation to each other and shall comprise the following Executive members:

21.2.2. The President, who shall not be entitled to serve for a period in excess of (three) 3 terms in that office and shall be for the purposes of the composition of the Executive Committee, deemed not to represent either a KwaZulu Natal Sports Federation and/or a Regional Sports Council.

21.2.3. The THREE (3) Vice-Presidents who shall be referred to as the First, Second and Third Vice-Presidents. The Vice-President polling the highest number of votes in terms of the procedure set out below shall be referred to as the 1st Vice-President; the second highest referred to as the 2nd Vice-President and the third highest referred to as the 3rd Vice President

21.2.4. Six (6) additional Executive Committee members.

21.2.5. 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.

21.2.6. Any co-opted members, as determined by the Executive Committee, but such shall not exceed (Four) 4 in number and they 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 cognizance of any gender or other sensitivity matters which may arise out of the elections.

21.2.7. The members of the Executive Committee shall be elected in terms of Clause 21.2 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.

21.2.8. 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 the KZNSC shall be exercised by the 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 the KZNSC, which shall include and shall not be restricted to:

22.1.2. The activities of its Members;

22.1.3. Inquiring into the administrative and/or financial affairs of Members, and, where necessary, to recommend corrective measures in this regard, and, in the event that 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 KwaZulu Natal federation, this should be conducted in consultation with the National Federation.

22.1.4. Appoint such sub-committees or commissions upon such terms as it may consider necessary to give effect to its powers; such as Governance, Ethics, Assurance and Risk, Nominations and Remuneration and facilitate the Athletes' Commission upon such terms as it may consider necessary to give effect to its powers; all appointed Commissions must have gender equality and include persons with a disability

22.1.5. Suspend, impose a fine and/or terminate the membership of any Member or individual affiliated through their respective sporting organization or to suspend and/or impose a fine on any Member who infringes the Constitution, the Rules, the Regulations, directives or resolutions of KZNSC or of SPORT SA or who engages in any act of misconduct, improper practices, misdemeanor, acts of defiance or brings the KZNSC and/or SPORT SA into disrepute;

22.1.6. Prepare and monitor a detailed business plan for the KZNSC and its activities, as approved by the General Meeting.

- 22.1.7. Control of monies in terms of a budget as approved by the General Assembly.
- 22.1.8. 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 shall be cognizant of any imbalances or sensitivities in respect of representivity or equity or disability issues;
- 22.1.9. In matters of mutual interest, the KZNSC and any eligible Members may enter into a written agreement dealing with issues such as the establishment of a joint liaison committee, communication, competitions (whether in KwaZulu Natal or otherwise), compensation, levies, disputes, officials, coaches and the like;
- 22.1.10. Subject to the Constitution, Rules and Regulations, to delegate any of its powers or functions to the Management Committee (MANCO) and the Office Manager;
- 22.1.11. Approve the budget and all intended expenditure of the KZNSC
- 22.1.12. Enact, repeal and amend the Regulations of the KZNSC, provided that:
- 22.1.12.1.the Executive Committee may make no regulation which is inconsistent with this Constitution,
- 22.1.12.2.any regulation made by the Executive Committee shall be tabled at the next Annual General Meeting of the KZNSC 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.
- 22.2. The Executive Committee shall meet at least four (4) times per annum.
- 22.3. 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 the KZNSC 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:

- 22.3.1. to attend to all legal matters on behalf of the KZNSC;
- 22.3.2. to host, when applicable, any events in conjunction with the appropriate structures and organizations concerned;
- 22.3.3. generally to execute any legal act on behalf of the KZNSC, thus doing all that is necessary for the fulfillment of the objectives in the KwaZulu Natal Sports Confederation, provided that such act is not contrary to the constitution or any instruction of the General Assembly.
- 22.3.4. 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 the KZNSC and a third party, shall be present at the meeting at which such contract is considered, debated and decided.
- 22.3.5. Notwithstanding article 20.2.4 and 20.2.5, no member of the Executive Committee may have any benefit accrue to them whilst executing their duties within the organisation.
- 22.3.6. 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 KZNSC.
- 22.3.7. The quorum for meeting of the Executive Committee shall be 50% plus 1 (one) of its members.
- 22.3.8. All decisions made by the Executive and Management committees will be on the basis of a simple majority.

22.4. DELEGATION OF AUTHORITY

- 22.4.1. The EXCO is responsible for the administration of KZNSC.
- 22.4.2. A Management Committee (MANCO) and an Office Manager will oversee the day-to-day activities of the organisation. The Management Committee will be made up of not more than 5 members of the Executive Committee and who are office-bearers of the organisation. The Manco will consist of the President, the three Vice Presidents and a fifth member who shall be the Executive Member responsible for Transformation. The powers delegated to the Office Manager will be prescribed in the Delegation of Authority Policy of the KZNSC

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 KwaZulu Natal Sports and Recreation Department are not eligible to stand for election onto the Executive Committee and executive Members of the KwaZulu Natal Sports Confederation are not eligible for full time employment by the KwaZulu Natal 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 Article 28.4 and 28.5 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 President, the three Vice-Presidents and the Executive Committee members.
- 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 General Meeting the Office Manager shall distribute nomination forms to Members per registered post, telefax and /or electronic mail.
- 23.8. Members shall submit the original nomination forms to the KwaZulu Natal 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 Office Manager with the nomination forms.
- 23.9. No nomination form will be accepted by the KZNSC 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 Office Manager. The original nomination forms shall be retained by the auditor, and shall be available for inspection if required at the Quadrennial General Meeting.
- 23.12. Office Manager 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 President. Should only one nomination be received, the candidate shall be declared duly elected.
- 23.16. Following the election of the President, the Three Vice-Presidents shall then be elected. Should only three nominations be received, voting procedures will be followed to determine the first, second and third Vice President. Should more than three nominations for these positions be received, then such nominations will be determined by means of a ballot with the three candidates polling the highest number of votes elected to the positions of Vice-Presidents. If the second and third ballot does not yield a candidate polling more votes than any other candidate the electoral officer will draw the name of one candidate who shall be declared the successful candidate.
- 23.17. Any one (1) of the President or Vice Presidents shall be a female, and should the vote dictate a male being elected as the President, 1st and 2nd Vice then the 3rd Vice will automatically be a female nominee. If three (3)

females are nominated and elected as President, 1st and 2nd Vice then the 3rd Vice will automatically be a male.

- 23.18. If one candidate polled the highest number votes, he/she will be elected first Vice-President and there will be a second ballot in respect of all candidates who polled the second highest number of votes.
- 23.19. Following the selection of the three Vice-Presidents the Electoral Officer shall announce the names of the successful candidates.
- 23.20. Six (6) additional Executive Committee members in accordance with shall be elected using a single round of voting.
- 23.21. 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.
- 23.22. 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.
- 23.23. Subject to the provisions of these Clauses, Executive Committee members shall hold office until their successors have been elected at an Annual General Meeting.
- 23.24. A vacancy in any office of the Executive Committee shall occur:
- 23.24.1. upon the death of a member;
- 23.24.2. if a member is absent from three (3) consecutive meetings of the Executive Committee without prior permission, unless the Executive Committee, upon good cause being shown, otherwise decides; or
- 23.24.3. If a member is found guilty of having conducted himself/herself in any manner likely to prejudice the objects or activities of the KZNSC or SPORT SA and/or whose conduct has the effect of bringing the KZNSC and/or SPORT SA and/or sport into disrepute.
- 23.24.4. if a member becomes of unsound mind;
- 23.24.5. if a member is sequestered;

23.24.6. if a member proposes a compromise with his/her creditors generally;

23.24.7. if a member resigns his/her office by notice in writing to the KZNSC; and

23.24.8. if a member becomes an employee of the KwaZulu Natal Sports Department.

23.25. 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 President become vacant, the KwaZulu Natal Executive Committee shall, at its next meeting, elect one of the two Vice-Presidents to act as President until the next Quadrennial General Meeting. When a position becomes vacant, such a position may only be filled by co-option of a member from the specific grouping of either sport association or sports confederations.

23.26. 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 article 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 article 23.21 will apply.

24. REGISTER OF MEMBERS

24.1. The KZNSC shall maintain the register of Members at its office or at any other place where the work of making up such register is done.

24.2. The register shall be open for 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.

25. GENERAL MEETINGS OF MEMBERS

25.1. The KZNSC shall hold at least two General Meetings of Members during a calendar year, of which one shall be the Annual or Quadrennial

General Meeting to be held not later than six months after the end of the financial year.

25.2. A notice for a General Meeting shall be given in writing by the Office Manager through telefax or electronic mail with not less than:

25.2.1. Twenty-one (21) days' notice for a SGM;

25.2.2. Thirty (30) days' notice for a GM;

25.2.3. Sixty (60) days' notice for an AGM;

25.2.4. Sixty (60) days' notice for a QGM and for a General Meeting at which the dissolution of the organisation is to be considered.

25.3. The Executive Committee may, whenever it thinks fit, convene a General Meeting, at any time and place as determined by them. Provided that there is a minimum of three (3) duly elected 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.

25.4. 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, if applicable, 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.

25.5. Subject to the provisions of this clause, a General Meeting shall be held at such time and place as the Executive Committee shall determine.

25.6. The Office Manager shall, by registered post, telefax or electronic mail, give all Members at Sixty (60) days advance notice of the date of the Annual General Meeting, and Sixty (60) days' notice for the Quadrennial General meeting, which date shall be determined by the KwaZulu Natal Executive Committee. The Annual General Meeting shall be called no later than 30 November of each calendar year.

25.7. Motions to an Annual General Meeting shall be submitted to the Office Manager 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 Office Manager shall circulate all motions submitted to him together with the agenda for the Meeting and the audited financial statements of the KZNSC to all Members per registered post and/or telefax and/or electronic mail not less than twenty-one (21) days prior to the Annual General Meeting.

25.8. Members must forward in writing to the Office Manager the names of the Delegates who will represent them at the Annual General Meeting. Unless such confirmation is received by the Office Manager 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.

25.9. The Quorum at any meeting shall be 50% plus one of the memberships.

25.10. A simple majority shall be sufficient to carry any decision of the General Assembly unless otherwise provided for. in this Constitution.

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 45 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 the following:

26.2.1. the place; the date and the hour of the meeting and, 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 the KZNSC in General Meeting and to such members entitled to receive such notices from. the KZNSC.

26.3. A General Meeting shall, notwithstanding that it is called by shorter notice than that specified in article 26.2.1, 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 and who, between them, hold not less than 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 26.2.1 or in respect of which notice has been waived in terms of clause 26.4.
- 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 President or, in his/her absence, any of the Vice Presidents, shall preside as chairperson at every General Meeting and the Executive Committee meetings of the KZNSC.
- 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 the KZNSC 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.
- 27.13. Any meeting may be held virtually if 80% of members agree in writing to the in writing or if the Laws prevent attendance at a meeting in person. Such agreement by the members shall be obtained prior to the set down of the meeting and a quorum for a virtual meeting shall be at least 2/3 of the members entitled to vote.

28. MEMBERS ATTENDANCE, AND VOTING RIGHTS

The following pre-conditions and credentials required for attending, speaking and voting rights:

- 28.1. All delegates of Members in good standing and eligible to vote shall be entitled to vote at any General Meeting of KZNSC.
- 28.2. To remain in good standing and be eligible to speak and/or vote at any General Meeting, a member shall annually:
- 28.2.1. Submit a financial report or annual financial statements as per the guidelines and requirements of the Finance Committee;
 - 28.2.2. Submit a copy of the agenda and minutes of its most recent AGM which should have taken place within the last twelve (12) months prior to the AGM of KZNSC
 - 28.2.3. Submit a copy of its Constitution highlighting any amendments made.
 - 28.2.4. Meet the general requirements set out in Articles 14 and 15

- 28.3. A Member not in good standing, but whose membership had not been suspended, nor expelled or terminated, may attend General Meetings, but may not request to speak and shall not be eligible to vote.
- 28.4. Each District Sports Confederation shall be entitled to appoint two (2) Delegates to represent it at General Meetings.
- 28.5. Each Provincial Federation shall be entitled to appoint two (2) Delegates to represent it at General Meetings.
- 28.6. 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.
- 28.7. No Member shall be entitled to obtain any form of proxy vote whatsoever.
- 28.8. Each KwaZulu Natal Federation shall have three (3) votes and each District Sports Confederation shall have two (2) votes per delegation.
- 28.9. 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 28.8
- 28.10. For the purpose of the election of the Executive Committee:
- 28.10.1. 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.
- 28.10.2. The President shall act as chairperson at all meetings of the KZNSC, except elections, and shall have a deliberative as well as a casting vote.
- 28.10.3. At the conclusion of the meeting all elected Executive members shall immediately take office and constitute the Executive Committee.

29. MINUTES AND INSPECTION

29.1. The minutes of all General Meetings shall be kept by the Office Manager which must be signed by the chairperson of the General Meeting.

29.2. The EXCO shall cause a record to be made of all resolutions of KZNSC in the General Meeting minutes.

29.3. The minutes recorded at any meeting (or any extract therefrom) 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.

29.4. The minutes shall be available for inspection by any Member.

30. COMPLIANCE WITH THE CONSTITUTION OF SPORT SA

30.1. The powers of the KZNSC shall not be exercised in a manner which is contrary to the Constitution of SPORT SA. In the event of a conflict, the Constitution of SPORT SA will take precedence.

31. COMMITTEES, COMMISSIONS, AD HOC COMMITTEES AND FORUMS

31.1. ATHLETES' COMMISSION

31.1.1. The Athletes' Commission is composed of active athletes who have competed internationally in any sports whose Provincial Federations a member of KZNSC provided that a majority of them must have participated in sport at a National Level.

31.1.2. Members shall be eligible to continue serving on the Athletes' Commission for no longer than eight (8) years after the athlete represented the province or until the QGM whichever is the latest.

31.1.3. The Commission shall comprise of 10 persons including but not less than three (3) of the other gender, and not more than one (1) person from any single sport code.

31.1.4. Not less than fifty (5) percent of the members of the Athletes Commission shall be athletes who have received Provincial Colours and represented KZN in an Inter-Provincial event

31.1.5. The Athletes' Commission shall elect from amongst themselves:

31.1.5.1. One person, who shall represent them at the General Meetings of KZNSC,

31.1.5.2. One (1) person who shall be a member of the EXCO

31.1.6. Members of the Athletes' Commission must be in good standing with their Provincial Federation and nominations must be endorsed by their Provincial Federations.

32. STANDING COMMISSIONS, INDEPENDENT AND AD HOC COMMITTEES

32.1. Standing Commissions, independent and ad hoc committees shall advise the EXCO on specific business affairs of KZNSC.

32.2. EXCO shall determine the number and nature of EXCO Commissions, independent and ad hoc committees, and if required, may appoint the chairpersons of such Commissions and committees in line with the terms of reference on an ad-hoc basis or for a four (4) year term.

32.3. Notwithstanding the powers of the EXCO to appoint Commissions, as contemplated in Article 32.2 following standing Commissions shall be appointed by the EXCO and ratified by the General Assembly:

32.3.1. Coaching Commission;

32.3.2. High Performance and Academy Commission;

32.3.3. Facilities & Infrastructure Commission

32.3.4. Membership and Stakeholder Commission;

32.3.5. Policy Commission.

32.3.6. Marketing and Communications Commission

32.3.7. Monitoring & Evaluation Commission

32.3.8. Sectors Commission

32.3.9. Capacity Building - Education and Training Commission

32.3.10. Transformation, Development & recreation Commission

32.3.11. Legends and Sports Museum Commission

32.4. Notwithstanding the powers of the EXCO to appoint independent committees, as contemplated in Article 32.2, the following independent

committees shall be appointed by the EXCO and ratified by the General Assembly:

- 32.4.1. Assurance and Risk Committee;
 - 32.4.2. Audit Committee;
 - 32.4.3. Nominations Committee;
 - 32.4.4. Remuneration Committee.
 - 32.4.5. Legal Committee
 - 32.4.6. Finance Commission;
 - 32.4.7. Colours Board;
- 32.5. Notwithstanding the powers of the EXCO to appoint independent committees as contemplated in Article 32.2, KZNSC through its General Assembly, Constitution and associated byelaws, shall establish an independent body known as the “Judicial Board” to administer mediation, arbitration, inclusive of appeals and disciplinary procedures for sport in the Republic.
- 32.6. Notwithstanding the powers of the EXCO to appoint independent committees as contemplated in Article 32.2, KZNSC, through its General Assembly, Constitution and associated byelaws, shall establish an independent body known as the “Ethics Compliance and Integrity Unit” to review and make recommendation applicable to compliance with the codes of conduct of KZNSC and those of its Members.
- 32.7. Any ad hoc committees appointed by the EXCO to advise it on specific business shall be ratified by the General Assembly.

33. FORUMS

- 33.1. The EXCO may from time to time, between General Meetings, convene consultative forums to advise the EXCO on its operations.
- 33.2. The EXCO shall call a Presidents’ Council on a quarterly basis to discuss and report on membership matters, topical issues and be presented with an activity report by the EXCO

34. GENERAL ORGANIZATION OF COMMISSIONS, INDEPENDENT AND AD HOC COMMITTEES

- 34.1. Except for the Athletes' Commission and the independent committees, all committees and commissions shall be chaired by a member appointed by the Exco.
- 34.2. The President may not chair any standing or EXCO appointed Commission, independent or ad hoc committee but shall be an ex officio member of any commission as contemplated in Article 32
- 34.3. The standing Commissions and ad hoc committees shall be subordinate to the EXCO.
- 34.4. The standing Commissions and ad hoc committees as outlined in Article 32 will function as advisory bodies within those specific business areas as per the authority derived from the EXCO through this Constitution.

35. TERMS OF REFERENCE

- 35.1. The terms of reference of all standing Commissions, independent and ad hoc committees, bodies, units or panels shall be defined separately and shall be drawn up and/or maintained and/or amended by the Policy Commission as per the Policy of Policies and approved by the EXCO.

36. MANAGEMENT OF DISPUTES AND JUDICIAL PROCEDURES/ DISPUTE MECHANISM AND RESOLUTION

- 36.1. Every Member falling under the jurisdiction of the KwaZulu Natal Sports Confederation shall ensure that any dispute that it has with a body or individual falling under the jurisdiction of the KwaZulu Natal Sports Confederation is resolved in accordance with the Dispute Prevention and Resolution Procedures set out in the Constitution, Rules and Regulations of KZNSC.
- 36.2. 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.
- 36.3. It is recorded that the decision of the Arbitrator shall be final and binding on all parties, in all manners whatsoever.

- 36.4. 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 the KwaZulu Natal Sports Confederation shall approach a Court of Law to decide on a dispute it has with a body or individual affiliated.
- 36.5. Disputes shall be managed by the Ethics Compliance and Integrity Unit (ECIU) and the Judicial Board (JB) as appointed by the General Assembly of KZNSC.
- 36.5.1. The ECIU shall be responsible to oversee ethics compliance and integrity matters as outlined in the Judicial Procedural Handbook. The ECIU shall be part of, but operate independently from KZNSC, in accordance with this Constitution. The terms of reference for the ECIU shall be defined separately by the unit, adopted by the EXCO, and presented at a General Meeting for ratification.
- 36.5.2. The JB shall be responsible to oversee mediation and arbitration, including disciplinary procedures as outlined in the Judicial Procedural Handbook. The JB shall be part of, but operate independently from KZNSC, in accordance with this Constitution. The terms of reference for the JB shall be defined separately by the JB and adopted by the EXCO, and presented at a General Meeting for ratification.
- 36.6. Disputes referred to the ECIU and JB involving a Member, , including an EXCO Member, falling under the jurisdiction of KZNSC and its Members, shall be resolved in accordance with the dispute resolution mechanisms set out in this Constitution and the Judicial Procedural Handbook.
- 36.7. Only in the event that a Member of KZNSC has exhausted all of its own internal investigation and dispute resolution mechanisms provided for in its own constitution, may a dispute be referred to KZNSC for resolution, arbitration or mediation by the ECIU or JB as the case may be.
- 36.7.1. Ethical and integrity matters shall be referred to the ECIU.
- 36.7.2. Disputes requiring mediation, arbitration, disciplinary resolutions and/or appeals against a decision of a Member or a decision of the ECIU shall be referred to the JB.
- 36.8. In the event of a dispute arising between:
- 36.8.1. Members;

- 36.8.2. A Member and KZNSC;
 - 36.8.3. Any EXCO Members;
 - 36.8.4. A member of the KZNSC and the KZNSC;
 - 36.8.5. A Member of the EXCO and KZNSC; or
 - 36.8.6. Any dispute with KZNSC, either party to a dispute may elect to refer the dispute to mediation. Where mediation fails, the dispute shall be referred for arbitration in line with procedures as set out in the Judicial Procedural Handbook.
- 36.9. Any matter referred to the ECIU and JB shall be subject to the payment of a fee, as determined by the EXCO from time to time.
- 36.10. No party will be precluded from access to any appropriate court of law for interim relief in respect of urgent matters by way of an interdict or mandamus pending finalisation of the dispute through the dispute mechanism and resolution process.
- 36.11. In the event of an internal dispute at Member level that was decided in terms of an appeal process, an aggrieved party may lodge a further appeal to the JB in writing within 14 days from the date of the outcome of the appeal. This further appeal must be accompanied by the payment of a fee as determined by the EXCO from time to time. The JB shall proceed to deal with the further appeal in accordance with the Judicial Procedural Handbook.
- 36.12. Notwithstanding Article 36, the parties may, by written agreement, refer a dispute to the CAS in accordance with the Code of Sports-Related Arbitration, whose decision shall be final and binding on the parties.

37. THE ETHICS COMPLIANCE AND INTEGRITY UNIT

- 37.1. The ECIU is an independent and separate group of ethical, legal and other experts with its own Terms of Reference approved by the EXCO and General Assembly.
- 37.2. Authority of the ECIU:
- 37.2.1. All Members, affiliates and associates of KZNSC shall recognise and accept the ECIU as an authority which shall oversee, advise, and ensure compliance with the Codes of Conduct Handbook ('the Codes') of

KZNSC and those of its Members through the appointment of independent ethics panels as outlined in the Judicial Procedural Handbook.

37.2.2. The ECIU shall render decisions and make recommendations in relation to disputes regarding real, perceived, and potential conflicts of interest, ethical matters, including integrity matters, and reputational risk.

37.2.3. The ECIU shall have the authority to investigate potential breaches of the Codes of KZNSC and its Members, particularly as regards the application of these Codes to any person or organisation requesting it.

37.2.4. The ECIU may impose sanctions whether by way of censure, fines, suspension, expulsion or banning from participating in any event or activity being conducted under the auspices of KZNSC or its Members, or the activities of KZNSC, or as part of any team of KZNSC or its Members.

37.2.5. Any party aggrieved by a decision of the ECIU may refer the matter within fourteen (14) days from the date of the outcome of the matter to the JB acting as an appeal body.

37.3. ECIU Responsibilities:

37.3.1. The ECIU shall fulfil certain roles through the appointment of independent panels consisting of members from the unit and/or co-opted specialists appointed to a panel on a case-by-case basis by the ECIU.

37.3.2. The ECIU shall be responsible to update the Codes of KZNSC continuously and set out measures for the application of these Codes and the general principles of ethics and integrity governance.

37.3.3. Members of the ECIU shall always act with complete honesty, credibility, impartiality, integrity and be transparent in all their deliberations.

37.4. Composition and Appointment of the ECIU:

37.4.1. Prior to each QGM, the Nominations Committee shall oversee the appointment of the ECIU members, hundred (100) percent of whom shall be independent from any structure of KZNSC.

37.4.2. The process and requirements shall be outlined in the terms of reference of the ECIU and no member of the ECIU may serve on any other commission or committee of KZNSC.

37.4.3. The ECIU members shall be:

37.4.3.1. At least nine (9) in number

37.4.3.2. Not less than forty-five (45) percent representative from each gender.

37.4.3.3. Representatives from all demographic groups classified by the Republic.

37.4.4. The ECIU shall consist of members with legal qualifications, experience, knowledge and expertise in general or sport ethical and integrity dispute matters.

37.4.5. The ECIU shall amongst themselves appoint a Chairperson as well as an Ethics Compliance Officer who shall also serve as the secretariat of the ECIU.

37.4.6. No member of the KZNSC EXCO may serve as a member of the ECIU, attend any ECIU meeting or be part of any appointed panel or ad-hoc committee.

37.5. The term of office of the members of the ECIU shall be four (4) years commencing from the date of their appointment. The members may be re-appointed for a further term of office in accordance with this Constitution, with a limitation of two (2) terms.

38. THE JUDICIAL BOARD

38.1. The JB shall be an independent and separate body of legal and sports experts, with members having applicable qualifications and experience, overseeing all disputes, arbitration, mediation and disciplinary matters pertaining to KZNSC and its Members.

38.2. Authority of the Judicial Board:

38.2.1. All Members, affiliates and associates of KZNSC shall recognize and accept the JB as an authority which may adjudicate, arbitrate, mediate or decide disciplinary matters.

38.2.2. The JB shall set up and continuously update a Resolution of Disputes and Disciplinary Code, and Judicial Procedural Handbook, adopted by the EXCO and ratified by the General Assembly.

38.3. Judicial Board Responsibilities:

38.3.1. The JB shall fulfil certain roles through the appointment of independent panels consisting of members from the JB or co-opted specialists as appointed to a panel on a case-by-case basis by the JB.

38.3.2. Members of the JB shall always act with complete honesty, credibility, impartiality, integrity and be transparent in all their deliberations.

38.3.3. The JB shall apply the principles of natural justice, South African law and the Constitution of the Republic when deliberating a dispute and making a decision.

38.3.4. The JB shall manage all disputes referred to KZNSC as set out in the Judicial Procedural Handbook including:

38.3.4.1. Investigate and decide in respect of matters referred to the JB.

38.3.4.2. Mediate or arbitrate, as the case may be, any matter referred to it.

38.3.4.3. Hear and adjudicate disciplinary matters and impose the necessary sanctions.

38.3.4.4. Hear and determine appeals by any party against a decision of any Member affiliated to KZNSC or a decision of the ECIU.

38.3.5. The JB may impose sanctions whether by way of censure, fines, suspension, expulsion or banning from participating in any event or activity being conducted under the auspices of KZNSC or its Members, or the activities of KZNSC, or as part of any team of KZNSC or its Members.

38.3.6. Any party aggrieved by a decision of the JB may refer the matter to the JB acting as an appeal body and the appeal panel shall consist of three suitably qualified persons of the JB whose majority decision shall be final and binding on the parties except that an aggrieved party shall have the right to review the decision in a Court of Law having jurisdiction within 14 days of the Appeal decision.

38.4. Composition and appointment of the JB:

38.4.1. The JB shall consist of appropriately trained and/or accredited mediators and of appropriately trained and/or accredited arbitrators and/or appropriately trained and/or accredited governance specialists.

38.4.1.1. At minimum sixty (60) percent or more of the JB members must have a legal qualification.

38.4.2. The JB members shall be:

38.4.2.1. At least seven (7) in number

38.4.2.2. Not less than forty (40) percent representative from each gender.

38.4.2.3. Representatives from all demographic groups classified by the Republic.

38.4.3. The process and requirements shall be outlined in the terms of reference of the JB and no member of the JB may serve on any other commission or committee of KZNSC.

38.4.4. Prior to each QGM, the Nominations Committee shall oversee the appointment of the JB members, 100 (hundred) percent of whom shall be independent from any Member and structure of KZNSC. The process and requirements shall be outlined in the terms of reference of the JB.

38.4.5. The JB shall amongst its members elect a Chairperson and a Registrar.

38.4.6. No member of the KZNSC EXCO may serve as a member of the JB, attend any JB meeting or be part of any appointed panel or ad-hoc committee.

38.5. The term of office of the members of the JB shall be four (4) years commencing from the date of their appointment. The members may be re-appointed for a further term of office in accordance with this Constitution, with a limitation of two (2) terms.

39. AMENDMENT TO THE CONSTITUTION

39.1. No part of this Constitution shall be amended, altered or rescinded except at an 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.

39.2. Notice in writing of any proposed alteration shall be sent to all affiliates by the Office Manager at least twenty one (21) days prior to such meeting.

39.3. 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 196.

39.4. 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 Organisations Act, 1997).

40. SUMMARY OF CRITICAL TIMELINES

Type of Notice	Notice Period
Notice of Quadrennial General Meetings	60 days - 18 September 2024
Distribution of nomination forms to members	60 days before QGM – 18 September 2024
Submission of nomination forms to KZNSC Auditor	30 days prior to General Meeting – 16 October 2024
Circulation of Changes to constitution to Members	21 days prior to General meeting - 26 October 2024
Submission of list of nominated persons to members	21 days prior to General Meeting – 26 October 2024
Submission of properly nominated persons by auditors to Office Manager	7 days after closure of Nominations – 2 November 2024
Submission of delegates representing members to AGM	7 days prior to AGM – 9 November 2024
Call of Special General Meeting for passing Special Resolution	21 days notice in writing
Notice of Annual General Meetings	60 days
Submission of Notices of Motion to AGM	30 days

to Office Manager by members	
Call for a General Meeting by 1/3 rd of members in good standing	within 30 days of receipt of call
Call for any General meeting, other than Annual General meeting	45 days notice in writing

41. COLOURS AND EMBLEM

- 41.1. The KZNSC acknowledges that awarding of KwaZulu Natal Colours may be done by the body authorized by the KZNSC.
- 41.2. The KZNSC shall ensure the promotion of and the maintenance of a high standard by sports codes in awarding such KwaZulu Natal colours.
- 41.3. The KZNSC shall control the design of any colours and /or emblem as approved by the General Assembly and registered by the KwaZulu Natal Sports Confederation, 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 the KwaZulu Natal Sports Confederation.
- 41.4. The emblem of the KZNSC shall be the KwaZulu Natal emblem.
- 41.5. The colours of the KZNSC shall be black and white or white and black and shall be registered with SPORT SA.

42. DISSOLUTION

- 42.1. The KZNSC may be dissolved at any time by a resolution in favor 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.
- 42.2. Upon the dissolution of the KZNSC 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 the KwaZulu Natal Sports Confederation and subject thereto, the balance shall be distributed as follows:
- 42.2.1. No past or present Member or Officer of the KZNSC, 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

42.2.2. The entire net value of the Confederation must be distributed to one or more non-profit organisation carrying on activities within the Republic, having objectives similar to those detailed in Article 8 above, to be determined by the Confederation at or before the time of its dissolution or, failing such determination, by the Court.

We the undersigned, having initialed each page hereof, hereby confirm that this is the one, true and only original version of the KwaZulu-Natal Sports Confederation Constitution, revised by the Executive Committee and adopted by those present at the Annual General Meeting held at DURBAN on the..... 2022.

Mr. Thamsanqa Patrick Mchunu	Mr Peter Thompson
	
President	1 st Vice President