



The Constitution of Athletics South Africa

Version: August 2015

As approved at the Annual General Meeting of 1 August 2015



VERSION No. AUGUST 2015

TABLE OF CONTENTS

SECTION I	DEFINITIONS, NATURE AND OBJECTIVES.....	4
1.	DEFINITION OF TERMS	4
2.	NAME AND LEGAL PERSONALITY.....	7
3.	MISSION AND OBJECTIVES	8
4.	MEANS OF ACHIEVING OBJECTIVES.....	12
SECTION II	MEMBERSHIP	15
5.	CATEGORIES OF MEMBERSHIP.....	15
6.	PROCEDURE FOR APPLICATION.....	15
7.	SUSPENSION AND EXPULSION.....	15
8.	MEMBERS OF ASA	16
9.	DEMARCATED AREAS OF PROVINCIAL MEMBERS.....	17
10.	RIGHTS OF MEMBERS.....	20
SECTION III	ORGANISATION	21
11.	CONSTITUENT SUBSTRUCTURES	21
12.	THE GENERAL MEETINGS.....	21
13.	REPRESENTATION AT GENERAL MEETINGS.....	22
14.	PROCEDURE AT GENERAL MEETINGS.....	23
15.	VOTING AT GENERAL MEETINGS.....	24
16.	ELECTION OF OFFICE BEARERS	25
17.	REMOVAL OF MEMBERS OF THE BOARD AND COMMISSIONS.....	29
18.	THE COUNCIL MEETING.....	30
19.	IMPEACHMENT.....	31
20.	THE EXECUTIVE BOARD	31
21.	POWERS AND DUTIES OF THE BOARD.....	33
22.	POWERS AND DUTIES OF THE COUNCIL MEETING.....	34
23.	THE COMMISSIONS.....	34

SECTION IV GENERAL PROVISIONS 36

24. HEAD OFFICE 36

25. HONORARY MEMBERSHIP 36

26. FINANCIAL MATTERS 36

27. RULES PERTAINING TO ATHLETICS EVENTS 37

28. ATHLETES’ REPRESENTATIVES AND MEET PROMOTERS 39

29. RULES AND REGULATIONS 39

30. INTERPRETATION 44

31. DISPUTES 45

32. APPAREL 46

33. AMENDMENTS TO THE CONSTITUTION 46

34. DISSOLUTION OF ASA 46

35. AUTHORITY OF THIS CONSTITUTION 47

36. AUTHORITY OF THE IAAF RULES 47

SECTION V SCHEDULES 48

37. SCHEDULES 48

1. RULES AND REGULATIONS GOVERNING COMMISSIONS 49

2. DELEGATION OF POWERS 49

3. POWERS OF THE COMMISSIONS 50

4. PROCEEDINGS OF THE COMMISSIONS 50

SECTION I

DEFINITIONS, NATURE AND OBJECTIVES

1. DEFINITION OF TERMS

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

1.1	CAA	<i>Confederation of African Athletics</i>
1.2	AAG	<i>All Africa Games.</i>
1.3	<i>Annual General Meeting (AGM)</i>	<i>A meeting as formulated in Clause 12.1.</i>
1.4	ASA	<i>Athletics South Africa.</i>
1.5	<i>Athletics</i>	<i>Track & Field, Road Running, Race Walking and Cross Country (including Mountain Running).</i>
1.6	<i>Athletics Meet</i>	<i>An event in Track & Field, Road Running, Race Walking and Cross Country, as provided for in Clause 1.5, catering for individual licenced athletes affiliated to clubs in good standing with their respective provinces, and including Fun Runs sanctioned by ASA, through its members.</i>
1.7	<i>Board</i>	<i>The Executive Board of ASA as constituted in terms of Clause 20.1.</i>
1.8	CEO	<i>Chief Executive Officer of ASA, or if no CEO has been appointed, then the person who is appointed the General Manager by the Board.</i>
1.9	<i>Commissions</i>	<i>The bodies established by the Annual General Meetings (AGMs) of ASA to manage on behalf of the Board, all or any of the disciplines of athletics as provided for in Clause 1.5.</i>
1.10	<i>Constitution</i>	<i>The constitution of ASA. All schedules (the</i>

Schedules) as listed under Clause 37 and the ASA Rules and Regulations as referred to in Clause 35.3 below shall for all intents and purposes form an integral part of this Constitution. Whenever reference is made to this Constitution, the Schedules shall be deemed to be automatically included in such reference.

- | | | |
|-------------|--|---|
| <i>1.11</i> | <i>Council Meeting</i> | <i>As constituted in terms of Clause 18.1.</i> |
| <i>1.12</i> | <i>Domicile</i> | <i>The place of permanent residence of an athlete in the Republic of South Africa.</i> |
| <i>1.13</i> | <i>Fun Runs</i> | <i>Athletics meetings sanctioned by ASA, not requiring participation to be restricted to licensed athletes.</i> |
| <i>1.14</i> | <i>General Meetings</i> | <i>The meetings as formulated in Clause 12.</i> |
| <i>1.15</i> | <i>Honorary Member</i> | <i>As described in Clause 25.</i> |
| <i>1.16</i> | <i>IAAF</i> | <i>International Association of Athletics Federations.</i> |
| <i>1.17</i> | <i>Member (or members)</i> | <i>As described in Clause 8.</i> |
| <i>1.18</i> | <i>SASCOC</i> | <i>South African Sports Confederation and Olympic Committee</i> |
| <i>1.19</i> | <i>Officers</i> | <i>The CEO and such personnel employed at the offices of ASA on a part-time or full-time basis as may be appointed in writing by the CEO from time to time.</i> |
| <i>1.20</i> | <i>Office Bearers</i> | <i>Elected members of the Executive Board, the Commissions and the Committees of ASA.</i> |
| <i>1.21</i> | <i>Presidium</i> | <i>The body comprising the President, the Vice-President and the CEO of ASA.</i> |
| <i>1.22</i> | <i>Quadrennial General Meeting (QGM)</i> | <i>Each AGM commencing with effect from 1999 and thereafter at four year intervals.</i> |

- 1.23 *Regulations* *As formulated in Clause 29.*
- 1.24 *Rules* *As formulated in Clause 29 but subject to the IAAF Rules as referred to in Clause 36.*
- 1.25 *SRSA* *Sport and Recreation South Africa.*
- 1.26 *Special General Meeting (SGM)* *A meeting as formulated in Clause 12.2.*
- 1.27 *Athlete* *Any person who participates in an athletics meeting sanctioned by ASA, directly or indirectly through its members, and/or who holds an ASA licence number.*
- 1.28 *National Athlete* *A national athlete is an athlete whose name appears on ASA's Register of National Athletes.*
- 1.29 *Any reference to the masculine gender shall include the feminine gender and vice versa, and any reference to the neuter shall include either the masculine or the feminine gender, or both.*
- 1.30 *National Track and Field Meets (National Meets)* *Track and Field meets in which more than three, national athletes from other ASA provinces, in addition to athletes from the host province.*
- 1.31 *National/ASA Championships/Trials* *Competitions organised by ASA, involving teams representing ASA members.*
- 1.32 *Provincial Championships/Trials* *Competitions organised by provincial members of ASA.*
- 1.33 *Inter-provincial Competition* *A competition involving teams from two or more provincial members of ASA.*
- 1.34 *National Superclub* *A national athletics club established by ASA.*

- 1.35 *Provincial Superclub* *A provincial athletics club established by a provincial member of ASA.*
- 1.36 *Any reference to the singular shall include the plural, and vice versa.*

2. NAME AND LEGAL PERSONALITY

- 2.1 *The name of the Association shall be Athletics South Africa (ASA).*
- 2.2 *ASA shall remain a sporting organisation with no political or social alignment to anybody or organisation in the Republic of South Africa.*
- 2.3 *ASA shall have legal personality and shall, through its authorised representatives:*
- 2.3.1 *have an independent existence from its members and officers;*
- 2.3.2 *be entitled to acquire, encumber or dispose of movable or immovable property;*
- 2.3.3 *incur legal obligations and liabilities independently of its Members, Officers and Office Bearers;*
- 2.3.4 *be entitled to enter into legal transactions and to institute or defend legal proceedings.*
- 2.4 *ASA is the sole organisation administering and controlling athletics in South Africa within the boundaries as defined in the Constitution of the Republic of South Africa.*
- 2.5 *ASA is the sole South African member Federation affiliated to the IAAF, and as such, controls athletics in the Republic of South Africa.*
- 2.6 *A head office shall be established to carry out the administration of ASA in accordance with the policies of ASA at such address as may be determined by the Board from time to time, due regard being had to ASA's leasing commitments and/or immovable property holdings from time to time.*
- 2.7 *ASA shall remain a non profit-making organisation, responsible for the overall development of athletics in South Africa.*

- 2.8 *Nothing herein contained shall preclude ASA from being or becoming or being transferred into the existing Section 21 Company known as Athletics South Africa (Association Incorporated under Section 21) registered under No. 2006/034767/08.*
- 2.9 *Any reference in this Constitution to Annual General Meeting (AGM) or Special General Meeting (SGM) shall, if and when is ASA is transferred to and is incorporated into the Section 21 Company aforementioned, shall be interpreted to mean the AGM and SGM of the Section 21 Company. Any such AGM or SGM in the Section 21 Company shall be empowered to do or perform any act, matter or thing otherwise provided for ASA in terms of this Constitution.*

3. MISSION AND OBJECTIVES

3.1 Mission Statement

To make a contribution towards Nation Building and Healing of our land, South Africa, and the Transformation of our Society, through the Development of Athletics, from Grassroots to the highest levels of Excellence.

3.2 Objectives

In the pursuit of this mission the following objectives are regarded as basic cornerstones of the programme guiding the activities of ASA:

- 3.2.1 *To establish friendly and loyal cooperation between all members for the benefit of athletics, efficient and effective administration, harmonious coexistence and cooperation amongst members and to promote the best interest of athletes and athletics in South Africa;*
- 3.2.2 *The maintenance and extension of a system of clubs and provincial associations throughout South Africa, open to membership by all members of the population and allowing access to registration, participation, coaching, technical officiating and other services of ASA to all members of the community who wish to participate in athletics, and who comply with ASA's membership prerequisites;*
- 3.2.3 *The continual striving to ensure that no form of discrimination, be it based on race, ethnicity, religion, politics, gender or otherwise, be permitted in athletics and to take all practicable measures to prevent such discrimination;*

- 3.2.4 *The compilation and maintenance of the rules and regulations governing athletics in the Republic of South Africa in accordance with the IAAF Constitution;*
- 3.2.5 *The training of athletics officials by the promotion of theoretical and practical courses and examinations accessible to all interested parties and leading to registration as qualified officials, such training to be aimed at ensuring the availability of officials for all authorised athletics meetings;*
- 3.2.6 *The training of aspirant coaches in the principles and methodology of coaching and the organisation of refresher and advanced courses for qualified coaches and leading to their registration as qualified coaches. Such training to be aimed at ensuring the availability of coaches for the benefit of all athletes;*
- 3.2.7 *The co-ordination of athletics in South Africa with regard to, inter alia:*
- 3.2.7.1 *the awarding of national colours;*
 - 3.2.7.2 *external liaison and affiliation to the, SASCO, IAAF, CAA and any other relevant organisations, internal or external;*
 - 3.2.7.3 *licensing of athletes;*
 - 3.2.7.4 *the monitoring of athletics at all levels;*
 - 3.2.7.5 *the determination of all domestic fixtures, as well as international meetings;*
 - 3.2.7.6 *the determination of the areas of jurisdiction of provincial members;*
 - 3.2.7.7 *development programmes;*
 - 3.2.7.8 *any other relevant matter.*
- 3.2.8 *The maintenance of the rules affecting athletics and the eligibility of athletes to compete at athletics meetings;*

- 3.2.9 *The overseeing of international athletics activities, sanctioning of international athletics competitions held in South Africa, and the sourcing of the sponsorships for teams to international athletics competitions.*
- 3.2.10 *The promotion of a spirit of dedication to the basic principles of fair competition in all respects, including the right of every athlete to strive to achieve national titles and colours without being disadvantaged by administrative constraints, rulings, or otherwise;*
- 3.2.11 *The promotion of athletics meetings and competitions through its members so as to ensure ample and equal access to competition by all athletes from all recognized age groups in accordance with the mission and objectives of ASA;*
- 3.2.12 *The careful consideration of the total environment of athletes under its jurisdiction and the addressing of those factors considered to be detrimental to them with all means at its disposal, including strong representations to the appropriate agencies;*
- 3.2.13 *The promotion of international and interprovincial competitions and participation at all levels so as to provide incentives to athletes to achieve their full potential;*
- 3.2.14 *The identification of local requirements with regard to facilities for training and competition and the promotion of the provision of such facilities through representation to the appropriate authorities and other interested parties;*
- 3.2.15 *Participation to the full in the affairs of the international governing bodies of athletics and their affiliated associations;*
- 3.2.16 *To strive for the total and complete unification and transformation of athletics at all levels, and to stem racism wherever it rears its ugly head.*
- 3.2.17 *To enforce the IAAF Doping Control Regulations by:-*
- 3.2.17.1 *conducting Out-of-Competition doping control and to submit a report of this control to the IAAF annually,*

- 3.2.17.2 *complying with the IAAF's requirements to conduct doping control at ASA's National Championships, or any similar meeting, and*
- 3.2.17.3 *complying with the IAAF's requirements to conduct Out-of-Competition testing on ASA's athletes;*
- 3.2.17.4 *All athletes, athlete support personnel and persons under the jurisdiction of ASA shall be bound by IAAF Anti-doping Rules and Procedural Guidelines.*
- 3.2.18 *To ensure that more athletics events are taken to disadvantaged communities, more especially the rural areas;*
- 3.2.19 *To make athletics accessible in terms of facilities, events, coaching, officiating, administration etc., to all the people of South Africa, irrespective of gender, colour, religion or geographic location; both for purposes of recreation and excellence;*
- 3.2.20 *The development of the sport to the highest levels of excellence;*
- 3.2.21 *To embrace the following further objectives, namely:-*
 - 3.2.21.1 *to achieve all the objectives set out in this Constitution;*
 - 3.2.21.2 *to eradicate the imbalances of the past by putting a special focus on making the sport of athletics easily and more accessible to:-the disadvantaged people in South Africa;*
 - 3.2.21.2.1 *women, and;*
 - 3.2.21.2.2 *the people with disability.*
 - 3.2.21.2.3 *to make athletics easily and more accessible, for purposes of recreation and excellence, nationally and internationally to all the people of South Africa, without any form of discrimination whatsoever;*
 - 3.2.21.2.4 *to provide quality entertainment to the athletics fraternity and the public at large, through athletics;*

3.2.21.2.5 *to make athletics the number one sport in South Africa;*

3.2.22 *To uphold the following values, namely:-*

3.2.22.1 *all the individual rights as enshrined in the South African Constitution;*

3.2.22.2 *to administer ASA as a business which is:-*

3.2.22.2.1 *highly professional;*

3.2.22.2.2 *financially sound;*

3.2.22.2.3 *accountable to its members, and;*

3.2.22.2.4 *user-friendly to the athletics family and the public at large, and*

3.2.22.2.5 *Honesty and respect for the individual.*

4. MEANS OF ACHIEVING OBJECTIVES

The objectives of ASA will be achieved by, inter alia:

4.1 *Affiliation with SASCOC, IAAF, CAA, or any other relevant organisation as may become necessary;*

4.2 *The acquisition, encumbrance or disposal of such movable or immovable property as may be required to achieve its aims and objectives;*

4.3 *Taking all steps and following all procedures which are lawful and compatible with the aims and objectives of ASA;*

4.4 *Raising funds for any purpose which may be deemed necessary including, but not limited to the raising of funds through sponsorship with corporate South Africa, Government, charitable organisations and individuals;*

4.5 *Prescribing uniform rules and regulations for the administration, control and protection of athletics in South Africa;*

- 4.6 *Requiring compliance with the provisions of this Constitution and with the rules and regulations issued in terms thereof;*
- 4.7 *Coordinating and ratifying the selection of teams to represent South Africa abroad, and in South Africa on the occasion of visits by teams from other countries;*
- 4.8 *Hearing and pronouncing upon appeals against the decisions of members in connection with the licensing of or the disciplinary action taken against athletes or members serving on substructures under their jurisdiction;*
- 4.9 *Providing for the keeping of official lists of records of all athletics performances;*
- 4.10 *Ensuring that annual national championship meetings are held;*
- 4.11 *Coordinating the nature, award and protection of official colours and the registration of the ASA logo with the Department of Heraldry;*
- 4.12 *Keeping, saving and investing the assets and funds of ASA and tendering any share of it as security where it may be required in promoting its aims and objectives;*
- 4.13 *Subject to the provisions of Clauses 3.2.17: -*
 - 4.13.1 *to ensure that doping does not take place in athletics by means of the compulsory conducting of out-of-competition doping control;*
 - 4.13.2 *to ensure that doping control is conducted at any event held within the jurisdiction of ASA;*
 - 4.13.3 *to ensure that out-of-competition testing (including challenge testing) is conducted on any licensed ASA athlete.*
- 4.14 *Engaging in any other activity which may assist in achieving the aims and objectives of ASA;*
- 4.15 *Granting provincial members the responsibility to register and licence athletes within their jurisdiction area, on behalf of ASA;*
- 4.16 *The provincial members will have first claim on registered athletes to participate as provincial athletes in national championships;*
- 4.17 *No registered athlete will be allowed to participate in any competitions not approved by ASA or any of its Members;*

- 4.18 *No unregistered athlete will be allowed to participate in any competitions that are approved by ASA or which are held under the auspices of ASA or any of its Provincial Members or its Associate Members;*
- 4.19 *Every athlete licensed under any of the ASA member provinces or any of ASA's Provincial or Associate Members shall be bound by all the rules, regulations and provisions of this Constitution.*

SECTION II

MEMBERSHIP

5. CATEGORIES OF MEMBERSHIP

Membership of ASA may be divided into three broad categories:

- 5.1 Provincial members responsible for the administration and promotion of athletics, on behalf of ASA, within distinct territorial boundaries. These members include clubs and athletes;*
- 5.2 Associate members;*
- 5.3 Individual members, namely Office Bearers and Honorary Members.*

6. PROCEDURE FOR APPLICATION

- 6.1 Application for membership by an aspirant member must be submitted to the CEO of ASA and must be accompanied by a copy of the applicant's current Constitution.*
- 6.2 The CEO must submit this application to the Board, which shall have the power to make a ruling on the application.*
- 6.3 Membership provisionally granted by the Board must be tabled at a subsequent AGM for ratification.*
- 6.4 For participation in competitions which are sanctioned or organised by ASA, members are to acknowledge that their athletes agree to be subject to any in-competition and out-of-competition anti-doping testing carried out by ASA, the IAAF and anybody with competent authority to test under the IAAF/WADA Doping Rules.*

7. SUSPENSION AND EXPULSION

- 7.1 Any member (including clubs, athletes and office bearers of members of ASA) which has engaged in misconduct or has unjustifiably violated the provisions of this Constitution, or which, by its actions, brings ASA or the sport of athletics into disrepute, may be suspended for an indefinite period until its case has been referred to ASA's Disciplinary Committee for investigation and further action.*

8. MEMBERS OF ASA

8.1 *Provincial Members representing the Geographical Provinces of ASA in South Africa:*

8.1.1 *Athletics Central North West (ACNW);*

8.1.2 *Athletics Free State (AFS);*

8.1.3 *Athletics Gauteng North (AGN);*

8.1.4 *Athletics Mpumalanga (AMPU);*

8.1.5 *Athletics North West North (ANWN).*

8.1.6 *Athletics South Western Districts (ASWD);*

8.1.7 *Athletics Vaal Triangle (AVT);*

8.1.8 *Boland Athletics (BOLA);*

8.1.9 *Border Athletics (BORA);*

8.1.10 *Central Gauteng Athletics (CGA);*

8.1.11 *Eastern Province Athletics (EPA);*

8.1.12 *Athletics Griqualand West (AGW);*

8.1.13 *KwaZulu Natal Athletics (KZNA);*

8.1.14 *Limpopo Athletics (LIMA);*

8.1.15 *North Western Cape Athletics (NWCA);*

8.1.16 *Athletics Transkei (ATRA); and*

8.1.17 *Western Province Athletics (WPA);*

8.2 Associate Members:

8.2.1 *University Sport South Africa – Athletics (USSA-Athletics);*

8.2.2 *South African Masters Athletics (SAMA);*

8.2.3 *South African Schools Athletics (SASA)*

8.2.4 *South African National Defence Force – Athletics (SANDF Athletics);*

8.2.5 *South African Police Services – Athletics (SAPS Athletics).*

8.2.6 *Disability Sport South Africa*

8.3 Individual Members:

These are, firstly, all the individual people who serve on the Board, the Commissions and Committees of ASA. Secondly, these are all the honorary members.

8.4 Athletes, Coaches and Technical Officials

8.5 *Whereas members specified in clauses 8.1, 8.2 and 8.3 shall be deemed to be direct members; athletes, coaches and technical officials shall be members via their respective provinces. However, some categories of athletes, coaches, and technical officials may have direct membership of ASA.*

9. DEMARCATED AREAS OF PROVINCIAL MEMBERS

The following areas of jurisdiction of provincial members shall define the geographical boundaries of provincial members. For the purpose of administering athletics in particular areas, the following magisterial districts will be controlled by the respective provincial members:

9.1 Athletics Central North West

Kudumane; Ganyesa; Vryburg; Molopo; Ditsobotla; Delareyville; Schweizer-Reneke; Taung; Christiana; Bloemhof; Wolmaransstad; Klerksdorp; Potchefsroom; Ventersdorp; Coligny; Koster; Oberholzer; Fochville; Carletonville; Ottosdal; Vryburg 1 & 2; Hartebeesfontein; Orkney; Sannieshof; Stilfontein.

9.2 Athletics Free State

Zastron; Rouxville; Bethulie; Phillippolis; Fauresmith; Jagersfontein; Trompsburg; Smithfield; Wepener; Dewetsdorp; Reddersburg; Edenburg; Koffiefontein; Jacobsdal; Petrusburg; Bloemfontein; Botshabelo; Thaba Nchu; Ladybrand; Clocolan; Excelsior; Brandfort; Boshof; Hoopstad; Bultfontein; Wesselsbron; Theunissen; Ficksburg; Fouriesburg; Senekal; Ventersburg; Virginia; Welkom; Odendaalsrus; Henneman; Bothaville; Viljoenskroon; Kroonstad; Vredefort; Koppies; Parys; Sasolburg; Heilbron; Lindley; Bethlehem; Reitz; Witsieshoek; Vrede; Frankfort; Marquard; Harrismith.

9.3 Athletics Gauteng North

Pretoria; Bronkhorstspuit; Cullinan; Wonderboom; Soshanguve 1; Soshanguve 2; Mamelodi; Atteridgeville.

9.4 Athletics Mpumalanga

Volkrust; Wakkerstroom; Piet Retief; Amersfoort; Standerton; Balfour; Highveld Ridge; Delmas; Kriel; Bethal; Witbank; Middleburg; Ermelo; Eerstehoek; Carolina; Baberton; Waterval Boven; Belfast; Nelspruit; Nkomazi; Nsikazi; White River; Pilgrimsrus 1 & 2; Lydenburg; Groblersdal; Kwa-Mhlanga; Mkobola; Moutse 1 & 2; Mdutjana 1,2 &3; Metejane; Moretele 2.

9.5 Athletics North West North

Atamelang; Delareyville; Derby; Rustenburg; Itsoseng; Lerato; Lichtenburg; Mabopane; Madikwe; Mafikeng; Mankwe; Mmabatho; Sun City; Temba; Zeerust; Mogwase; Brits; Ga-Rankuwa; Swartruggens; Marico; Lehurutshe; Phokeng; Ditsobotla; Hartebeespoort; Letlhabile; Bafokeng; Molopo; Odi 1 & 2; Moretele; Migdol.

9.6 Athletics South Western Districts

Murraysburg; Beaufort West; Laingsburg; Prince Albert; Ladismith; Calitzdorp; Knysna; George; Mossel Bay; Riversdale; Heidelberg; Oudtshoorn; Uniondale; Albertinia; Barrydale; De Rust; Dysselsdorp; Great Brakriver; Hartenbos; Herbertsdale; Hoekwil; Leeu-Gamka; Misgund; Plettenburg Bay; Sedgfield; Still Bay; The Crag; Wilderness; Wittedrift; Zoar.

9.7 Athletics Vaal Triangle

Vanderbijlpark; Vereeniging; Heidelberg; Nigel; Meyerton.

9.8 Boland Athletics

Ceres; Tulbagh; Worcester; Wellington; Paarl; Stellenbosch; Caledon; Hermanus; Bredasdorp; Robertson; Montagu; Bonnievale.

9.9 Border Athletics

Venterstad; Albert; Aliwal North; Lady Grey; Sterkspruit; Barkley East; Maclear; Elliot; Indwe; Wodehouse; Molteno; Steynsburg; Hofmeyer; Sterkstroom; Tarka; Queenstown 1 & 2; Hewu; Fort Beaufort; Middle Drift; Zwelitsha; Komga; King Williams Town; East London; Peddie; Mdantsane; Cathcart; Mpofu; Stufferheim; Keiskammahoek; Victoria East.

9.10 Central Gauteng Athletics

Krugersdorp; Randfontein; Roodepoort; Randburg; Johannesburg; Kempton Park; Germiston; Alberton; Boksburg; Benoni; Brakpan; Springs; Westonaria; Midrand; Sandton.

9.11 Eastern Province Athletics

Willowmore; Joubertina; Humansdorp; Hankey; Port Elizabeth; Uitenhage; Steytlerville; Aberdeen; Graaf Reinet; Middelburg; Cradock; Pearston; Jansenville; Kirkwood; Alexandria; Bathurst; Albany; Somerset East; Bedford; Adelaide.

9.12 Athletics Griqualand West

Kuruman; Postmasburg; Hay; Prieska; Carnarvon; Victoria West; Richmond; Noupoort; Hanover; Colesburg; De Aar; Britstown; Herbert; Kimberley; Barkley West; Warrenton; Hartswater; Phillipstown; Hopetown.

9.13 KwaZulu Natal Athletics

Port Shepstone; Alfred; Mount Currie; Ixopo; Umzinto; Umbumbulu; Richmond; Polela; Underberg; Impendle; Pietermaritzburg; Camperdown; Pinetown; Durban; Chatsworth; Umlazi; Inanda; Ndwedwe; Lower Tugela; Mapumulo; New Hanover; Lionsriver; Mooi River; Umvoti; Mtunzini; Eshowe; Kranskop; Bergville; Klipriver; Glencoe; Dundee; Nqutu; Babanango; Nkandla; Lower Umfolozi; Mtonjaneni; Mahlabatini; Hlabisa; Nongoma; Vryheid; Dannhauser; Newcastle; Utrecht; Paul Pietersburg; Simdlangentsha; Ngotshe; Ubombo; Ingwavuma.

9.14 Limpopo Athletics

Waterberg Districts; Capricorn District; Vhembe District; Mopani District and Sekhukune District.

9.15 North Western Cape Athletics

Gordonia; Namaqualand; Kenhardt; Calvinia; Williston; Fraserburg; Sutherland.

9.16 Athletics Transkei

Lady Frere; Cala; Comfimvaba; Tsomo; Nqamakwe; Butterworth; Kentani; Willowvale; Idutywa; Mqanduli; Elliotdale; Ngqeleni; Engcobo; Umtata; Libode; Port St Johns; Lusikisiki; Bizana; Flagstaff; Tabankulu; Qumbu; Mount Ayliff; Maluti; Umzimkulu; Tsolo.

9.17 **Western Province Athletics**

Van Rhynsdorp; Vredendal; Clanwilliam; Piketberg; Vredenburg; Hopefield; Morreesburg; Malmesbury, Cape Peninsula.

10. RIGHTS OF MEMBERS

Save for special rights and duties vesting in the President, the Board, the Commissions and the Committees, all members as listed in Clause 8 shall have the right to participate in all affairs of ASA, as stipulated in this Constitution.

SECTION III

ORGANISATION

11. CONSTITUENT SUBSTRUCTURES

The principal constituent substructures of ASA are: -

11.1 the Annual General Meeting;

11.2 the Council Meeting;

11.3 the Executive Board;

11.4 the Commissions;

11.5 the Committees,

11.6 the Provincial Members, and

11.7 the Associate Members.

12. THE GENERAL MEETINGS

12.1 Annual General Meeting

12.1.1 A general meeting, known as the Annual General Meeting (AGM), shall be convened every year within six months of the financial year end of ASA.

12.1.2 The Annual General Meeting constitutes the supreme authority of ASA.

12.1.3 The members shall receive sixty (60) days written notice of the date of the Annual General Meeting.

12.1.4 All notices of motions to be dealt with at the Annual General Meeting are to reach the CEO not less than forty five (45) days before such meeting.

12.1.5 *The CEO shall notify all Board Members, Provincial Members, Individual Members and Honorary Members of the agenda thirty (30) days before the meeting.*

12.2 Special General Meeting

12.2.1 *The Board or Council may at any time, of its own accord, or shall, upon receipt in writing of a request from at least one third of the provincial members, call a general meeting, which shall be known as a Special General Meeting, to consider matters beyond the authority of the Council.*

12.2.2 *A Special General Meeting, called for as prescribed by Clause 12.2.1 shall be convened within forty five (45) days after the said request.*

12.2.3 *All Special General Meetings shall be called in writing, and notice shall be given at least twenty one (21) days in advance. The notice calling the meeting shall include its agenda.*

13. REPRESENTATION AT GENERAL MEETINGS

13.1 *The General Meetings (AGM and SGM) shall consist of:*

13.1.1 *the ASA Board;*

13.1.2 *the ASA Commissions;*

13.1.3 *the provincial members of ASA;*

13.1.4 *the associate members of ASA; and*

13.1.5 *Honorary members.*

13.2 *Provincial Members shall be entitled, but not obliged, to be represented at the Annual General Meeting by the provincial chairperson plus one member of each provincial commission.*

13.3 *Associate Members shall be entitled, but not obliged, to be represented by two delegates.*

- 13.4 *Provincial Members and Associate Members shall be entitled to participate in the business of the Annual General Meeting only if their affiliation requirements have been complied with, and in the case of provincial members licence fee requirements have been met in full.*
- 13.5 *Delegates representing at least 50% plus one of the Provincial Members, Associate Members and Individual Members shall constitute a quorum at any General Meeting. For the purpose of this Clause, Provincial Members and Associate Members present shall, irrespective of the number of delegates representing them, only count as one per Provincial or Associate Member, as the case may be.*
- 13.6 *If a quorum is not constituted one hour after the official starting time at the venue of which notice was given, the meeting will be automatically postponed for six weeks and shall be automatically reconvened at the same venue and time without further notice having to be given. Should a quorum not be constituted at the postponed meeting, the delegates then present will constitute a quorum.*

14. PROCEDURE AT GENERAL MEETINGS

- 14.1 *At General Meetings the President shall preside, or in his absence the Vice President. If both are absent, the Board shall appoint someone from their midst to chair the meeting.*
- 14.2 *The agenda for the Annual General Meeting shall include, but shall not be limited to the matters set out hereunder:*
- 14.2.1 *Scrutiny of delegates' credentials;*
- 14.2.2 *Reading of the notice of the meeting;*
- 14.2.3 *Reading (if need be) and adopting of the minutes of the previous Annual General Meeting and of all intervening Special General Meetings;*
- 14.2.4 *Dealing with the recommendations/proposals/motions emanating from meetings of the Council;*
- 14.2.5 *Submission, discussion and adoption of the annual reports;*
- 14.2.6 *Submission of audited financial statements of the previous financial year;*

- 14.2.7 *Dealing with any amendments to the Constitution or with any matters proposed and of which due notice has been given;*
- 14.2.8 *Quadrennial election of office bearers in terms of Clause 16.*
- 14.3 *The agenda of a Special General Meeting shall be disposed of in the order specified below:*
 - 14.3.1 *Scrutiny of delegates' credentials;*
 - 14.3.2 *Reading of the notice of the meeting;*
 - 14.3.3 *Dealing only with matters for which the meeting was called, which matters were specified in the notice calling the meeting.*

15. VOTING AT GENERAL MEETINGS

- 15.1 *Voting on all recommendations/proposals/motions shall be by show of hands, or by secret ballot if two members, unopposed, so demand. However, if the demand of two or more members is opposed then the President or Presiding Member, upon consultation with the Board, shall make a ruling on the mode of voting to be employed. In the case of a tie, the Presiding Member shall use his/her casting vote to break the deadlock. This Clause excludes voting for election of Office Bearers.*
- 15.2 *Members will be entitled to the following number of votes:*
 - 15.2.1 *ASA Board Members present: 1 vote per member*
 - 15.2.2 *Provincial Members present: 2 votes per member (and not per delegate)*
 - 15.2.3 *Associate Members present: 1 vote per member (and not per delegate)*
 - 15.2.4 *Members of Commissions present: 1 vote per member (excluding Chairpersons)*
 - 15.2.5 *Honorary members shall have no vote*
- 15.3 *No person shall have more than one vote, irrespective of the number of offices held.*

16. ELECTION OF OFFICE BEARERS

16.1 *The AGM shall hold elections quadrennially by secret ballot.*

16.2 Quadrennial General Meeting

16.2.1 Nominations Procedure

16.2.1.1 *There shall be four sets of nomination forms, one for the Board and one each for the three Commissions.*

16.2.1.2 *The CEO will invite nominations by sending blank nomination forms to Provincial Members and Associate Members, simultaneously with the dispatch of the notice convening the AGM.*

16.2.1.3 *The completed nomination forms will be returned to reach the office of ASA by no later than thirty (30) days before the elections. The nominating member will verify that the nominated person is available for election.*

16.2.1.4 *Lists of the persons nominated for specific portfolios and are available for election will be prepared by the office and sent to reach all members no later than twenty one (21) days before the elections. Ballot papers will also be prepared for the elections.*

16.2.1.5 *Nominees must be active members of the respective Provincial Member or Associate Member nominating them.*

16.2.2 Voting Delegates and Their Voting Power

16.2.2.1 *A maximum of two voting delegates per province, per session (refer Clause 16.2.3.1), will be allowed.*

16.2.2.2 *The voting powers of members shall be as provided by Clause 15.2.*

16.2.3 Quadrennial Elections Procedure

16.2.3.1 *There will be one QGM subdivided into 3 (three) sessions, namely one session to elect the Executive Board (including the four Commission Chairpersons), followed by 2 sessions to elect the members of the Commissions*

16.2.3.2 The Executive Board Session

16.2.3.2.1 *This session will precede the other two sessions, and it will sit to elect the Executive Board, as provided by Clause 20.1, and in the order of precedence as provided by Clause 20.1.*

16.2.3.3 The Commission Sessions

16.2.3.3.1 *The second session will sit to elect the Vice Chairpersons of the Commission in the following order: Cross Country and then Road Running and then Track and Field and finally Athletics*

16.2.3.3.2 *The third session will sit to elect the Members of each Commission, as provided by Clause 23.1 (excluding the Commission chairperson and Vice Chairperson), as provided by Clause 23.1.3 and 23.1.4.*

16.2.3.4 *No member of the Board or any of the Commissions will be allowed to fill more than one position. In other words, as soon as a member is elected onto the Board or any one Commission, he/she will automatically be unavailable for election into another position for which he/she was nominated (one person one portfolio), save that the Chairperson of each commission automatically sits on the Board.*

16.2.4 *The candidates need not to be present at the QGM.*

16.2.5 *Outgoing office bearers are automatically deemed to have been nominated for their respective offices.*

16.2.6 *If no nominations are received for a specific portfolio, nominations may be made from the floor.*

16.2.7 *In the case of an election tie, there is to be a re-vote and if the parties are still tied, then the President or failing him, the person presiding over the meeting shall exercise a casting vote.*

16.3 Appointment of Committees

16.3.1 *Committees of ASA shall be divided into two categories, namely Ad Hoc Committees and Standing Committees.*

16.3.2 **Ad Hoc Committees**

16.3.2.1 *These are special committees that will be formed on a need (as and when) basis. The number of members in these committees will differ from committee to committee, depending on the task they have to execute.*

16.3.2.2 *The procedure for the formation of ad hoc committees will be determined from time to time, and may differ from committee to committee, depending on the circumstances surrounding a specific committee.*

16.3.2.3 *Ad hoc committees may be formed at the request of: -*

- (a) the Board; or*
- (b) the Commissions; or*
- (c) the Chief Executive Officer.*

16.3.2.4 *Ad hoc committees may be dissolved: -*

- (a) as soon as they have achieved the objective for which they were formed, or;*
- (b) as the Board may decide.*

16.3.2.5 *An ad hoc committee may, in other circumstances, be elevated to the status of a standing committee. If this happens the necessary constitutional amendments should be effected.*

16.3.3 **Standing Committees**

16.3.3.1 *As opposed to ad hoc committees, standing committees have a permanent existence (in principle and not in composition). The number of members per committee will be five.*

The following standing committees are constituted: -

- (i) Coaches Committee;*
- (ii) Women's Committee;*
- (iii) Development Committee;*
- (iv) Technical Committee;*

(v) *Anti-Doping Committee;*

(vi) *Medical and Scientific Committee;*

(vii) *Disciplinary Committee;*

16.3.3.2 *Race Walking Committee. Standing committees will be formed by the CEO inviting nominations from all members, provincial and associate.*

16.3.3.3 *The nominations will be scrutinised by the Commissions, where applicable, after which a firm proposal on the composition of the committees will be made to the Board for its consideration and ratification.*

16.3.3.4 *The composition of standing committees will be reviewed biennially.*

16.3.4 *All committees will be of no force or effect provided they are ratified by the Board.*

16.3.5 *Standing Committees may be reconstituted (in composition only) at the Board's discretion.*

16.4 Disclosure of Interests

16.4.1 *Each person holding office in ASA or members of any organising committee ("LOC") in respect of any event under the auspices of ASA or any Provincial Member or Associate Member, shall disclose to the Board in writing any interest (whether direct or indirect) he may have in any contract or proposed contract or business being considered by ASA or the relevant LOC, and shall refrain from discussing or voting upon such business. A person may make a general declaration that he is a member of a particular organisation, so to be regarded as interested in any transaction involving that organisation.*

16.4.2 *No person holding office in ASA or any LOC referred to in Clause 16.4.1 shall use any information that he gains as such a representative of ASA or any LOC for personal, business or otherwise gain.*

16.4.3 *Nothing in this Article shall derogate from the general duty of good faith owed by a member to ASA and/or any LOC referred to in Clause 16.4.1.*

16.4.4 *Any gifts and/or gratuities and/or benefits received by any member, including a member of any LOC referred to in Clause 16.4.1, where the value thereof exceeds R500,00 shall be required to be declared to ASA*

and in the case of an LOC to the LOC as well. Furthermore, the Board shall have the power to take such action as it deems necessary if it considers the gift, gratuity or benefit to be capable of impairing the dignity and integrity of ASA, to require such gift, gratuity or benefit to be dealt with in such manner as it may determine. Should any member of the Board be the subject of this determination, he shall reclude himself from the Board's deliberations.

17. REMOVAL OF MEMBERS OF THE BOARD AND COMMISSIONS

- 17.1 Notwithstanding anything contained elsewhere in these articles the members may by an ordinary resolution passed at a Special General Meeting remove from office any person. This excludes the officers of ASA.*
- 17.2 Upon receiving a valid requisition for a Special General Meeting at which a resolution to remove any such person is to be proposed, the CEO shall give notice in writing of such resolution to the person(s) concerned and shall if required by such person(s) circulate to all Members entitled to receive notice of the Meeting, any written communication of reasonable length provided it does not contain any illegal, offensive or defamatory material.*
- 17.3 At the Special General Meeting the person whose removal is proposed shall have the right to address the Meeting.*
- 17.4 Any removal of any person shall be without prejudice to any legal claim he may have against ASA or that ASA may have against him/her in respect of matters arising before such removal.*
- 17.5 The following persons shall be disqualified from holding office as members of the Board of the Commissions, namely: -*
- 17.5.1 Any employee of ASA;*
 - 17.5.2 A director, offer or employee of any company performing secretarial work for the Company;*
 - 17.5.3 A partner or employer or employee of any member of the Board or any member of a Commission;*
 - 17.5.4 A person who, by himself or his partner or employee habitually or regularly performs the duties of a Secretary or Bookkeeper of ASA;*
 - 17.5.5 Any person who has been convicted of an offence in connection with the promotion, formation or management of a company, or;*
 - 17.5.6 Any person who has been found guilty of an offence referred to in Section 424 of the Companies Act, as amended whether or not he has been convicted of that offence, or;*

17.5.7 *Any person against whom a declaration has been made under the provisions of Section 424(1) of the Companies Act, as amended;*

17.5.8 *Save under the authority of the Court:*

17.5.8.1 *An unrehabilitated insolvent;*

17.5.8.2 *Any person removed from an office of Trust on account of misconduct;*

17.5.8.3 *Any person who has at any time been convicted (whether in the Republic of South Africa or elsewhere) of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention of Corruption Act 1958 (Act No 6 of 1958), or any offence involving dishonesty or in connection with the promotion, formation or management of a company, and has been sentenced therefore to imprisonment without the option of a fine or to a fine exceeding R100.00;*

17.5.9 *Any person who has been found guilty of bringing ASA, alternatively the sport of athletics in South Africa, into disrepute.*

18. THE COUNCIL MEETING

18.1 *The Council Meeting shall consist of: -*

18.1.1 *the ASA Board;*

18.1.2 *the ASA Commissions;*

18.1.3 *the chairman or accredited representative of each provincial member;*

18.1.4 *the chairman or accredited representative of each associate member;*

18.1.5 *the Chairpersons of each of the Standing Committees;*

18.1.6 *Honorary members; and*

18.1.7 *Any other parties as shall be invited by the Board.*

18.2 *All members of the Council shall have one vote each.*

18.3 *The Council shall meet at least once a year.*

18.4 *Members of the Council shall receive at least 45 days written notice of Council meetings.*

- 18.5 *All notices of motions to be dealt with at the Council meeting shall reach the CEO not less than thirty (30) days before such meeting.*
- 18.6 *The CEO shall notify all Board Members, Provincial Members, Individual Members and Honorary Members of the agenda of the Council meeting within twenty (20) days of such meeting.*
- 18.7 *At least 50% plus one of the provincial members present will constitute a quorum for any Council meeting.*
- 18.8 *Minutes of all Council meetings will be dispatched to all Council members within 45 days of Council meetings.*
- 18.9 *Recommendations/proposals/motions passed at Council meetings shall be tabled at AGMs for adoption and ratification.*

19. IMPEACHMENT

Should impeachment proceedings be deemed necessary, then the provisions of Clause 17 shall be invoked, provided however, that the motion for impeachment is supported in writing by not less than four members of the Board or seven of the Provincial members.

20. THE EXECUTIVE BOARD

20.1 The Board shall consist of:

- 20.1.1 *the President;*
- 20.1.2 *one Vice-president;*
- 20.1.3 *the Chairperson of each of the four Commissions; namely, Cross Country, Road Running, Track and Field; and Athletes.*
- 20.1.4 *Four additional members.*
- 20.1.5 *A representative from USSA-Athletics.*
- 20.1.6 *A representative from SASA.*
- 20.1.7 *At least three of the members of the Board shall be women.*
- 20.1.8 *If, as and when ASA is transferred into and incorporated in the Section 21 Company, ASA, any reference to the Board or the Executive Board shall be a reference to the Board of Directors of the Section 21 Company ASA, mutatis mutandis.*

- 20.2 *The CEO shall serve on the Board as an ex-officio member, and he will have no vote.*
- 20.3 *The Presidium shall be the substructure of the Board facilitating decision-making where necessary, in the office of ASA. The Presidium shall consist of the President, the Chief Executive Officer and Vice-President.*
- 20.4 *The Board shall meet at least four times per year at the times and at venues determined by the Board.*
- 20.5 *The President shall call a meeting of the Board as provided by Clause 20.4, or if requested to do so by at least three members thereof.*
- 20.6 *Members of the Board shall receive at least 30 days written notice of meetings together with a copy of the agenda.*
- 20.7 *The President will act as Chairperson of all meetings of the Executive Board and in his absence the vice-president will so act. The President's function shall be that of a non-executive President.*
- 20.8 *Each member of the Board has one vote except the CEO, while the chairperson of the meeting will also have a casting vote.*
- 20.9 *Minutes of all meetings of the Board will be sent only to members of the board and must be dispatched within 30 days of the meeting.*
- 20.10 *The Board shall have the power to co-opt any person to serve thereon either in general, or for a definite purpose during a specific meeting, or when dealing with a specific matter.*
- 20.11 *Anyone co-opted under Clause 20.10 shall be allowed to take part in the proceedings and the discussions of the Board but without a vote.*
- 20.12 *At least five voting members present at a Board meeting shall form a quorum. The five shall include at least two chairpersons of Commissions and one member of the Presidium.*
- 20.13 *The activities of the Board are at all times to be transparent and communicated to the members in the form of regular activity reports, and the Board will at all times remain accountable to the members.*
- 20.14 *Members of the Board shall automatically serve in an ex officio capacity on the executive committees of the provincial members of ASA where they reside.*

21. POWERS AND DUTIES OF THE BOARD

In addition to the powers and duties granted to the Board in terms of any provision of the Constitution, alternatively, to the duties imposed on the directors of the Section 21 Company in terms of its Articles of Association, the following further powers shall vest in the Board:

- 21.1 To establish policy and direction in line with the provisions of this Constitution, and to approve the yearly business plan and budget;*
- 21.2 To keep minutes of all Board meetings;*
- 21.3 To appoint, biennially, within six months after the QGM or AGM, all Standing Committees;*
- 21.4 To designate, where desirable, committees or others to investigate and advise the Board in areas of specialist interest, e.g. marketing, media and television;*
- 21.5 To take appropriate action against any member of the athletics family who acts in a manner that brings the sport into disrepute;*
- 21.6 To appoint delegates to various bodies which ASA is affiliated to or is required to send such to;*
- 21.7 To temporarily or permanently suspend any person, club or member who or which is guilty of misconduct of bringing the sport of athletics into disrepute, or to restore the status of such a person, club or member.*
- 21.8 To refer disciplinary matters to ASA's Disciplinary Committee, and to act on recommendations of the Disciplinary Committee.*
- 21.9 To do anything which is in the interest of ASA, provided that it is in keeping with its mission and objectives and complies with the provisions of this Constitution;*
- 21.10 To maintain a head office consisting of officers under the control of the CEO, to perform such functions as ASA may decide;*
- 21.11 To control the financial affairs of ASA and to consider financial statements and in this regard:
 - 21.11.1 To borrow or lend money with the necessary guarantees and conditions;*
 - 21.11.2 To acquire, encumber or dispose of movable or immovable property;**
- 21.12 To open banking accounts for ASA and to draw, receive and endorse cheques, bills of exchange and IOU's in connection with the financial business of ASA;*
- 21.13 To pay out any honoraria, which have been decided;*

21.14 *To agree to the settlement of the travel and subsistence expenses of any person when justified by the circumstances;*

21.15 *To submit to the Annual General Meeting audited financial statements for the previous financial year.*

21.16 *The authority to appoint a CEO.*

21.16.1 *The CEO shall be the executive head of the organization, and is responsible for the financial well being, the image and the marketing of the organisation, as well as the implementation of broad policies and decisions as laid down by the Board. The CEO will report to the Board;*

21.16.2 *The CEO shall be the Chief Administrator, the Chief Protocol Officer and the Chief Development Officer and will be in charge of the administrative functions of the ASA Head Office and will be appointed on a full-time basis by the Board.*

21.17 *All television rights in and to national athletics events (including all events held in South Africa) vest in ASA. This excludes IAAF events.*

22. POWERS AND DUTIES OF THE COUNCIL MEETING

The powers of the direction of the affairs of ASA shall be vested in the Council and, in addition to the powers and duties granted to the Council in terms of any section of this Constitution, the following further powers shall vest in the Council:

22.1 *To do anything which is in the interest of ASA, provided that it is in keeping with its mission and objectives and complies with the provisions of the Constitution and the directives of the Annual General Meeting;*

22.2 *To make rules and regulations as required for the smooth running of the affairs of ASA, subject to ratification by the AGM.*

22.3 *To deliberate on any matters, which may be brought before it, and to make recommendations on the same matters to the AGM.*

23. THE COMMISSIONS

23.1 *Each of the three Commissions shall consist of the following members: -*

23.1.1 *the Chairperson;*

23.1.2 *the Vice-chairperson; and*

23.1.3 *three additional members.*

23.1.4 *At least two members of the Commission shall be women.*

23.2 *Members of the Commissions shall automatically serve in an ex officio capacity on the executive committees, or on corresponding commissions, of provincial members of ASA where they reside.*

SECTION IV

GENERAL PROVISIONS

24. HEAD OFFICE

The head office of ASA shall be situated at the venue decided upon from time to time by the Board.

25. HONORARY MEMBERSHIP

Honorary membership will be awarded to persons who have served athletics with great distinction, subject to the following:-

- 25.1 nominations, along with reports of services rendered by the nominee/s to athletics, shall be required to be approved by the Board irrespective of whether any such nominations emanate from the Board itself or from Provincial Members or Associate Members;*
- 25.2 once nominations will have been approved by the Board, such nominations, together with reports of service, shall then be submitted to members for consideration;*
- 25.3 members shall vote by ballot and only those nominees who have gained 75% of the votes recorded, shall be short-listed for the award;*
- 25.4 the names of the final nominees shall be presented for ratification at the next AGM;*
- 25.5 notwithstanding anything to the contrary in Clauses 25.1 to 25.4 contained or implied, no more than two such awards may be made in each decade from the year 2000 onwards.*

26. FINANCIAL MATTERS

26.1 The financial year-end of ASA shall be 31 December every year.

26.2 Membership Fees

26.2.1 Affiliation and licence fees will be determined by the Board.

26.2.2 Affiliation and licence fees are due on or before the last day of February of every year.

- 26.2.3 *If affiliation fees have not been paid before such date the defaulting member will be automatically suspended from all ASA affairs and shall only be re-instated when the cause for that suspension will have been removed and the Board approved such reinstatement.*
- 26.2.4 *If the amount due is paid, including a penalty equal to half of the member's affiliation fee, the Presidium may lift the suspension.*
- 26.3 *ASA shall not distribute its annual surplus funds among its members, but deal with it as provided for in Clause 26.4 hereunder.*
- 26.4 *ASA is a non-profit organisation and any surplus funds arising shall be used for the benefit of athletics in South Africa.*
- 26.5 *All members of ASA shall submit to the office of ASA their audited financial statements annually, before the AGM of ASA.*

27. RULES PERTAINING TO ATHLETICS EVENTS

- 27.1 *All rights pertaining to athletics events staged under the auspices or within the jurisdiction of ASA shall be vested in ASA subject thereto that such rights may be ceded or sold to ASA members or third parties.*
- 27.2 *All broadcast rights, namely TV, radio, and any other broadcast rights, to any athletics event taking place in South Africa, shall be vested in ASA.*
- 27.3 *The respective members shall have the right to negotiate with regard to the sale of promotional and sponsorship rights thereof, subject to the provisions of this Constitution and ASA Rules and Regulations.*
- 27.4 *All surplus funds derived from any athletics event staged by any person, organisation or member of ASA in the area of jurisdiction of ASA will be used strictly for the promotion and advancement of athletics within that area of jurisdiction of ASA, or as the Board may decide.*
- 27.5 *In a case where a right to organise an event is ceded to a third party, Clause 27.4 shall be strictly enforceable, to ensure that no funds are siphoned out of athletics.*
- 27.6 *No athletes shall be allowed to participate in events sanctioned by ASA (or its members) without valid ASA licences, unless the Board decides otherwise in exceptional cases.*
- 27.7 *The two ASA licence numbers should always be worn one each on the front and back of the athlete's person. No other licences or race numbers may be worn on the athlete's person without ASA's prior approval.*

27.8 *The licence number displayed on the front of the athlete may not be covered unless the right to do so has been bought from ASA.*

27.9 *The organisation of National Track and Field Meets is the sole prerogative of ASA. However, the following exceptions shall apply:*

27.9.1 *If any member of ASA wishes to organise such an event, then they should apply to ASA in writing for permission to do so, giving full motivation for their application.*

27.9.2 *Provinces shall be allowed to host National Track and Field Meets in which not more than three national athletes from the ASA provinces (other than the host province) compete in not more than three of their specialist events. Any exception to this provision shall carry a penalty/penalties as shall be decided upon by ASA.*

27.10 National Championships

27.10.1 *ASA shall hold the following national championships:*

27.10.1.1 *Cross Country;*

27.10.1.2 *Road Running; and*

27.10.1.3 *Track and Field.*

27.10.2 *All provincial members of ASA shall be obliged to present teams at national championships.*

27.10.3 *Except in exceptional circumstances as shall be determined by the Board, only South African citizens may take part in national championships.*

27.11 Inter-provincial Competition

27.11.1 *Any provincial member of ASA may host an inter-provincial competition.*

27.11.2 *To host an inter-provincial the member shall timeously apply for permission from ASA.*

27.12 *Only Provinces of ASA, Associate Members of ASA and athletics clubs may organize/stage athletics events. This includes fun runs and walks.*

27.13 International Events

- 27.13.1 *All international events shall be organized or staged by ASA. However, ASA may cede the right to do so to a member province.*
- 27.13.2 *Where ASA cedes the right to a member province, subject to certain conditions being met by the member province, the member province may be required to pay a sanction fee.*

28. ATHLETES' REPRESENTATIVES AND MEET PROMOTERS

- 28.1 *ASA shall specifically prescribe rules, regulations and guidelines for the control, protection and registration of athletes' representatives and meeting promoters.*
- 28.2 *An Annual fee as shall be decided by the Board shall be payable by Athletes Representatives.*
- 28.3 *A contract between an athlete and an Athletes' Representative is of no force or effect unless the Athletes' Representative is registered with ASA and such contract has been endorsed by ASA.*
- 28.4 *No athlete will be granted ASA's consent to use an Athletes' Representative, and no Athletes' Representative shall be authorised, unless a written contract exists between the athlete and his/her Representative which contains the minimum terms set out in the IAAF Regulations concerning Federation/Athletes' Representatives.*
- 28.5 *No meeting promoter may organise an event of athletics without the express permission of ASA.*
- 28.6 *Athletes' Representatives are to be licensed by ASA and as a pre-requisite to becoming so licensed, all Athletes' Representatives are required to commit themselves to observe faithfully all ASA's Rules and Regulations and its Constitution. Failure so to commit themselves will result in ASA refusing to give the required endorsement to the contracts referred to in Clauses 28.3 and 28.4.*

29. RULES AND REGULATIONS

- 29.1 *In addition to the provisions of the Constitution the Board shall make such rules and regulations as may be required for the smooth running of the affairs of ASA.*
- 29.2 *Such rules and regulations may be varied, amended or rescinded only by:-*
- 29.2.1 *an Annual General Meeting; or*
- 29.2.2 *a Special General Meeting convened for this purpose.*

29.3 *The Board shall be the interpreter of the ASA Rules. Where no provision exists in the Rules for any particular matter to be dealt with, the IAAF constitution and/or Rules and/or Guidelines shall apply and be invoked mutatis mutandis. All matters not provided for under IAAF or ASA Rules shall be decided by the Board. Decisions in matters of legislation shall become operative only after the approval of the Annual General Meeting has been given.*

29.4 *The Domicilium Rule*

29.4.1 *A club shall only be a member of an ASA province wherein the club's offices are located.*

29.4.2. *An athlete shall only represent the ASA province wherein he/she is domicile.*

29.4.3 *With the exception of a National Athlete, an athlete shall only be a member of a club if the athlete and the club are both domicile in the same ASA province.*

29.4.4 *A National Athlete may belong to a club of his/her choice anywhere in South Africa, but he/she will only represent an ASA province where he/she is domicile.*

29.4.5 *No athlete may relocate from one province to another without being in possession of a written clearance certificate from his former province entitling him to compete in the new province. Failure to obtain such a clearance certificate shall render the athlete ineligible to compete in the new province.*

29.5 *Other than in an exceptional case, or where a club has received no co-operation from the province, the club shall have no right to communicate directly with the office of ASA, except through the province.*

29.6 *An athlete may communicate directly with the office of ASA only in exceptional cases where he has not received cooperation both from his/her club and his/her province.*

29.7 *Officers of ASA will serve on the Board, Commission and Committees of ASA only in an ex-officio capacity.*

29.8 Amendments to the Constitution

29.8.1 Non-Technical Rules

Non-technical Clauses are Clauses that do not relate to technical rules.

29.8.1.1 A proposal to amend the Constitution shall be submitted to the CEO by a Member, at least forty five (45) days prior to the AGM at which it is to be considered. All proposals shall be sent by the CEO to all members at least thirty (30) days before the AGM. Amendments submitted by the Commissions and Committees, will not be considered;

29.8.1.2 To be accepted, any such proposals must obtain two thirds of the votes cast, which two-thirds must also represent at least one-half of the aggregate voting power of all Members of ASA (a special majority);

29.8.1.3 Any subsequent necessary alterations to the wording of statutes passed by the AGM can only be made by the President (or a Board Member nominated by him/her for this purpose), or by the CEO, and this provided no material change to the decision of the AGM is made.

29.8.1.4 Non-technical amendments to the Constitution may only be submitted by the Provinces, the Associate Members and the Board.

29.8.2 Technical Rules

29.8.2.1 A proposal (unless this is proposed by the Board, Committees or Commissions) to amend any technical rule, shall be submitted to the CEO at least forty five (45) days prior to the AGM at which it is to be considered. A proposal to amend a technical rule may be submitted by a Member, or the Board, or a member of the Board, or a Commission or any Standing Committee;

29.8.2.2 Except in exceptional circumstances, amendments to the technical rules will only be considered after approval by the Commission concerned;

29.8.2.3 A report containing the recommendations of the Technical Committee, and the Commission concerned shall be circulated to all Members at least thirty (30) days before each AGM;

- 29.8.2.4 *Where the Board has exercised its power to amend a technical rule or any other rule as an urgent matter, such amendment must also be reported to and confirmed by the next AGM;*
- 29.8.2.5 *When an amendment to a technical rule is adopted by the AGM, a fixed date for the operation of the amendment must be stated, such date to allow adequate time for all members to put the amendment into operation simultaneously; and*
- 29.8.2.6 *Any subsequent necessary alterations to the wording of technical rules passed by the AGM can only be made by the Chairperson of the Technical Committee (or by a member of the Technical Committee nominated by him/her for this purpose) or by the CEO, and this, provided no material change to the decision of the AGM is made.*
- 29.9 *Any amendment of the rules and regulations shall be entered in the minutes of the particular meeting at which such amendments have been passed. If the minutes have been duly circulated, as provided for in the Constitution, this shall be deemed sufficient notice of such amendments.*
- 29.10 *No rule or regulation may be in conflict with this Constitution.*
- 29.11 *All members of ASA, the clubs, associations or bodies or persons affiliated to them shall:*
- 29.11.1 *be obligated to observe and accept the rules and regulations of ASA;*
- 29.11.2 *furnish any information required by the Board in connection with any matters falling within the jurisdiction of members' activities;*
- 29.11.3 *not introduce any amendments or additions to their constitutions, which are incompatible with the rules and regulations of ASA, and/or;*
- 29.11.4 *not communicate directly with SASCOC IAAF, CAA and SRSA, , other than through the medium of ASA.*
- 29.12 *To the extent to which the rules of the IAAF and any amendments to such rules are applicable to ASA, they shall likewise apply to all activities conducted under the auspices of ASA.*
- 29.13 *The office of ASA shall communicate with a province only through the province's registered (with ASA) office. The ASA office will not officially communicate directly with individuals, athletes, clubs, Commissions or*

Committees in a province, except the provincial member's good office, and vice versa, save and except in cases where the provisions of Clauses 29.5 and 29.6 above apply.

- 29.14 *ASA reserves the right, at its own discretion, to communicate with any of its members (including athletes, clubs, officers and office bearers of its members) as it deems necessary.*
- 29.15 *ASA has concurrent jurisdiction over all its members (including athletes, clubs, and officers of all its members).*
- 29.15.1 *In terms of this jurisdiction, ASA has the right to take any appropriate disciplinary action against any of its members (including athletes, clubs and officers of its members).*
- 29.16 *ASA shall only recognize Constitutions of Members which Constitutions have been approved by ASA.*
- 29.17 *All the structures and substructures of ASA and its members shall reflect the demographics of our country, and shall be gender sensitive.*
- 29.18 *In order to facilitate transformation, the provincial members of ASA shall subscribe to the following code:*
- 29.18.1 *All provincial structures and substructures shall guarantee equal representation for people from former establishment and non-establishment sectors.*
- 29.18.2 *This code shall be enshrined in the provincial member's constitution.*
- 29.18.3 *This code shall remain a temporary measure to ensure that transformation is irreversible.*
- 29.18.4 *The Member Province shall remove the provisions of this code from its Constitution only when athletics in the Province shall have been fully transformed.*
- 29.18.5 *Athletics shall be deemed to be fully transformed in the Province as and when a reasonable balance exists between the number of clubs in the previously disadvantaged townships and/or villages, and the number clubs in the town/city or suburbs in the Province.*
- 29.18.6 *The provisions of this code shall be removed from the member's constitution only with ASA's written approval.*

-
- 29.19 *All provincial teams to all ASA's national championships or inter-provincials shall at least reflect the following demographics: -*
- 29.19.1 *All senior teams shall reflect a 40:60 (black:white) demographic balance.*
- 29.19.2 *All junior teams shall reflect a 50:50 (black:white) demographic balance.*
- 29.19.3 *All youth teams and under shall reflect a 60:40 (black:white) demographic balance.*
- 29.20 *All provincial members of ASA shall hold provincial championships similar to those held by ASA.*
- 29.21 **National Super Club**
- 29.21.1 *ASA shall determine the criteria / conditions to be met by athletes who would like to be members of the national super club.*
- 29.21.2 *Membership of the national super club shall not be made compulsory.*
- 29.21.3 *Members of the national super club may reside in any province of their choice.*
- 29.21.4 *The national super club will operate like any other club save that it will draw its membership nationally.*
- 29.21.5 *At the ASA championships members of the national Super Club shall represent provinces wherein they are domiciled.*
- 29.22 **Provincial Super Club**
- 29.22.1 *Provincial members of ASA shall have the right to establish provincial Super Clubs.*

30. INTERPRETATION

- 30.1 *Subject to the provisions of this Constitution, decisions of the AGM concerning the validity of any provision of this Constitution shall be final and binding.*
- 30.2 *Difficulties concerning situations not provided for in the Constitution shall be submitted in writing to the CEO and shall be investigated and reported upon by the Board before it is placed on the agenda of the next AGM. The decision of the AGM shall be final and binding.*

- 30.3 *Notwithstanding anything to the contrary contained in this Constitution, in the event that any of the provisions hereof are in conflict with the Memorandum and Articles of Association of the Section 21 Company or the Companies Act, Act No. 61 of 1973 (as amended) then, the provisions of the ASA Section 21 Company or the Companies Act, as the case may be, shall prevail;*

31. DISPUTES

- 31.1 *All disputes between Members, or between a Member and ASA, or between a Member and an Athlete, or between an Athlete and ASA, or between an Athlete and the IAAF, or between the Athlete and the CAA, however arising, shall be referred to arbitration for determination within ninety (90) days of the date upon which the disputed decision was made.*
- 31.2 *A reference shall not be accepted by the Arbitration Foundation of South Africa (AFSA) until it is determined: -*
- 31.2.1 *that a dispute exists or is declared, and*
- 31.2.2 *that all remedies have been exhausted under ASA's Constitution, to resolve the dispute.*
- 31.3 *Disputes will be heard by an Arbitrator or Arbitrators appointed by the AFSA, within thirty (30) days of the dispute being referred to it, and in terms of the rules of the AFSA.*
- 31.4 *The decision of the Arbitrator or Arbitrators appointed by the AFSA shall be final and binding on all parties, and on all members of ASA, including athletes and clubs.*
- 31.5 *The further procedures and fees payable for the hearing of disputes will be prescribed by the Board of ASA.*
- 31.6 *No members of ASA, or their members, shall have the right to impose a sentence exceeding two (2) years in disciplinary matters.*
- 31.7 *All disputes affecting members involving athletes, athlete support personnel or other persons under its jurisdiction, however arising, whether doping or non-doping related matters, shall be submitted to a Hearing before ASA's Disciplinary Committee or otherwise authorised by ASA. Such a Hearing shall respect the following principles:*
- 31.7.1 *A timely Hearing before a fair and impartial Hearing body;*
- 31.7.2 *The right of the individual to be informed of the charge against him;*
- 31.7.3 *The right to present evidence, including the right to call and question witnesses;*

31.7.4 *The right to be represented by legal counsel and an interpreter (at the individual's expense; and*

31.7.5 *The right to a timely and reasoned decision in writing.*

31.8 *Any dispute arising between ASA and the IAAF shall be referred to the IAAF Council. The IAAF Council shall determine a procedure for the adjudication of the dispute depending on the circumstances of the case in question.*

31.9 *All disputes with ASA and another IAAF member shall be referred to the IAAF Council. The Council shall determine a procedure for the adjudication of the dispute depending on the circumstances of the case in question.*

32. APPAREL

32.1 *The badge and colours of ASA will be as decided upon by the AGM from time to time.*

32.2 *The emblem and colours to be used for national teams will be the national emblem and colours decided by SASCO.*

32.3 *The anthem to be used, if and when required, will be the National Anthem of South Africa.*

33. AMENDMENTS TO THE CONSTITUTION

33.1 *The Constitution may be amended only at an Annual General Meeting or at a Special General Meeting convened for this purpose.*

33.2 *Notice of any proposed amendments shall appear on the agenda in accordance with the procedure laid down in Clause 29.8.*

33.3 *The notice shall specify which Clause of the Constitution it is proposed to amend and shall indicate clearly what should be omitted or inserted.*

33.4 *The Constitution may be amended according to the provisions of Clause 29.8.1.2.*

33.5 *Any amendments to the Constitution shall take effect before the conclusion of the meeting unless the meeting decides otherwise with a two-thirds majority.*

34. DISSOLUTION OF ASA

The dissolution of ASA may be effected only in terms of the provisions of Clauses 12, 13 and 15, provided that the following stipulations are met:-

- 34.1 *an interim committee be appointed to finalise the affairs of ASA;*
- 34.2 *such interim committee be constituted by two members of the Board, the Manager of ASA's official bank, and the CEO.*
- 34.3 *The official archives of ASA will be placed in the care of the State Archives in terms of the provisions of section 13 (l) (B) of the Fund Raising Act, No 107 of 1978 as amended from time to time;*
- 34.4 *The assets and liabilities of ASA will be divided amongst the members of ASA on a basis to be determined by the official auditors of ASA or be transferred to a body with similar Aims and Objectives as ASA.*

35. AUTHORITY OF THIS CONSTITUTION

- 35.1 *This Constitution supersedes any constitution of a member or club in so far as it is in conflict with it.*
- 35.2 *The provisions of this Constitution shall supersede provisions of any rules and regulations contained in any other ASA's official documents, in so far as they are in conflict with them.*
- 35.3 *If and when ASA is transferred to the Section 21 Company ASA, lock, stock and barrel, together with its assets and liabilities, the provisions of this Constitution and any subsequent amendments thereto shall be incorporated into and become part of the Articles of Association of that Section 21 Company, including the current and future ASA Rules and Regulations.*

36. AUTHORITY OF THE IAAF RULES

Any provision in this Constitution that is in conflict with IAAF rules will be superseded by such rules, as amended from time to time.

SECTION V

SCHEDULES

37. SCHEDULES

37.1 *Schedule A.*

SCHEDULE A

Of the Constitution of Athletics South Africa

THE ROLE OF THE COMMISSIONS

1. RULES AND REGULATIONS GOVERNING COMMISSIONS

- 1.1 *ASA shall have four Commissions, namely a Cross Country Commission, a Track and Field Commission, a Road Running Commission and an Athletes Commission.*
- 1.2 *The Commission shall remain an integral part of ASA, and they shall therefore have no standing, legal and otherwise, separate to that of ASA.*
- 1.3 *The Commissions shall have no constitutions of their own and they shall hold neither AGMs nor Council Meetings of their own.*
- 1.4 *Commissions shall have no other power except those powers derived from ASA.*
- 1.5 *The primary role of the Commissions is that of planning, technical input and guidance with specific rules and regulations regarding that particular Commission.*
- 1.6 *The Commissions shall meet at least twice a year.*
- 1.7 *All funds raised for a specific Commission will be used for that Commission. All surplus funds accruing to a given Commission will be carried forward for the use of that Commission.*
- 1.8 *The Commissions will have the right to co-opt members subject to ratification by the Board.*
- 1.9 *The CEO will serve on the Commissions in the same capacity in which he serves on the Board.*

2. DELEGATION OF POWERS

- 2.1 *Subject to the overall authority of the Board the organisation of the particular discipline of athletics delegated in respect of Athletics South Africa and unless otherwise determined by the Board, the terms of reference of such Commissions are set out in this Schedule.*
- 2.2 *For the purpose of such organisation the Commissions shall be allocated an operating budget determined by the Board in consultation with the Commissions.*

3. POWERS OF THE COMMISSIONS

Each Commission shall manage the functions of its particular discipline of athletic delegated to it from time to time by the Board, including: -

- 3.1 To co-operate with and provide guidance to the provincial commissions to further the development of the particular discipline of athletics.*
- 3.2 To organise in consultation with the Board, ASA's Championships, international matches, team selection trials for international events and any other events as may become necessary.*
- 3.3 To select competitors to represent ASA in international competitions and to propose team managers of any team of competitors so selected, subject to the exclusive right of the Board to approve such.*
- 3.4 To maintain nationally any section of the Competition Rules relating to the particular discipline of athletics and ensure compliance therewith.*
- 3.5 To ensure compliance with national and international rules of doping control in events organised under auspices of ASA.*
- 3.6 To provide advice to event organisers and assist in the coordination of the particular discipline of athletics fixtures.*
- 3.7 To catalogue ASA's national records and performances.*
- 3.8 To establish and maintain standards and practices nationally relating to the particular discipline of athletics.*
- 3.9 To co-operate and collaborate with ASA Development Foundation in furtherance of the national development of athletics.*
- 3.10 To draw up and enforce regulations for the organisers of events subject to the approval of the Board, but no such regulations shall contravene a provision of the Competition Rules.*

4. PROCEEDINGS OF THE COMMISSIONS

- 4.1 Not less than 21 (twenty-one) clear day's notice of all meetings shall be given to all members of the Commission entitled to attend thereat. Such notice shall be sent to their respective addresses as registered with the office of ASA.*
- 4.2 At least 3 (three) members present, including the Chairpersons or the Vice Chairperson, will form a quorum at Commission meetings.*

- 4.3 *The Chairperson of the Commission, or any three members of the Commission, may through the Chairperson, call an emergency meeting at any time on a notice of at least 7 (seven) days.*
- 4.4 *Issues arising at any meeting shall be determined by a majority of votes and in the case of an equality of votes, the presiding member shall have a casting vote.*
- 4.5 *If the Chairperson of the Commission is not present at the start of a meeting, the Vice Chairperson shall chair the meeting.*
- 4.6 *The Commission shall lodge a copy of the minutes of each of its meetings with the CEO.*
- 4.7 *Except where otherwise herein provided, the Commissions shall determine their own procedures and methods for as long as such procedures and methods comply with provisions of the Constitution of Athletics South Africa.*
-