

ROWING SOUTH AFRICA



## **The Constitution**

17th November, 2012

<b>Table of Content:</b>	<b>Page</b>
1. Name	2
2. Constituent Members	2
3. RowSA Mission	2
4. The Council	3
5. Executive Committee	3
6. Office Bearers and Functions of Commissions	5
7. Meetings	7
8. Notice of Meeting	8
9. Quorum at Meetings	8
10. Annual General Meeting of the Council – Agenda and Procedure	8
11. Voting at Meetings	9
12. Distribution of Minutes	9
13. Financial Year	9
14. Headquarters	9
15. Finance	9
16. Membership Fees	10
17. Application of Membership	10
18. Non-Payment of Membership Fees or Levies	10
19. Constitution and Finance of Constituent Members	11
20. Trading	11
21. Amendments to Constitution, Bye-Laws and Rules of Rowing and Racing	12
22. Dissolution	12
23. Flag, Badges and Logo	12
24. Disciplinary Procedure	12
25. Disputes	12
26. Umpires and other Officials	13
27. Coaches	13
28. Binding Constitution	13
29. Approval of new Constitution.	13
30. Appendixes A to E – Commission Duty Statements	14-18

**The Constitution of Rowing South Africa**, which shall be deemed to include the Rules of Racing and their Bye-Laws as agreed from time to time.

## **1. Name**

The body established by this constitution will be called ROWING SOUTH AFRICA (RowSA).

## **2. Constituent Members**

- 2.1** RowSA is a non-profit Federation of Rowing, Sculling, Ergometer and Boating Associations, which shall include Provincial Associations representing Rowing Clubs in South Africa (Associations), the South African Schools Rowing Union (SASRU), University Sport South Africa, Rowing (USSA-R) and Rowing Associations or Unions, that may be formed in terms of the Constitution. In centres where there is no Provincial Association affiliated to RowSA it shall be competent to elect one individual club to membership, and such club shall for the purposes hereof be included in the term "Associations" wherever hereafter used. Such a club shall cease to be a member of RowSA when a Provincial Association is formed in that centre and becomes a member of RowSA.
- 2.2** Rowing South Africa shall exist in its own right, separately from its members, be able to own properties and other resources.
- 2.3** Rowing South Africa shall be able to sue and be sued in its own name.
- 2.4** Save as provided for in 2.1 individual clubs, schools or universities shall not be members of RowSA.
- 2.5** Provincial Associations are determined by the national boundaries of the second sphere of government. Provincial associations may designate regions within provinces for provincial administration or competition purposes, such regions shall not be members of RowSA in terms of this Constitution.
- 2.6** The Associations, Unions, referred to in 2.1, are hereinafter referred to as the "Constituent Members".

## **3. RowSA Mission**

### **3.1 Purpose**

RowSA is the body established by the Constituent members to promote and develop the sport of rowing in all forms in South Africa, and to that end, to establish the policy and standards for, and the co-ordination of rowing nationally, and to manage, control, discipline and plan for the future development of the sport at the national level.

Neither RowSA nor any of the Constituent Members shall discriminate on the basis of race, gender, religion, disability or political affiliation. RowSA shall be bound by the Constitution of the Republic of South Africa and the macro sports organisations to which it is affiliated.

RowSA shall be the representative body to the international rowing community: International Rowing Federation (FISA), Commonwealth Rowing Association (CRA), African Rowing Federation (FASA), South African Sports Confederation and Olympic Committee (SASCOC), Sports and Recreation (SRSA), and such other sporting bodies as may be considered appropriate by the Executive Committee.

### **3.2 Goals**

Develop the sport of rowing in all its forms among all communities and broaden the base to encourage participation by both genders of all ages in as many areas as possible:

- 3.2.1** Promote the development of rowing facilities at venues suitable for rowing throughout the country;
- 3.2.2** Provide efficient, progressive management of the sport at national level;
- 3.2.3** Raise the standard of rowing in South Africa;
- 3.2.4** Promote the development of regatta management to international standards;

- 3.2.5 Ensure that regatta officials are competent, objective and consistent in their application of the Rules of Racing and their Bye-Laws;
- 3.2.6 Encourage local development of equipment at affordable prices;
- 3.2.7 Provide the highest possible standard of coaching and infrastructure to enable South Africa to produce teams capable of winning international medals especially in the World Championships, Olympic and Paralympic Games;
- 3.2.8 Keep the sport on a financially sound footing by encouraging sponsors as a result of publicising and promoting the sport on the broadest base possible;
- 3.2.9 Enrich the quality of community life through development in rowing; and to encourage the sport to become known for: fairness, honesty, sportsmanship, and being drug free;
- 3.2.10 Ensure that there is good timeous communication to all interested parties of the activities of RowSA, FISA, SASCOC and other bodies;
- 3.2.11 Ensure that the various structures/bodies of RowSA are representative of the demography of the rowing community; and
- 3.2.12 Ensure that all rowing activities are conducted in accordance with the generally accepted Environmental guidelines.

#### **4. The Council**

- 4.1 The representatives of the Constituent Members and the members of the Executive shall make up the Council.
- 4.2 The governing body of each Constituent Member shall, from time to time by notice in writing to the Administrator, nominate its representatives to the Council as follows:- Associations, Unions and USSA-R– two (2) representatives and two (2) alternates each; SASRU – three (3) and three (3) alternates Should a club be granted temporary status as an Association in terms of clause 2.1, then it shall be entitled to a single representative and one alternate.
- 4.3 The President shall be the Chair of the Council.
- 4.4 The role of the Council shall be to:
  - 4.4.1 Formulate and adopt the overall policy and standards for RowSA;
  - 4.4.2 Elect the Executive Committee, (save that for this purpose the elected members of the executive committee shall not have a vote);
  - 4.4.3 In conjunction with the RowSA President and Executive Committee formulate and review the policies and strategic plans for RowSA;
  - 4.4.4 Review the activities of the Executive Committee and to give the Executive Committee guidance as to how the policy formulated by the Council should be implemented and ratify, if thought fit, any changes made to Commission Duty Statements;
  - 4.4.5 Review the activities of the provincial efforts to maintain the use of existing rowing water and intervene where rowing rights are threatened;
  - 4.4.6 Consider, and decide on, any nominations by the Executive Committee of any person(s) as Life Patrons of RowSA in recognition of their contribution to the sport of rowing, and who shall be entitled to attend, but not vote at, meetings of the Council; and
  - 4.4.7 Consider, and if thought fit, pass all resolutions, which are reserved for decision at a General Meeting of the Council.

#### **5. Executive Committee**

- 5.1 RowSA shall be managed by an Executive Committee, who in turn reports 3 times a year to the RowSA Council. The Executive Committee comprises the following:
  - 5.1.1 RowSA President
  - 5.1.2 RowSA Vice President
  - 5.1.2 RowSA Treasurer
  - 5.1.3 Chair - RowSA Athletes Commission (AC)  
(Who, where ever possible, should be or has been an active rower)
  - 5.1.4 Chair - RowSA International Commission (IC)  
(Who, where ever possible, should have been an international rower)

- 5.1.5 Chair - RowSA Coaches Commission (CC)  
(Who, where ever possible, should be or has been an active rowing coach)
  - 5.1.6 Chair - RowSA Rowing Facilities and Environmental Commission (FEC)
  - 5.1.7 Chair - South African Rowing Officials Commission (SAROC)
  - 5.1.8 A single representative of the Provincial Associations - elected by the Provincial Associations
  - 5.1.9 A single representative of SASRU
  - 5.1.10 A single representative of USSA-R  
*Executive Committee - Non Voting Members:*
  - 5.1.11 RowSA Administrator
  - 5.1.12 Co-Opted Members (maximum of 2 appointed by RowSA President in consultation with the Executive Committee)
- 5.2** The elected or co-opted members of the Executive Committee should be representative of the demography of the rowing community
- 5.3** The Executive committee may, on the recommendation of Council, invite a Constituent Member, who is unrepresented on the RowSA Executive Committee, to nominate a member of their executive committee to represent them on the RowSA Executive Committee.
- 5.4** RowSA will continue to exist even when its membership changes and there are different office bearers
- 5.5** In order to be eligible for election as an elected office bearer on the Executive Committee the person must be a member of a Rowing Club/Association. The nominated representatives of the constituent members must be members of the executive committee of that constituent member. The representative may serve for a maximum of eight years.
- 5.6** The term of office shall be four years.
- 5.7** No Executive Committee member shall be eligible for re-election to the same position for more than two consecutive terms, namely a maximum of eight consecutive years in office. Periods of office held under prior years of this revision of the RowSA constitution will be taken into account in determining the period of office.
- 5.8** At the AGM the following Executive Committee members shall retire and if eligible, may be re-elected by vote at the AGM, to fill the vacancies of the:
- 5.8.1 President, Chair International, Athletes and Coaches Commissions in Olympic years;
  - 5.8.2 Treasurer, Chair – SAROC and Facilities and Environment Commissions in non Olympic even numbered years; and
  - 5.8.3 The Administrator is a permanent position and appointed by the Executive Committee.
- Note: In the Olympic/Paralympic year, the incoming President and Chair of the International Commission will only assume their positions at the beginning of the month following the Olympic and Paralympic Games.
- 5.9** The representatives of the Constituent Member Associations shall be elected or nominated annually.
- 5.10** Written nominations for vacant positions together with a written consent to the nomination by the person nominated must be received by the Administrator not later than seven (7) days before the AGM. If insufficient nominations are received prior to the meeting suitably qualified persons may be nominated from the floor. The President has the right to nominate candidates for election to the Executive Committee subject to those nominations being proposed and seconded by Constituent Members.
- 5.11** Casual vacancies of elected offices will be filled by the Executive Committee by co-option subject to ratification at the next Council meeting. In the case of a vacancy of the President, a Special General Meeting is to be called for the purpose of electing a new President. The replacement in each case, will serve out the period remaining to be served by the member whose place is being filled.
- 5.12** The first meeting of the Executive Committee shall be held within two months of the AGM. At that meeting the Chairs of the Commissions shall name the members of their Commissions and their functions for approval by the Executive Committee.
- 5.13** The Executive Committee can modify, adjust, add to or delete items in a Commissions Duty Statement, as proposed by the relevant Commission, at an Executive Committee

meeting, subject to ratification by the Council, if thought fit, at the next Council Meeting.

**5.14** All constituent members, as defined in 2.6 have an obligation/right to be represented on all the commissions. The Chair may also co-opt such other persons as he/she wishes, subject to ratification by the Executive Committee. to

**5.15** The Executive Committee shall have the power to:

- 5.15.1 Implement policies formulated by Council and formulate standards regulations and bye-laws to promote the goals of RowSA;
- 5.15.2 Elect further Associations or clubs to membership as hereafter provided;
- 5.15.3 Allocate funds to its Commissions, Constituent Members, Clubs, Office Bearers, Coaches or Employees in pursuance of the objectives of RowSA;
- 5.15.4 Ratify important decisions of the Commissions by the acceptance and ratification of the minutes of the Commissions;
- 5.15.5 Establish such committees as it deems appropriate and to delegate to those committees such powers and functions as it may determine;
- 5.15.6 Co-opt such members as it deems appropriate, who shall be co-opted until the following AGM, and to delegate such powers and functions as it may determine. Co-opted members shall be confirmed by Council if Council meets before the next AGM;
- 5.15.7 Employ such persons in any posts that the Executive sees fit, provided external funds are available for the duration of the appointment, and to determine the terms of employment and management of that person. Appointment of all employees that are to be paid by RowSA subscriptions or fees must be ratified by Council.
- 5.15.8 Open and operate bank accounts on behalf of RowSA;
- 5.15.9 It is the responsibility of members of the Executive to perform their tasks in such a manner as to implement all deliverables as agreed to by the Executive from time to time. In the event that a member fails to execute his/her duties in a satisfactory manner, the Executive Committee can establish a disciplinary subcommittee to review the case. The disciplinary hearing will be chaired by a suitably qualified person. The procedure as stipulated in the Labour Relations Act will be the guiding principles during this process.

## **6. Office Bearers**

### **6.1 The RowSA President**

Unless otherwise re-allocated by the Council, the President shall be responsible for:

- 6.1.1 Leading and representing RowSA;
- 6.1.2 In conjunction with the Council, developing the vision and the plan of RowSA and communicate this to the Executive Committee for the promotion and development of the sport in South Africa;
- 6.1.3 Holding the members of the Executive Committee accountable for the performance of their duties in terms of this Constitution;
- 6.1.4 Supporting the fund-raising campaign necessary to finance the various activities and the salaries of the officers of RowSA;
- 6.1.5 Representing RowSA on National and International bodies to which RowSA is affiliated;
- 6.1.6 Liaising and promoting communication with the National sporting and International rowing communities;
- 6.1.7 Acting as spokesperson for RowSA and for the sport of rowing at the national level;
- 6.1.8 Leading and coordinating the activities of RowSA;
- 6.1.9 Chairing General Meetings of the Council and meetings of the Executive Committee;
- 6.1.10 Reporting to Council meetings on RowSA activities since the previous meeting
- 6.1.11 Preparing a report on RowSA's activities for the past year, and presenting it at the AGM; and
- 6.1.12 Providing communication and interaction with the Constituent Members.

## **6.2 The RowSA Vice President**

The Executive Committee shall have the power to elect, from its members, one Vice President, and allocate to him/her such tasks as it deems appropriate.

The Vice President shall stand in for the President when the President is absent or requests the Vice President to do so.

## **6.3 The RowSA Treasurer**

Unless otherwise re-allocated by the Executive Committee, the Treasurer shall be responsible for:

- 6.3.1 Coordinating the budget of RowSA for approval by the Executive Committee and Council, drawing on the proposals of the President, and the Chairs of the Specialist Commissions;
- 6.3.2 Establish procedures and processes to ensure proper financial management of RowSA through complete accounting standards, of all transactions of RowSA and establishing and maintaining systems and procedures for the proper financial management of RowSA;
- 6.3.3 Establishing limits of authority for approval by the Executive Committee, and ensuring that no expenditure exceeds such authority without the prior approval of the Executive Committee;
- 6.3.4 Preparing the financial statements, this shall include the President's report of RowSA's activities for the past year, and having financial statements audited by the auditors of RowSA for tabling at the AGM;
- 6.3.5 Proposing the auditors and their proposed fee structure for the forthcoming year of RowSA for voting upon by the Constituent Members at the AGM;
- 6.3.6 Providing the Executive Committee and Council with management accounts that reflect Current Year to Date, Full Year Forecast, with comparative Budget and Last Year figures that show by source and allocation income and expenditures and any other accounting information that they may require;
- 6.3.7 Investing RowSA's retained funds in institutions in which trust funds may be invested in terms of applicable South African legislation, and as approved by/the Executive Committee;
- 6.3.8 Establish procedures for administering RowSA's assets; and
- 6.3.9 Receiving and monitoring the Constituent Member's annual financial statements. This will also apply to the reporting and monitoring of any affiliates grants applied for using the RowSA name in recommendation on such grants.

## **6.4 The RowSA Administrator**

Unless otherwise re-allocated by the Executive Committee, the Administrator(s) shall be responsible for attending to the general administration of RowSA and for:

- 6.4.1 Sending out notices, agendas and motions of the AGM and Special General Meeting(s) of the Council and meetings of the Executive Committee and the keeping of minutes of these meetings;
- 6.4.2 Keeping records of rowing activities and regatta results;
- 6.4.3 Attending to the correspondence of RowSA;
- 6.4.4 Working with SAROC and the AC to co-ordinate the National Regatta Programme and proposing the schedule of events and dates for approval by the AGM;
- 6.4.5 Attending to the general administration of RowSA and its Commissions (if required);
- 6.4.6 Maintaining complete accounting records, in accordance with generally accepted accounting standards, of all transactions of RowSA; and
- 6.4.7 Receiving and reporting to the Executive Committee on the Associations' plans, constitutions, and regular meeting minutes.
- 6.4.8 Ensures that the RowSA data base reflects all the information requirements determined by the Statutory bodies and the Constituent members.
- 6.4.9 Manage the RowSA website.

## **6.5 RowSA Specialist Commissions**

Duties of the Commission Chairs

- (i) Advise, direct and represent RowSA in their Commissions' Technical areas.

- (ii) Chair commission meetings and allocate duties to the commission members in accordance with the Commissions Duty Statement.
- (iii) Prepare and manage (with the assistance of the Treasurer and Administrator) the commissions annual budget and financial reports for Council and Executive Committee approval.
- (iv) Advise the Executive Committee of the appointments to their commissions.
- (v) Attend Executive Committee and Council meetings and report on technical matters relating to their commissions and submit reports on their activities and reply to any relevant queries that may be raised.

**6.5.1 RowSA Athletes Commission**

The Commission responsibility is to provide a means of ensuring growth in the sport and ensuring that the Executive Committee and Council are aware of the needs and opinions of the current active rowers (competitive, recreational and touring) concerning issues affecting the sport.

*For detailed Commission Duty Statement - Refer Appendix "A"*

**6.5.2 RowSA International Commission**

The Commission's responsibilities are to ensure all athletes representing South Africa are competitive and increase the number of medals won internationally.

*For detailed Commission Duty Statement - Refer Appendix "B"*

**6.5.3 RowSA Coaches Commission**

The Commission's responsibilities are to ensure quality of coaching in South Africa is constantly upgraded and safety conscious.

*For detailed Commission Duty Statement - Refer Appendix "C"*

**6.5.4 RowSA Facilities and Environmental Commission**

The Commission's responsibilities are to ensure rowing facilities and equipment in South Africa are safe, properly managed and that the sport is conducted in a manner that is environmentally friendly.

*For detailed Commission Duty Statement – Refer Appendix "D"*

**6.5.5 South African Rowing Officials Commission (SAROC)**

The Commission's responsibilities are to ensure Safety and Fairness in rowing, together with the competency of Umpiring for rowing in South Africa

*For detailed Commission Duty Statement - Refer Appendix "E"*

**6.6 Constituent Member Representatives**

The responsibilities of Constituent Member Representatives of RowSA are to:

- 6.6.1 Represent RowSA within their constituencies;
- 6.6.2 Promote rowing and maintain close and regular contact with member associations and federations and regatta organisers in their constituencies;
- 6.6.3 Take any necessary action in cases of non-observance of the Statutes or Rules of Racing in their constituencies and submit reports of such actions to the Executive Committee;
- 6.6.4 Observe any major regattas held within their constituencies or appoint a Representative to do so.
- 6.6.5 Submit reports to the Executive Committee and Council at meetings (in order to do this they must request reports accordingly from their member associations/federations) and in turn give report backs of happenings/decisions at RowSA Exec Committee/Council meetings to their constituencies.
- 6.6.6 Review the performance of the elected Executive Committee Members. At least three Constituent Members may call a Special General Meeting of the Council to discuss the performance of the member(s) where they consider his/her performance to be unacceptable.



## **7. Meetings**

### **7.1 Executive Committee Meetings**

Executive Committee meetings shall be held either through telecommunications conference calling facilities or at a venue agreed to by the Executive Committee. The Executive Committee will meet at least every two months.

### **7.2 General Meetings of the Council**

7.2.1 The AGM of the Council shall be held within four (4) months of the financial year-end at a location determined by the Executive Committee. In the case of the Olympic year, the AGM could be held within 2 months after the Olympic and Paralympic Games.

7.2.2 The Executive Committee may call Special General Meetings of the Council at any time and to be held at any place. The Executive Committee shall be bound to call a Special General Meeting on a requisition received from two constituent members, which requisition must state the business to be discussed.

7.2.3 General meetings of Council, excluding the AGM, must be held at least twice per year in April or May to approve the following seasons activities and in October or November to set goals and objectives for the following season(s). Council will review and approve the activities of the Executive Committee and the Commissions.

## **8. Notice of Meeting**

### **8.1 General Meetings of the Council**

Notice of all General Meetings of the Council, including the AGM, shall be in writing and e-mailed to Presidents of Constituent Members at least 30 (Thirty ) days before the date of such meeting. The credentials or proxy of Constituent Members' representatives must be received by the Administrator at least twenty-four hours before the time of the meeting. Every notice of meeting shall contain a detailed agenda with copies of all relevant documents.

### **8.2 Executive Committee Meetings**

Notice of all Executive Committee Meetings shall be in writing and circulated to Executive Committee members at least seven (7) days before the date of such meetings, provided however, that an Executive Committee Meeting with a quorum may unanimously agree to dispense with the notice of that meeting by e-mail at least ninety six hours (96) before the time of the meeting. Every notice of meeting shall contain a detailed agenda.

## **9. Quorum at Meetings**

### **9.1 General Meeting of the Council**

The quorum present in person or by proxy for General Meetings of the Council shall be as follows:

At least fifty percent (50%) of the Constituent Members (all fully paid up to RowSA) provided, however, that if no quorum is so present within fifteen minutes of the start time stated in the notice of the meeting, it may be postponed by the Chair for fourteen days. Fresh notice shall be sent to Constituent Members stating that an adjourned meeting will be held and proceeded with, whether or not a quorum is present at the adjourned meeting. Decisions taken at such adjourned meeting shall be binding on all Constituent Members even if a quorum is not present.

### **9.2 Executive Committee Meetings**

The quorum for Executive Committee meetings shall be greater than 50% of the Executive Committee members with voting rights, provided, however, that if no quorum is in attendance within fifteen minutes of the start time stated in the notice of the meeting, it may be postponed by the Chairperson for seven days.

**10. Annual General Meeting of the Council – Agenda and Procedure**

At the AGM the following shall be the order of business:

- 10.1 Receive and consider the Annual Report of the President for the past year;
- 10.2 Receive and consider the financial statements of RowSA for the past year;
- 10.3 Elect the Executive Committee members as per Clause 5 of this Constitution;
- 10.4 Approve the current years audit fees and appoint auditors for the ensuing year;
- 10.5 Ratify any changes to the Rules of Racing;
- 10.6 Ratify register of National Umpires;
- 10.7 Ratify register of Coach's competency Levels;
- 10.8 Approve the next seasons National Regatta Programme and proposed schedule of events and dates. (In years that Olympic/Paralympic Games take place, should the AGM be held later in the year (refer to 7.6.1), the National Regatta Programme must be approved by mid-July utilising a round robin approval process.); and
- 10.9 Any other business that may be considered in order by the Chair.

**11. Voting at Meetings**

**11.1 Executive Committee Meetings**

Each Executive Committee member shall have one vote and in the event of a voting tie the Chair shall have an additional, casting vote. A simple majority shall carry the proposal unless otherwise provided for herein.

**11.2 General Meetings of the Council**

Each Constituent Member shall have the same voting rights as per clause 4.2, which can be cast either by person or proxy.

In the event of a voting tie the Chair shall have an additional, casting vote. A simple majority will carry the question unless otherwise provided for herein. A delegate or his alternate, of any Constituent Member shall not be permitted to be present, or to vote, until such time as any arrear subscription of that Constituent Member has been paid.

Delegates must be members of a Constituent Member, but not necessarily members of the Association they represent. Delegates who are not members of the Association they represent shall be bound in exercising the votes of such Association to vote according to the directions of such Association. If no such directions have been given on a point on which such delegates are required to vote, they shall abstain from voting on that point on behalf of such Association.

**12. Distribution of Minutes**

Copies of Minutes of meetings of the Council, shall be supplied by the Administrator to the Presidents and Secretaries of all Constituent Members, Executive Committee members, alternates and delegates as soon as possible after each meeting. All Executive Committee members, Constituent Members and alternates do irrevocably waive any right of legal action they may have, or which might in the future come to them, arising from any words written or spoken in the course of the proceedings and debates of any meeting of the Council or Executive Committee Meetings of RowSA.

**13. Financial Year**

RowSA's financial year shall run from April 1<sup>st</sup> and end on March 31<sup>st</sup> in the following year.

**14. Headquarters**

Headquarters shall be in such town as decided upon by the President and shall be made known, in writing, to all Constituent Members not later than two weeks after election at the Annual General Meeting or a Special General Meeting of the Council called under clause 7 for that purpose.

**15. Finance**

- 15.1 Banking account(s)  
15.1.1 All RowSA banking account(s) shall be kept in the name of RowSA.
- 15.1.2 Such banking account(s) and shall be operated by the RowSA Administrator and Treasurer in conjunction with one other Executive Committee member, namely two signatures shall be required for all electronic transfers of funds by, and all cheques issued in the name of RowSA.
- 15.1.3 The Executive Committee may arrange borrowing facilities by way of bank overdraft, bridging loans or other financial instruments but without the pledging of RowSA assets.
- 15.2 Financial statements  
The Treasurer shall submit the audited financial statements to the AGM as provided for in 6.3.4.
- 15.3 Personal liability  
Save as provided herein, none of the Constituent Members or members of the Executive Committee shall have any personal financial responsibility for any debt or obligation of RowSA.
- 15.4 Office bearers are not personally liable for any loss suffered by any person as a result of an act or omission which occurs in good faith while the office bearers are performing functions for or on behalf of the organisation.
- 15.5 Members or office bearers of the organisation do not have rights over things that belong to the organisation.

## **16. Membership Fees**

- 16.1 Each Constituent Member and all registered Clubs shall pay RowSA an annual affiliation fee, as approved by the Executive Committee, September 30<sup>th</sup> each year or 30 days from invoice date without deduction or reduction.
- 16.2 Each registered rower shall, through their clubs, pay RowSA an annual registration fee on receipt of a statement of account, without deduction or reduction according to the procedures and guidelines established by RowSA.

Each Club may make application to the Executive Committee through their Constituent Member for a reduction in the membership or registration fee payable by such Club should such Club be undergoing severe financial hardship. Such application shall reach the Executive Committee at least three months prior to the AGM.

The Executive Committee is empowered by simple majority vote to increase the membership or registration fees annually in line with the level of increase in the Consumer Price Index, which increase shall be ratified, if thought fit, by the Constituent Members at the AGM. Any increase in the membership or registration fees in excess of the level of increase in the Consumer Price Index shall require a separate motion to be tabled at a General Meeting or the AGM.

## **17. Application of Membership**

Upon receipt by the Executive Committee of an application for membership as an Association/Union, the President will direct that all Constituent Members, delegates and alternates are immediately notified accordingly and shall put the matter on the agenda for the next General Meeting of the Council. The election on the application shall be put to the vote by a show of hands at a General Meeting and carried by simple majority.

## **18. Non-Payment of Membership Fees or Levies**

- 18.1 The Executive Committee shall have the power to cancel a Constituent Member's membership or strike it off the list of members or impose penalties, monetary or by suspension from benefits, imposition of fines or otherwise as the Executive Committee may see fit, if the Constituent Member:
  - 18.1.1 Be in default of payment of amounts due after one month's notice in writing to make payment;
  - 18.1.2 or a member or members of a Constituent Member, with the Constituent Member's support and approval infringe the principles and objects laid down herein, or in the Rules of Racing or Bye-Laws, or the spirit of them, or if the Constituent Member fails to take the necessary steps to put a stop to the infringement, all provided that;
    - 18.1.2.1 The Executive Committee must give the Constituent Member a reasonable opportunity of being heard on the question;
    - 18.1.2.2 the decision shall be taken by the full Executive Committee and the motion must be carried by a minimum of four votes in favour; and
    - 18.1.2.3 The Constituent member shall have the right of appeal to a General Meeting of the Council. At such General meeting the motion must be carried by two thirds of those present voting in favour, excluding the Constituent Member under appeal.
- 18.2 In the case of Constituent Members and Club membership fees, athlete registration fees and or funds from tour costs, being outstanding as at the last day of February or 30 days from payment due date, then the Executive will have the right to prohibit the entry of any of the aforementioned from entering or participating, until such time as the funds have been received in full.

## **19. Constitution and Finances of Constituent Members:**

- 19.1 All Constituent Members shall be obliged to include the following provisions in their constitutions:
  - 19.1.1 No racial or gender discrimination will be countenanced in the sport;
  - 19.1.2 At all times there will be at least one female and such number of previously disadvantaged individuals (PDI) on the governing body of the Constituent Member as is prescribed by the Executive Committee from time to time;
  - 19.1.3 There will be an Annual General Meeting of the Constituent Member, at which there will be a full report of the Constituent Member's activities for the year and the presentation of its annual financial statements;
  - 19.1.4 Each Constituent Member should submit its regular meeting minutes to the Administrator within 30 days of the meeting;
  - 19.1.5 Each Constituent Member must submit its financial statements to reach RowSA by no later than 2months after their Financial Year End;
  - 19.1.6 Each Constituent Member prepares a plan with specific referral of the overriding deliverables agreed at council level for the forthcoming year to reach RowSA fourteen (14) days before the AGM;
  - 19.1.7 At least once every two years there will be transparent elections of all office bearers (including the representatives on the RowSA Council and Commissions); and
  - 19.1.8 No office-bearer of its governing body or representative on the RowSA Council shall be allowed to hold the same office or position for more than eight consecutive years. Periods of office or position held under previous versions of the constitution will be taken into account in determining the period in office or position.
- 19.2 At all times maintain proper books of account and to prepare annual financial statements within 4 months of the financial year end of the constituent member;
- 19.3 Deliver to RowSA a copy of its constitution, a list of its office bearers and representatives, and a copy of its annual financial statements within 4 weeks after its Annual General Meeting; and

- 19.4 The Associations shall be responsible for managing and developing all aspects of rowing in their regions, and SASRU and USSAR shall be responsible for looking after the special national interests of schools and universities respectively.

## **20. Trading**

RowSA shall be prohibited from carrying on any business or trade other than to the extent that the:

- 20.1 Gross revenue from any business or trade does not exceed the greater of 15% of the total gross receipts of RowSA or R25 000;
- 20.2 Business or trade is integral to the sole object of RowSA and the business or trade is conducted towards recovery of costs, not in unfair competition with taxable entities; and
- 20.3 Business or trade is not integral to the sole or main objects but is occasional in nature and is conducted substantially with unpaid voluntary assistance.

## **21. Amendments to Constitution, Bye-Laws and Rules of Racing**

- 21.1 This Constitution may only be repealed, added to, altered or amended by the Council by two thirds of those present voting in favour provided that special notice of the motion shall have been e-mailed by RowSA's Administrator to the Constituent Members at least one calendar month before the meeting. As RowSA is registered as a Non Profit Organisation, the constitution must adhere to the guidelines laid down in terms of the Non-Profit Organisations Act, 1997 (Act No, 71 of 1997) and any amendments must be detailed in section C of the Annual report to be submitted to the Director: Non-Profit Organisations within 9 (nine) month after RowSA's year end.
- 21.2 The Rules of Racing may only be repealed, added to, altered or amended by the Council by two thirds of those present voting in favour provided that special notice of the motion shall have been circulated by RowSA's Administrator to Constituent Members at least one calendar month before the meeting.
- 21.3 The Bye-Laws of the Rules of Racing may be repealed, added to, altered or amended at a meeting of the Executive Committee. Notice and details of proposed changes to the Bye-laws of the Rules of Racing will be advised to every Constituent Member at least one calendar month before the Executive Committee meeting by the Administrator.
- 21.4 Any notice required to be given in terms of this clause may be shortened if all the Constituent Members agree in writing to the shorter period of notice.
- 21.5 The appendices are not considered an integral part of the constitution and may be amended by the Executive Committee from time to time with ratification at a Council Meeting.

## **22. Dissolution**

- 22.1 RowSA may be dissolved only at a General Meeting of the Council by two thirds of those present voting in favour, after special notice of the motion was given as provided for in clause 21.1 the dissolution of RowSA the remaining assets shall be distributed to one or more sporting association, preferably associated with the sport of rowing.
- 22.2 As RowSA is registered as a Non-Profit Organisation, the remaining assets shall be distributed and transferred to a similarly registered and approved Non-Profit or Public Benefit Organisation, preferably associated with the sport of rowing.
- 22.3 The organization may not give any of its money or property to its members or office bearers. The only time it can do this when it pays for work that a member or office bearer has done for the organization. The payment must be a reasonable amount for the work that has been done.

## **23. Flag, Badges and Logo**

### **23.1 The badge**

The badge of RowSA shall be a green background with three vertical oars, the centre one inverted, and the letters SA in the centre between the oars and word ROWING either on the top of or beneath the oars in gold.

### **23.2 The Logo**

The logo of RowSA shall be a horizontal oar with South African flag, flying to the left, on the blade with the words ROWING SOUTH AFRICA in capital letters above the handle and shaft.

## **24. Disciplinary Procedure**

The RowSA Code of Conduct, as approved by the Council from time to time, shall apply to all disciplinary matters and bind:

- a. Constituent Members of RowSA and their representatives.
- b. Persons acting for and on behalf of RowSA, including delegates, employees, officers and commissions.
- c. Umpires, athletes, coaches, managers, parents and support staff of RowSA touring teams and National Squads.
- d. All athletes, coaches, parents and support staff of clubs and schools.

## **25. Disputes**

25.1 The President, shall, in accordance with the following procedures attempt to resolve any disputes arising out of or in connection with the enforceability of this Constitution or the application and interpretation of its provisions, or any dispute between any of the members of RowSA or between a Constituent Member and RowSA; or the breach of the Code of Conduct.

25.2 Written notification of the dispute must be referred to the Administrator from any member, who is a party to the dispute, or by any office holder of RowSA itself.

25.3 Such notice must:

25.3.1 Be marked for the attention of the Administrator;

25.3.2 Be transmitted by facsimile or e-mail to RowSA's facsimile number or email address;

25.3.3 Be copied to all parties to the dispute; and

25.3.4 Briefly set out the nature of the dispute so submitted.

25.4 The President shall take such steps as s/he deems necessary to satisfy him- or herself regarding the circumstances and the nature of the dispute so notified, including consultation with all parties to the dispute and if necessary with members of the Executive Committee.

25.5 The President shall, in consultation with the parties and by way of facilitation or mediation, attempt to resolve the dispute as expeditiously as possible.

25.6 Where the dispute cannot be so resolved by the President, any party to the dispute or the President him- or herself, may submit the dispute to the Dispute Resolution Centre of the South African Sports Commission for resolution in accordance with the Commission's Rules for the Resolution of Disputes in Sport.

25.7 In recognition of the desire to resolve all disputes in the sport as amicably and as effectively possible, all Constituent Members are required to incorporate in their own constitutions a dispute resolution clause substantially the same as this section of the Constitution and specifically provide for the referral of disputes for resolution through the mechanisms provided for by the South African Sports Commission's Dispute Resolution Centre.

**26. Umpires and other Officials**

The SAROC representative from each Constituent Member shall forward to the Chair of SAROC, for approval by SAROC, 14 (fourteen) days prior to the AGM of the Council, the names of Intermediate officials deemed to be competent to act as National Umpires who shall function at regattas during the year, and who shall act in strict accordance with the RowSA Rules of Racing and all the names of the currently approved National Umpires for the upcoming season.

**27. Coaches**

The Coaches representative from each Constituent member shall forward to the Chair of the Coaches Commission for approval by the Coaches Commission, 14 (fourteen) days prior to the AGM of the Council the names of Level 1 and level 2 Coaches deemed to be competent for each level.

**28. Binding Constitution**

All Constituent Members, coaches, athletes, officials and Clubs shall be bound to adhere to the Constitution.

**29. Approval of new Constitution**

The Constitution was approved as amended at a meeting of the Council of RowSA held on, 2012 and shall replace all previous publications of the Constitution issued by RowSA.

P.O. Box 2563, Parklands, 2121, South Africa  
**Tel:** 27 (0)11 770 6409    **Fax:** +27 (0)11 770 6059  
**Website:** www.rowsa.co.za    **e-mail:** row@rowsa.co.za

## **RowSA Constitution - Appendix "A"**

### **RowSA Athletes Commission Duty Statement**

The Commission is to provide a means of ensuring growth in the sport and ensuring that the Executive Committee and Council of RowSA are aware of the needs and opinions of the current active rowers (competitive, recreational and touring) concerning issues affecting the sport.

**1. Juniors, U23/Seniors and Masters Sub-Commission**

Grow the sport of rowing in all its forms in Juniors, U23, Seniors and Masters categories with the objective to increase the general standard of rowing in South Africa.

- 1.1 Develop strategies to grow participation of previously disadvantaged communities in Juniors, U23 and Senior rowing in order to enable the International Commission to meet the requirements.
- 1.2 Increase the participation of women in the sport of rowing in Juniors, U23, Seniors and Master categories.
- 1.3 Establish a network throughout the country for a wide canvassing of opinion ensuring that the Executive Committee are addressing the needs and requirements of all rowers in South Africa.
- 1.4 To increase participation in all types of rowing, competitive, social, coastal, international, sprint, ergometer (indoor), etc. in club rowers.
- 1.5 To monitor trends in rowing at club, national and international levels with specific reference to seeding and handicap systems.

**2. Adaptive Sub-Commission**

The Commissions responsibilities are to oversee all areas of adaptive rowing in South Africa.

- 2.1 Identify Adaptive rowers in Juniors,U23 and Seniors and grow the talent pool of adaptive rowers to enable International Commission to select teams to represent South Africa internationally.
- 2.2 To increase participation in adaptive rowing at all levels of performance.
- 2.3 To promote and monitor trends in adaptive rowing at Club, Provincial, National, International and Paralympic.
- 2.4 To ensure that adaptive rowers operate in a safe environment and to develop specific safety rules for training and racing of adaptive rowers.
- 2.5 To include adaptive rowing in active life programmes.

### **3. Development and Indoor Sub-Commission**

The Commissions responsibilities are to introduce and encourage rowing in the previously disadvantaged communities and to develop Indoor Rowing as a sport.

- 3.1 Develop strategies to grow participation of previously disadvantaged communities in Juniors, U23 and Senior rowing in order to enable the International Commission to meet the requirements of representative teams as outlined by SASCOC.
- 3.2 Coordinate and establish Indoor Rowing in all Provinces as well as USSA-R and SASRU.

## **RowSA Constitution - Appendix “B”**

### **RowSA International Commission Duty Statement**

The Commissions responsibilities are to ensure athletes representing South Africa are competitive and increase the number of medals won internationally

1. Identifying talent, assessing, selecting, preparing, coaching, organising and managing crews and scullers for international competition at the Senior, Adaptive Under 23 and Junior levels;
2. Appointing coaches, managers and support officials to international tours at the Senior, Adaptive, U23 and Junior levels.
3. Facilitating, approving, coordinating and organising incoming international tours of crews and scullers at the Senior, Adaptive Under 23 and Junior levels;
4. Approving any itinerary, managers and coaches for international tours organized by SASRU or USSA-R provided that it is satisfied that:
  - 4.1 The International Commission has had satisfactory representation on the selection and coaching panels, and has been involved in the process;
  - 4.2 The selection procedures were neutral and fair;
  - 4.3 The crew has achieved the standards determined by the International Commission as necessary for an official tour overseas; and
  - 4.4 There is no breach of protocol, which would prejudice the tour or the sport of rowing in South Africa;



5. Authorising overseas participation of any crew subject to clearance by SASCOC and USSA where applicable; and
6. Coordinating and promoting, through RowSA appointed High Performance centres, consistent approaches throughout the rowing community to coaching, training and techniques for all age groups using available and innovative means including coaching courses, camps, and documentation.

## **RowSA Constitution - Appendix “C”**

### **RowSA Coaches Commission Duty Statement**

The Commission’s responsibilities are to ensure quality of rowing coaching in South Africa is constantly upgraded and safety conscious

1. Implementing the Coaching Strategy of RowSA.
2. Assisting in developing, implementing and monitoring the Long term Coaches development plan.
3. Creating and disseminating standardised coaching training course material for new coaches.
4. Setting a National Examination for coaches who have undergone the necessary theoretical and Practical training.
5. Establishing and Implementing procedures for evaluating coaches performance.
6. Identify, support and mentor coaches.
7. Organise and conduct seminars to ensure coaches are continuing to meet established standards.
8. Table a list of Coaches at the AGM as provided for in clause 27 of the Constitution.
9. Maintain a Register of Coaches on the RowSA/Regatta website.

## **RowSA Constitution - Appendix “D”**

### **RowSA Facilities and Environmental Commission Duty Statement**

The Commission’s responsibilities are to ensure rowing facilities and equipment in South Africa are safe, properly managed and environmentally friendly

1. Ensuring that properly constructed and maintained courses are available throughout the country appropriate to the level of regatta held on that course;
2. The location and development of new rowing courses to meet the needs as prescribed by Council;
3. Establishing standards for regatta courses, and guide the regions in the maintenance of these standards;
5. Updating and monitoring of the Minimum Standards for Regatta Courses;
6. Establish, monitor and promote RowSA’s Environmental programme;
7. Specifically the Commission shall be responsible for allocating the use of equipment or boats from the boat pool and of earmarked funds to SASRU, USSA-R and the Associations, and obtaining signed contracts from those constituent members in respect of all the equipment, boats and funds so allocated;
8. To meet with local manufacturers of rowing equipment and encourage the production of inexpensive rowing equipment complying with specified standards;

9. To review and evaluate new technology applicable to the sport of rowing and collect and review scientific information available for the sport of rowing;
10. Liaising with local authorities in order to try and protect and ensure safety and health issues on all rowing waters in South Africa; and
11. To locate, design and commission an approved International Status Rowing Course in South Africa;

## **RowSA Constitution - Appendix “E”**

### **South African Rowing Officials Commission Duty Statement - SAROC**

The Commissions responsibilities are to ensure Safety, Fairness and competency of Umpiring for rowing in South Africa

- 1. RowSA Rules of Racing**
  - 1.1 Reviewing the RowSA Rules of Racing and Bye-laws from time to time and recommending any changes;
  - 1.2 Monitoring the consistent application of the Rules of Racing at regattas throughout South Africa, and where necessary highlight improvements; and
  - 1.3 Monitoring the application of the Rules of Racing through official training, examinations and evaluation;
- 2. Officials and Umpires**
  - 2.1 Creating and disseminating standardised officials' training course material for all officials;
  - 2.2 Setting a national examination for trainee officials who have undergone the necessary theoretical and practical training and table a list of National Umpires at the AGM as provided for in Clause 26 of the Constitution;
  - 2.3 Establishing and implementing procedures for evaluating Trainee official's performance in their roles as trainees during regattas after practical and theoretical training;

- 2.4 Organising and conducting seminars to ensure that Umpires maintain their national status;
- 2.5 Maintaining a register of Officials and Umpires; and
- 2.6 Ensuring that all National regattas are run by National Umpires;

**3. RowSA National Regatta Programme**

After consulting with the Constituent Members, working with the Administrator and AC to co-ordinate the National Regatta Programme and proposing the schedule of events and dates for approval by the AGM.

**4. Drug Free Sport**

Ensuring that participants understand and conform to the FISA, SASCOC and Drug Free Sports Rules.

**5. Safety**

5.1 Formulate a policy to ensure that all clubs are aware of and held responsible for meeting their safety obligations such as sculling tests, water rules, first aid and rescue services, boathouse facilities and trailer towing.

5.2 Establishing the safety policies, standards and rules for the rowing community in South Africa, and specifically for:

5.2.1 The safety of rowers and rowing boats while racing, training or rowing recreationally;

5.2.2 The safety of coaches and officials and of their boats at all times;

5.2.3 The safety of boats, trailers and the drivers and occupants of tow vehicles and other road users, when boats are being towed; and

5.2.4 Approving the Traffic Patterns for all rowing training and regatta waters.

5.3 **Insurance and Liability**

Appropriately insuring officials and regatta organisers during regattas by way of public liability insurance.