



CONSTITUTION OF **ST ANDREW'S** **DRAGONS**

(IN ASSOCIATION WITH AQUASKILL ACADEMY)

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ANNEXURES

“A” MEMBERSHIP AGREEMENT

“B” ST ANDREW’S DRAGONS CODE OF CONDUCT

1. TITLE

- 1.1 The Club shall be called the St Andrew’s Dragons (hereinafter “the Dragons”) and shall operate in association with Aquaskill Academy, a registered provider of instruction in water safety and “learn to swim” initiatives and general swimming activities;
- 1.2 The Dragons will be an affiliated member of Swimming South Africa (SSA), which it recognises as the sole governing body of swimming, diving, water polo, synchronised swimming, masters and open water swimming & *learn to swim* initiatives nationally;
- 1.3. The Dragons shall have perpetual succession and shall continue to exist notwithstanding changes in membership and office-bearers;
- 1.4. The Dragons shall exist in its own right separate from its members.

2. DEFINITIONS

The following definitions shall apply in this Constitution. The titles used in this document are to be used for reference purposes only and are not to be used in the interpretation of said titles.

- 2.1 'Dragons' shall mean the St Andrew's Dragons in association with Aquaskill Academy;
- 2.2 'Aquatic discipline' shall mean masters and/or open water swimming and/or swimming;
- 2.3 'Constitution' shall mean this Constitution and its provisions, the Annexures hereto, Bye-Laws and due decisions and /or orders arising therefrom, as amended from time to time;
- 2.4 'Members' shall mean the individual registered swimmers of the Dragons who are bound by this Constitution and Annexure "A" and "B" hereto;
- 2.5 'CGA' refers to Central Gauteng Aquatics;
- 2.6 'SSA' refers to Swimming South Africa;
- 2.7 'Competition' refers to a CGA and/or SSA and/or St Andrew's School for Girls sanctioned event, meeting, camp, clinic, tour or the like;
- 2.8 'Code of Conduct, refers to the Code of Conduct as amended from time to time, as set out in Annexure "B" hereto and which will be signed by all members of the Dragons;
- 2.9 'Disciplinary Enquiry' refers to an enquiry and/or investigation and/or hearing into the conduct and/or misconduct of any of it's members including but not limited to the members of the Executive Committee and/or the Coaching and support staff of the Dragons;
- 2.10 'Days' refer to calendar days which are inclusive of weekends and public holidays.

3. OBJECTIVES

The objectives of the Dragons are to:

- 3.1 control and promote all aquatic disciplines provided at the St Andrew's School for Girls amongst the school pupils and surrounding areas;
- 3.2 ensure that its members have a healthy respect for the Rules governing their aquatic disciplines and promote an environment where the members are gracious in defeat and modest in victory;
- 3.3 encourage the members through participation, to set and achieve formulated short, medium and long term goals;
- 3.4 encourage the development of self discipline and time management skills amongst its members;
- 3.5 provide an environment in which every member can attain and develop their true potential, both mentally and physically, through hard work and persistence;
- 3.6 ensure a drug free sport.

4. MEMBERSHIP

- 4.1 Each individual member acknowledges that SSA is the only recognised body in South Africa which governs the aquatic disciplines and that he/she is bound by the provisions of the Constitution of SSA;
- 4.2 Each individual member further acknowledges that CGA is the only recognised body in Central Gauteng which governs the aquatic disciplines and that he/she is bound by the provisions of the Constitution of CGA;
- 4.3 In registering with the Dragons, the individual member will be bound by the dictates of the Membership Agreement and Code of Conduct attached as Annexure “A” and “B” respectively. The said annexures read with this Constitution govern the rights and obligations of all members and stakeholders and must be adhered to at all times;
- 4.4 All applications for membership shall be made in writing in the prescribed form – Annexure “A” and must be accompanied by the prescribed application fee (said fee shall be refunded if the application is not approved). All applications shall be assessed and approved/declined by the Head Coach in his sole discretion;
- 4.5 The prescribed application and membership fees shall be determined annually by the Executive Committee of the Dragons and published at its Annual General Meeting;
- 4.6 All Members shall be liable for and pay an annual subscription fee. The annual subscription fee payable by the Members shall be determined by the Executive Committee prior to the commencement of the forthcoming season, and shall be payable in advance by not later than 31 May in each year. The subscription fee is valid for the relevant season which season runs from 21 May to 20 May of the following year;
- 4.7 All Members shall be liable for and pay a monthly membership fee. The monthly membership fee payable by the Members shall be determined by the Executive Committee prior to the commencement of the forthcoming season and published at the Annual General Meeting. All payments of the monthly membership fees must be made in accordance with the dictates of Annexure “A”;
- 4.8 Failure to effect payment of the subscription fee and/or membership fee referred to above will cause all rights and privileges arising from membership with the Dragons to be suspended until all arrears due to the Dragons have been paid in full;
- 4.9 Notwithstanding anything herein contained, a Member who fails to pay his/her annual subscription by 31 May following the season for which the subscription was due, shall, ipso facto, be removed from membership and may only be re-admitted on the Member making an application to the Executive Committee for reinstatement, which shall not be considered until the applicant has made payment of all arrear and current amounts owed by it to the Dragons;
- 4.10 Any Member who may want to withdraw his/her membership must give written notice thereof as set out in Annexure “A”. The notification will be considered and the outcome given in accordance with the governing rules. No refunds will be given if the termination is accepted;
- 4.11 The Dragons shall have the power to expel a Member for violation of its Constitution and /or Code of Conduct and/or Membership Agreement. The respective Member will be allowed to appeal such a decision as set out hereunder.

5. ADMINISTRATION

- 5.1 The affairs and management of the Dragons shall be conducted by an Executive Committee consisting of:

- 5.1.1 The Chairperson;
- 5.1.2 The Vice Chairperson;
- 5.1.3 The Secretary;
- 5.1.4 The Treasurer.

The Committee may co-appoint any Member onto the Committee with a maximum of four Members who must be nominated at the Annual General Meeting.

- 5.2 The Executive Officers of the Dragons shall hold office for a period of one year and shall be elected at the Annual General Meeting of the Dragons. There will be no restriction on the number of terms which an Executive Member may serve on the Committee;
- 5.3 All Members and the current Executive Members shall have the right to nominate Executive Officers. The written acceptance of the nomination by each nominee, other than retiring officers, shall be furnished by the Member making the nomination. All nominations shall be given to the Secretary fourteen (14) days before the Annual General Meeting;
- 5.4 No nomination will be accepted by the Secretary unless a signed acceptance document accompanies the nomination;
- 5.5 The elected Executive Officers of the Dragons shall constitute the Executive Committee;
- 5.6 All decisions shall be made on a simple majority of votes and the Chairman shall in addition to his/her deliberative vote, also have a deciding vote;
- 5.7 Should any Executive Officer absent himself/herself from three consecutive meetings of the Executive, after having received due notice of such meetings and without special leave of absence, his/her office shall, ipso facto, be deemed to be vacant;
- 5.8 A full record of the proceedings in the form of Minutes of all Meetings shall be kept by the Secretary;
- 5.9 The Minutes of Meetings shall be circulated to all Executive Officers ten (10) days before the next meeting;
- 5.10 The Committee shall meet at least once every month to conduct the affairs of the Club.

6. POWERS AND DUTIES OF THE EXECUTIVE

The powers and duties of the Executive shall be to:

- 6.1 arrange for the proper conduct and management of the affairs of the Dragons;
- 6.2 deal with all matters of a routine nature during the periods between the General Meetings;
- 6.3 purchase such items as may be reasonably required for the purpose of carrying on the affairs of the Dragons;
- 6.4 deal with all cases of misconduct, provided, however, that any decision so given by the Executive in terms hereof shall be subject to an appeal;
- 6.5 conduct, institute or defend legal proceedings on behalf of the Dragons;

- 6.6 appoint delegates to represent the Dragons at congresses or meetings;
- 6.7 indemnify the Executive Officers, in their personal capacities and/or in their capacities as Executive Officers hereby, and shall hereafter be, indemnified against, and free from personal liability for, the actions and/or debts and /or liabilities, contractual and/or dilictual and /or otherwise of the Dragons;
- 6.8 appoint Executive Officers to fill any vacancies which occur between General Meetings;
- 6.9 discuss and make decisions on all matters assigned to them during the General Meetings;
- 6.10 interpret and enforce the Rules of FINA, SSA, and CGA subject to confirmation at the next General Meeting;
- 6.11 decide and take action on any matter pertaining to the affairs of FINA and SSA, subject to confirmation at the next General Meeting.
- 6.12 submit proposals to the General Meetings;
- 6.13 decide on and publish payment of any financial obligations;
- 6.14 act in any case of emergency and make decisions in case of emergencies, subject to ratification by the General Meeting at its next meeting;
- 6.15 ensure that the accounts of the Dragons are audited by auditors appointed by the Executive Committee at the Annual General Meeting;
- 6.16 attend to all appeals;
- 6.17 submit at the Annual General Meeting a written report of the past year's activities.

7. MEETINGS

7.1 GENERAL MEETINGS

- 7.1.1 The Annual General Meeting of the Dragons shall be held each year, on a date to be decided upon by the Executive Committee, during the month of May. The date of such Meeting shall be advised by Executive Committee not less than fourteen (14) days before the scheduled date of the Meeting;
- 7.1.2 A quorum at all Annual General Meetings shall consist of not less than 20% (TWENTY) of the Members. In the event of a quorum not being achieved, the Meeting will be postponed to the same time and day, seven (7) days after the initial date and the Members present at such Meeting will then be regarded as forming a quorum;
- 7.1.3 At General Meetings:
 - 7.1.3.1 A full record of the proceedings in the form of Minutes, of all General, and other Meetings shall be kept by the Secretary;
 - 7.1.3.2 Copies of the Minutes of all General Meetings shall be forwarded to the Secretary as early as possible, but not later than ten (10) days before the date of the next Meeting;

- 7.1.3.3 The Minutes of the Annual General Meeting shall be noted at the next Executive Meeting and confirmed at the following Annual General Meeting;
- 7.1.3.4 The Minutes shall be read at the next General Meeting of the Dragons as signed by the Chairman of that Meeting;
- 7.1.3.5 General Meetings shall be held at least once a month and additional General Meetings may be held whenever considered necessary by the Executive, and shall be held, upon receipt of a requisition signed by not less than four (4) Members;
- 7.1.3.6 Fourteen (14) days clear notice of all General Meetings shall be sent to all Members, together with the Agenda to be dealt with at the Meeting;
- 7.1.3.7 If within fifteen minutes from the time appointed for any General Meeting a quorum is not present, the Meeting shall stand adjourned to the same time and day, seven (7) days after the initial day for a quorum to be present. On such adjourned day the Members present will constitute a quorum;
- 7.1.3.8 The Chairman, with the consent of the Meeting, may adjourn any meeting from time to time. When such adjourned Meeting is reconvened, only such business remaining unfinished shall be transacted;
- 7.1.3.9 No resolution shall be rescinded at the same Meeting unless a motion is carried by a two-thirds majority of the members present and eligible to vote;
- 7.1.3.10 The constitution may be changed by a notice of motion proposing such change. The proposed motion for change of constitution has to be agreed upon, and passed by, not less than two thirds of the members who are present and eligible to vote at the Annual General Meeting or Special General Meeting, in order to be accepted;
- 7.1.3.11 The Dragons Executive shall be advised of all Notices of Motion to amend a Constitution at least Twenty One (21) days prior to the General Meeting, together with the Agenda to be dealt with at the Meeting at least fourteen (14) days prior to such meeting. Such notice of meeting shall indicate the proposed changes to the Constitution that shall be discussed at such meeting;
- 7.1.3.12 The voting papers at the Annual General Meeting are to be retained by the Secretary and the nominees with the next highest number of votes shall be co-opted to by the Executive in the case of the dismissal or resignation of a member. The voting papers at the Annual General Meeting are to be counted, and then scrutinised by a separate counting team, before the names of the successful candidates are announced.

7.2 SPECIAL MEETINGS

- 7.2.1 A Special Meeting may be called by the Executive, or on a written requisition by not less than ten (10) Members;
- 7.2.2 The Secretary shall give fourteen (14) days written notice of such a meeting which shall be held within twenty one (21) days of receipt of the requisition;
- 7.2.3 At such meeting no business shall be conducted other than specified in the notice of meeting.

8. **FINANCE**

- 8.1 The Treasurer shall keep proper books of account which shall be audited annually by auditors appointed by the Executive Committee. The financial year shall terminate on the 30th April each year, after which the Treasurer shall frame a Balance Sheet and Income and Expenditure Account, and after audit, a copy thereof shall be presented at the Annual General Meeting;
- 8.2 The Treasurer shall forward to CGA by the 30th September of each year a copy of their Annual Accounts and Balance Sheet;
- 8.3 No profits or gains shall be distributed to any person and the funds of the Dragons shall be utilised solely for investment or for the purposes for which it has been established;
- 8.4 The Dragons may refund all necessary expenses incurred by any members thereof whilst engaged in work on its behalf or grant any sum to any officer or officers in recognition of services rendered;
- 8.5 Upon dissolution of the Dragons, the remaining assets after payment of all debts shall be given or transferred to any approved public benefit organisation, within the Republic of South Africa, which is itself exempt from income tax in terms of Section 30 of the Income Tax Act;
- 8.6 The Dragons shall open and maintain an account with a registered commercial bank and the account shall be operated upon the signature by any two of Executive Members, one of whom must be the Treasurer;
- 8.7 The funds of the Public Benefit Organisation will be used solely for the objects for which it was established, or shall be invested with
 - 8.7.1 a financial institution as defined in Section 1 of the Financial Services Board Act, 1990 (Act 97 of 1990)
 - 8.7.2 in any listed financial instrument of a company contemplated in paragraph (a) of the definition of "listed companies" or
 - 8.7.3 in such other prudent investments in financial instruments and assets as the Commissioner may determine after consultation with the Executive Officer of the Financial Services Board and the Director Non-Profit Organisations.
- 8.8 No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with its objects.

9. **SANCTIONS**

- 9.1 Any Member may be sanctioned
 - 9.1.1 in the case of violation of the Constitution and/or Code of Conduct and /or decisions by the Executive Committee; **and/or**
 - 9.1.2 for bringing the sport and/or the Dragons name and reputation into disrepute

9.2 Sanctions shall be imposed by the Executive Committee of the Dragons and may consist of one or more of the following:

9.2.1 Warning; **and/or**

9.2.2 Fine; **and/or**

9.2.3 Suspension; **and/or**

9.2.4 Expulsion

9.3 Sanctions shall be enforced immediately upon the decision being made by the Executive Committee;

9.4 The Secretary, shall notify the Member of the sanctions imposed;

9.5 A Member sanctioned by the Executive Committee may appeal to the Executive Committee not later than one month after the sanction has been submitted by the Secretary. Whilst the Member is waiting for the appeal to be heard, he/she may not participate in any of the SSA and /or CGA activities, unless special permission, in writing, has been granted by the Executive Committee.

10. DISQUALIFICATION/SUSPENSION

Any sentence of disqualification and/or suspension by the Executive Committee must be sent by the Secretary of the Dragons to the Secretary of CGA immediately after the meeting at which they were resolved upon. The Secretary of the CGA shall notify the Secretaries of the other Affiliated Members.

11. APPEALS

11.1 Any Member may appeal to the Dragons against any decision of the Executive given in terms of Clauses 4 and/or 9;

11.2 All appeals lodged with the Dragons must be submitted in writing to the Secretary setting forth the facts, accompanied by extracts, or copies of all documents quoted, or relating to the case, and such other particulars as may be thought necessary;

11.3 All appeals must be lodged with the Dragons within fourteen (14) days of receipt of the imposed sanctions;

11.4 The Dragons, on receipt of an appeal against disciplinary action taken, may at its discretion alter such decision and/or increase or decrease the penalty imposed;

11.5 All Appeals shall be heard by the Executive of the Dragons at its next Executive Meeting.

12. COLOURS

The colours and logo of the Dragons have been determined and agreed to be a Red Dragon supported by the words St Andrew's Dragons. The words in Association with Aquaskill Academy are included in red trimming. It is agreed that the combination of black, light blue, royal blue and white will constitute the Clubs' colours. All equipment and Members gear must bear the aforesaid colours and logo and it is recorded that any designs of the team clothing and relevant gear will be scrutinised by the Executive before a well considered decision is made. Once a decision is made in this regard the Members must wear the agreed apparel at competitions.

13. INTERPRETATION

The interpretation of this Constitution and/or its Annexures or any other question not provided for herein, shall be referred to the Dragons for decision by a two-thirds majority of those present and voting at a General Meeting, which decision shall be binding.

14. DISSOLUTION

14.1 The Dragons may be dissolved by a resolution passed at a Special General Meeting called for that purpose, provided that such resolution is passed by a majority of two thirds of the Members present and entitled to vote at such a meeting and such resolution is confirmed at a Special General Meeting held not less than thirty (30) days thereafter, by a majority vote of Members entitled to be present and vote thereon;

14.2 Upon its dissolution, the assets of the Dragons remaining after the satisfaction of all its liabilities shall be donated or transferred to some other association or institution having objectives similar to the objectives of the Dragons, to be determined by the members of the Dragons at the Second Special General Meeting, failing such determination, by the Court.

15. ACCEPTANCE

By signing this document, the person signing same acknowledges that he/she has read, understood and agreed to the dictates contained in this document as well any annexure or addendums hereto and that failure to said dictates may lead to the Sanctions referred to hereinabove to be imposed.

I, THE UNDERSIGNED -----

IN MY CAPACITY AS MEMBER / PARENT OF MEMBER / LEGAL GUARDIAN OF MEMBER,

WITH MY SIGNATURE HERETO, CONFIRM THAT I HAVE READ THE CONSTITUTION OF THE DRAGONS AS WELL AS ALL ANNEXURES AND/OR ADDENDUMS THERETO AND THAT I UNDERSTAND ITS DICTATES AND UNDERTAKE TO ABIDE THEREBY.

SIGNATURE: -----

DATE: -----

PLACE: -----

