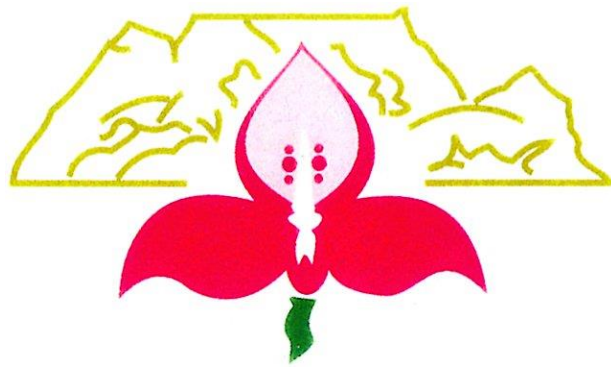


# **CONSTITUTION OF WESTERN PROVINCE ATHLETICS**



**Version 10 04 July 2017**

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## CHAPTER 1 : INTRODUCTION

### 1. DEFINITION OF TERMS

In this constitution, except where incompatible with the context, the following terms shall have the following meaning:

1.1	Annual General Meeting	A meeting of members as formulated in clause 18
1.2	ASA	Athletics South Africa
1.3	Associate Member	Category of membership of WPA as defined in clause 7
1.4	Association	Western Province Athletics
1.5	Athletics	Track and field, race-walking, road-running and cross country (including mountain running)
1.6	Athletics meetings	Competitions for track and field, road-running, cross-country, race walking, mountain running and including Fun Runs sanctioned by WPA
1.7	Board	Executive Board of WPA constituted in terms of clause 14
1.9	Commissions	The sub-structures of WPA to manage the different branches of athletics
1.10	Constitution	This constitution of WPA, including the Schedules
1.11	Council Meetings	Meetings of WPA members as constituted in clause 18
1.12	Day	A calendar day, including weekends and public holidays
1.13	Employees	Persons employed by WPA by virtue of a letter of appointment or contract approved by the Board.
1.14	General Manager	Contracted employee of WPA as defined in clause 10.8
1.15	Fun Runs or Walks	Athletics meetings sanctioned by WPA, not requiring participation to be restricted to licensed athletes
1.16	IAAF	International Association of Athletics Federations
1.17	Individual	Specifically any registered licence holder or generally any person participating formally in Athletics Meetings
1.18	Licence	Registration of athlete in terms of Schedule B
1. 19	Licensed athlete	An athlete who has purchased a licence for the current year in terms of Schedule B and whose registration form has been returned to the WPA office.
1.20	Life Member	Category of membership of WPA as defined in clause 8
1.21	Management Committee	Management Committee of WPA constituted in terms of clause 15
1.22	Member	Member of WPA as defined in clause 5
1.23	Notice	Notification of a meeting. Written notice may include post, fax or email as appropriate for the intended recipients. Period of notice shall be measured from the date of sending notice to the day before the meeting.
1.24	Office / Head Office	The administrative offices of WPA
1.25	Officers of the Association	Office bearers and employees of WPA

1.26	President	Office bearer defined in terms of clause 10.5 and chairperson of Council and Board
1.27	Rules	Rules for athletics meetings as formulated by WPA including the rules of ASA and IAAF
1.28	Secretary	The secretary/secretaries and other administrative staff employed by WPA
1.29	Special General Meeting	A meeting of members as formulated in clause 18
1.30	Standing Committee	Permanent committee formed in terms of clause 17
1.310	Western Province	A geographic area with boundaries as defined by the current constitution of ASA.
1.321	WPA	Western Province Athletics
1.33	WPA Office	The administrative office of WPA
1.35	WPACC	Western Province Athletics Cross Country Commission
1.36	WPARR	Western Province Athletics Road Running Commission
1.37	WPATF	Western Province Athletics Track and Field Commission
1.38	WPARW	Western Province Athletics Race Walking Commission
1.39	Writing	“In writing” shall include email and documents attached to email, but does not include SMS or text messages or social media.

1.40 Except where inappropriate in the context, 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 Western Province Athletics.
- 2.2 The Association shall have legal personality and shall, through its authorised representatives:
- 2.2.1 Have an independent existence;
  - 2.2.2 be entitled to acquire, encumber or dispose of movable or immovable property; and
  - 2.2.3 be entitled to enter into legal transactions and to institute or defend legal proceedings.
- 2.3 WPA shall be the only body administering and controlling athletics on behalf of ASA, within the boundaries of Western Province as defined in the current constitution of ASA.
- 2.4 A head office shall be established to carry out the administration of WPA at such address as may be determined by the Executive Board of WPA from time to time.
- 2.5 WPA shall remain a non-profit making organisation responsible for the overall development of athletics within its jurisdiction.

### **3. MISSION AND OBJECTIVES**

#### MISSION

- 3.1 The mission of WPA is:
- 3.1.1 The promotion of athletics as a sport with a view to the optimal development of the athletics potential residing within the Western Province;
  - 3.1.2 the extension of involvement in athletics, as a sporting and recreational activity, to all areas and sectors of the population within the Western Province;
  - 3.1.3 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.

#### OBJECTIVES

- 3.2 In pursuit of this mission the following objectives are regarded as fundamental to guiding the activities of WPA:
- 3.2.1 Maintaining, extending and recognising a system of clubs throughout Western Province open to membership by all members of the population and allowing access to registration, participation, coaching and other services of WPA to all members of the community who wish to participate in athletics;
  - 3.2.2 creating an atmosphere conducive to establishing friendly and loyal co-operation between all members, harmonious coexistence and efficient and effective administration for the benefit of all members and athletics as a whole in Western Province;
  - 3.2.3 ensuring that no form of discrimination, be it based on race, ethnicity, religion, politics, gender or otherwise, be permitted in athletics and taking all practicable measures to prevent such discrimination;
  - 3.2.4 ensuring that each committee and each team selected is demographically representative of the population residing in the Western Province;
  - 3.2.5 maintaining the rules and regulations concerning athletics of IAAF, ASA and the provisions of this Constitution;
  - 3.2.6 staging, through its members, local, interprovincial, national and international athletics meetings and competitions;
  - 3.2.7 selecting teams to participate in national, interprovincial and local meetings and competitions;
  - 3.2.8 developing and promoting all branches of athletics, including all the recognised age categories and disabled athletes;
  - 3.2.9 participating fully in the affairs of the national governing body for athletics and its affiliated associations;
  - 3.2.10 participating in the structures created by local government to discuss, advise on, promote, develop and manage sport and recreation in the Western Cape;
  - 3.2.11 achieving equity throughout the region in the allocation of facilities and opportunities for involvement in athletics;

- 3.2.12 upholding environmental integrity and promoting responsible use of the environment in all competition and development activities;
- 3.2.13 administering WPA as a business which is highly professional, financially sound, accountable to its members, user-friendly to the athletics family and the public at large and with honesty and respect for the individual;
- 3.2.14 striving for total and complete unification and transformation of athletics at all levels;
- 3.2.15 ensuring that athletics meetings take place throughout the province, in particular the previously disadvantaged communities;
- 3.2.16 promoting fair competition in all respects, including the right of the individual to develop without being disadvantaged by administrative constraints, rulings or otherwise.

#### **4. MEANS OF ACHIEVING OBJECTIVES**

The objectives of WPA may be achieved by, *inter alia*:

- 4.1 Affiliation to ASA or an appropriate body of ASA, or any other organisation;
- 4.2 the acquisition, encumbrance or disposal of such movable or immovable property as is required to achieve its aims and objectives;
- 4.3 raising funds for any purpose which may be deemed necessary;
- 4.4 prescribing uniform rules and regulations for the administration, control and protection of athletics in the Western Province;
- 4.5 licensing and registration of athletes, officials and coaches;
- 4.6 implementing a plan for athlete development;
- 4.7 co-ordinating the selection of athletes to represent Western Province in interprovincial meetings, national championships and other competitions;
- 4.8 providing for the keeping of official lists of records and performances of athletes in the province;
- 4.9 staging annual WPA championship meetings in all disciplines;
- 4.10 co-ordinating the nature, award and protection of official colours;
- 4.11 keeping, saving and investing the assets and funds of WPA and tendering any share of it as security where it may be required in promoting its aims and objectives;
- 4.12 publishing any literature that may further the objectives of WPA;
- 4.13 co-ordinating a calendar of athletics competitions and events;
- 4.14 enforcing discipline in accordance with laid-down rules and regulations;
- 4.15 training athletics officials and coaches by the promotion of theoretical and practical courses and examinations accessible to all interested parties and leading to their registration as qualified officials and coaches;
- 4.16 providing incentives to motivate athletes to achieve their full potential;
- 4.17 monitoring athletics at all levels by means of liaison with athletes and regular meetings of members, administrators, officials and coaches;
- 4.18 adoption of an action plan to achieve equal opportunity and access to participation in athletics by all members of the community, to be implemented by development committees working through the structures of WPA;

- 4.19 allowing for co-option of members if, after elections, any sub-structure or committee fails to be demographically representative of the population residing in the Western Province;
- 4.20 working with local authorities and sport and recreation forums as required to further the development of athletics;
- 4.21 sourcing of sponsorships for WPA structures or teams and athletics meetings;
- 4.22 complying with ASA requirements to conduct anti-doping control measures and testing of athletes;
- 4.23 accepting the principle of consensus decision making and avoiding whenever possible taking any decision to which there is significant opposition, regardless of the outcome of any vote;
- 4.24 subscribing to the ASA code regarding transformation:
  - 4.24.1 all structures and substructures shall guarantee equal representation for people from former establishment and non-establishment sectors,
  - 4.24.2 that this code shall remain enshrined in the Constitution until athletics in the province shall be deemed by ASA to have been fully transformed,
  - 4.24.3 that transformation shall be deemed to have been achieved when a reasonable balance exists between the number of clubs in the previously disadvantaged townships/country areas and the number of clubs in the town/city suburbs;
- 4.25 formulation of a business plan for WPA by the Board, which together with the budget shall form the basis for determining priorities and evaluating performance.



## **CHAPTER 2 : MEMBERSHIP AND SUBSCRIPTIONS**

### **5. CATEGORIES OF MEMBERSHIP**

Membership of WPA shall consist of

- 5.1 Affiliated clubs.
- 5.2 Associate members.
- 5.3 Life members.
- 5.4 Honorary members.
- 5.5 Officers of WPA.
- 5.6 Employees of WPA.

### **6. AFFILIATED CLUBS**

- 6.1 Any club within Western Province, having the fostering of athletics as one of its aims, may make application to the WPA Office for affiliation to WPA.
- 6.2 The club shall submit with its application
  - 6.2.1 a copy of the constitution of the club;
  - 6.2.2 a list of the names and addresses and contact details of its office bearers for the time being;
  - 6.2.3 a list of members and/or prospective members, stating which of these are currently registered licence holders;
  - 6.2.4 the location of its headquarters and a list of facilities for athletics, including facilities for coaching and competition available to the club, if any; and
  - 6.2.5 its existing or proposed club colours.
- 6.3 No new club will be allowed to form within a 5km radius of an existing club unless that existing club:
  - 6.3.1 does not object; or
  - 6.3.2 has more than 50 members; or
  - 6.3.3 special circumstances are shown to the satisfaction of Council.
- 6.4 The Board, upon consideration of a written application for affiliation, shall have the power to provisionally grant membership, which shall:
  - 6.4.1 allow the club to purchase licences,
  - 6.4.2 allow members of the club to participate in athletics meetings,
  - 6.4.3 permit representatives of the club to attend Council Meetings but without the right to vote.
- 6.5 Such membership so granted shall be moved for ratification at the following Council Meeting where the Council shall at its discretion admit or decline to admit the club or make such other decision as it deems fit.
- 6.6 The affiliation of a club shall be subject to the club:
  - 6.6.1 being duly constituted;

- 6.6.2 having its club constitution and club colours approved by the WPA Board, as well as all subsequent changes thereto;
- 6.6.3 having at least twenty senior licensed members or such number as WPA Council may decide from time to time; whose registration forms shall be submitted to the Office by the end of June of each year.
- 6.6.4 fulfilling its financial and administrative responsibilities as stipulated in its constitution and those required by this Constitution;

## **7. ASSOCIATE MEMBERS**

- 7.1 Any association, institution or body within Western Province, having the fostering of athletics as one of its aims, may apply to the WPA Office for affiliation as an Associate Member of WPA.
- 7.2 The Board shall, upon consideration of a written application for affiliation, have the power to grant such body provisional membership. Such provisional membership shall be moved for ratification at the following Council Meeting where the Council shall at its discretion admit or decline to admit the body or make such other decision as it deems fit.
- 7.3 The following bodies are considered associate members:
  - 7.3.1 Western Province Masters Athletics Association
  - 7.3.2 South African School Sports (SASA) Western Province branch
  - 7.3.3 Disabled Sport South Africa Western Province branch
  - 7.3.4 The Two Oceans Marathon NPC
  - 7.3.5 The Trail Running Association of Western Province (TrailWP)

## **8. LIFE MEMBERS**

- 8.1 Life membership is an honour given to an individual who, in the opinion of the Council, is of suitable stature, has been continuously involved in WPA athletics for not less than 20 (twenty) years, has set a standard which is higher than that normally expected of a person in such position and has set an outstanding example to other athletes or administrators.
- 8.2 Life Members shall be elected at an Annual General Meeting according to the procedures described in Schedule C to this Constitution.
- 8.3 Election to Life Membership shall require a seventy five percent (75%) majority of the votes cast.
- 8.4 Life Members of athletics bodies that preceded the founding of WPA (1996) shall not automatically be considered Life Members of WPA but shall be elected in accordance with the procedures described.
- 8.5 The number of Life Members of WPA shall not be limited.
- 8.6 Life Membership shall apply in principle for the natural life of the recipient, but in exceptional circumstances may be revoked by a decision of Council.
- 8.7 A Life Member shall automatically be considered an Honorary Member.

## **9. HONORARY MEMBERS**

- 9.1 Honorary membership may be granted to any individual who, at the discretion of the Council:
- 9.1.1 Has served athletics with distinction; or
  - 9.1.2 may be of value to the cause of athletics in general or WPA in particular; and
  - 9.1.3 is deserving of such status.
- 9.2 Persons nominated for Honorary Membership need not be active in athletics or be a member of an affiliated club or associate member.
- 9.3 Honorary membership shall entitle the recipient to membership of WPA without subscription or levy.
- 9.4 Honorary membership shall be elected by a majority decision of a Council Meeting.
- 9.5 Honorary membership shall be for a two-year period and may be re-awarded.
- 9.6 Honorary members shall be entitled to attend Council Meetings but without the right to vote.

## **10. OFFICERS OF THE ASSOCIATION**

- 10.1 The Officers of the Association shall comprise the President, the Vice-President, the Development Officer, the General Manager, the Finance Officer, the Legal Advisor, the members of the Board, the Chairpersons and members of the Commissions, , the members of the Committees and the employees of WPA.
- 10.2 All elected positions shall be honorary unless provided for in this Constitution or expressly decided otherwise by the Council.
- 10.3 No Officer of the Association, solely by virtue of their position, shall
- 10.3.1 be personally liable for any loss suffered by any person or member as a result of an act or omission which occurs while the officer is performing functions in good faith for or on behalf of the Association;
  - 10.3.2 have any claim or right in the property or other assets of the Association;
  - 10.3.3 be or become liable for any of the current or future obligations and liabilities of the Association.
- 10.4 Except for Employees (including the General Manager, Development Officer, and Legal Advisor), all officers are to be licensed members in good standing with an affiliated club.
- 10.5 **PRESIDENT**
- 10.5.1 The President shall be elected to the Board at the AGM in terms of clause 22 and should ideally be respected in the athletics community and have experience in the administration of athletics.
  - 10.5.2 The President shall preside at all meetings of Council including the Annual General Meeting and Special General Meetings.
  - 10.5.3 The President shall preside at all meetings of the Board and the Management Committee.
  - 10.5.4 The President shall be considered as the ceremonial head of WPA and will represent WPA at appropriate occasions when requested to do so by the Board from time to time.

## 10.6 VICE PRESIDENT

10.6.1 The Vice President shall be elected to the Board at the AGM in terms of clause 22 and should ideally be respected in the athletics community and have experience in the administration of athletics.

10.6.2 The Vice President shall act in place of the President whenever required.

## 10.7 DEVELOPMENT OFFICER

10.7.1 A Development Officer may be appointed by the Board in either an honorary capacity or as an Employee reporting to the General Manager.

10.7.2 The Development Officer, when appointed in an honorary capacity shall serve as an ex officio member of the Board and shall have no vote. If appointed as an Employee the Development Officer shall not serve on the Board.

10.7.3 The Development Officer shall chair the Standing Committee for Development and shall propose and administer policy and strategy in terms of athletic development in its widest context, working at all times in co-operation with the General Manager.

## 10.8 GENERAL MANAGER

10.8.1 A General Manager may be appointed by the Board as an employee on a contract basis, to coincide as far as possible with the biennial election of the Board.

10.8.2 The General Manager shall be responsible for the day-to-day running of the WPA office and for implementing such policies and decisions as determined by the Board or Council and as described in Schedule E to this Constitution.

10.8.3 The General Manager shall serve as an ex-officio member of the Board and shall have no vote.

## 10.9 FINANCE OFFICER

10.9.1 The Finance Officer shall be elected to the Board at the AGM in terms of clause 22 and should ideally be qualified and experienced in matters of finance.

10.9.2 The Finance Officer shall cooperate closely with the General Manager with regards to the responsibilities described in Schedule E and shall monitor and review all aspects of financial control.

## 10.10 MEMBERS OF THE BOARD

Members of the Board shall be elected or appointed in terms of clause 22.20

## 10.11 MEMBERS OF THE COMMISSIONS

Members of the Commissions shall be elected or appointed in terms of clause 22.23

## 10.12 MEMBERS OF THE COMMITTEES

Members of the Committees shall be elected or appointed in terms of clause 17.2.

## 10.13 LEGAL ADVISOR

The Board shall appoint a Legal Advisor who, from time to time, as occasions arise, shall advise the Board on any legal matter referred to him/her and shall at all times act *pro amico* and without fee unless agreed to otherwise by the Board.

## 10.14 AUDITOR

A registered auditor shall be appointed at the AGM.

## 10.15 EMPLOYEES

10.15.1 Employees includes all persons working directly for WPA.

10.15.2 The terms of clause 27 (Secretariat) shall apply to all Employees.

10.15.3 Employees shall not be office bearers or employees of associate members or affiliated clubs.

## 11. SUSPENSION AND EXPULSION OF MEMBERS

11.1 Any member that has engaged in misconduct or has unjustifiably violated the Constitution or rules of WPA, or which, by its actions brings WPA into disrepute may be suspended in accordance with the disciplinary procedures of WPA as detailed in Schedule A.

11.2 The Board shall from time to time review the continued affiliation of clubs. Where it finds that a club fails to meet the requirements of Clause 6.6 of this Constitution it may in its discretion:

11.2.1 give written warning to that club, and/or

11.2.2 recommend to the next Council Meeting of WPA that the affiliation of the club be suspended or terminated.

11.3 The Council may at its discretion by a majority of two thirds of the votes cast, suspend or terminate the affiliation of any such club or associate member, provided that no suspension shall be longer than for a period of twelve months and that the reasons for such suspension shall be reviewed by the Board from time to time.

11.4 Any appeal in connection with such suspension or expulsion shall be heard by the Board in the course of its review of such suspension or expulsion, which shall make further recommendations to the Council as appropriate.

## CHAPTER 3 : STRUCTURE AND ORGANISATION

### 12. CONSTITUENT SUBSTRUCTURES

The constituent substructures of WPA are:

- 12.1 The Council
- 12.2 The Board
- 12.3 The Management Committee
- 12.4 The Commissions
- 12.5 The Committees

### 13. COUNCIL

- 13.1 The Council constitutes the highest authority of WPA and as such may deal with any matter placed before it in accordance with this Constitution.
- 13.2 The following may attend Council Meetings:
  - 13.2.1 All Officers of the Association;
  - 13.2.2 Two accredited representatives from each affiliated club and associate member;
  - 13.2.3 Life members and Honorary members of WPA;
  - 13.2.4 Individual members of affiliated clubs and associate members;
  - 13.2.5 Invited guests.
- 13.3 The Annual General Meeting and a Special General Meeting shall be regarded as Council Meetings and the provisions for Council Meetings shall apply *mutatis mutandis* to an Annual General Meeting and a Special General Meeting.

### 14. BOARD

#### 14.1 COMPOSITION

- 14.1.1 The Board shall consist of:
  - 14.1.1.1 The President.
  - 14.1.1.2 The Vice President.
  - 14.1.1.3 The Finance Officer
  - 14.1.1.4 The chairperson of WPA Cross Country or an alternate from WPACC.
  - 14.1.1.5 The chairperson of WPA Road Running or an alternate from WPARR.
  - 14.1.1.6 The chairperson of WPA Track and Field or an alternate from WPATF.
  - 14.1.1.7 The chairperson of the Standing Committee for Technical Officials.
  - 14.1.1.8 The chairperson of the Standing Committee for Coaches.
  - 14.1.1.9 The chairperson of WPA Race Walking for an alternate from WPARW.
  - 14.1.1.10 First Additional Member
  - 14.1.1.11 Second Additional Member
    - 14.1.1.11.1. The First and Second Additional Members will be assigned roles and responsibilities on the Board in conjunction with the other members of the Board..

- 14.1.2 The General Manager and the Development Officer (when appointed in an honorary capacity) shall serve on the Board as ex officio members and shall have no vote.
- 14.1.3 Any ASA Board member resident in the Western Province shall serve on the WPA Board in an ex officio capacity without vote.
- 14.1.4 Except for the Commission Chairpersons, no person may hold office on the Board concurrently with office in any Commission and no person may hold two offices on the Board.
- 14.1.5 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. Such persons so co-opted shall be allowed to take part in the proceedings and discussions but shall have no vote.

## 14.2 POWERS AND FUNCTIONS OF THE BOARD

In addition to the powers and responsibilities assigned to the Board in terms of any provision of the Constitution, the following further powers and duties shall vest in the Board:

- 14.2.1 To co-ordinate all athletics in the area of control of WPA and administer the affairs of WPA subject to the decisions of Council Meetings.
- 14.2.2 To liaise with ASA and with other such bodies as may be able to assist in the co-ordination and promotion of athletics.
- 14.2.3 To confer rights and powers, with commensurate duties and obligations, upon the Commissions and Committees and to sanction, ratify or veto their activities insofar as it may be necessary.
- 14.2.4 To consider all applications from clubs and associations for affiliation to WPA and make recommendations to the Council as it deems fit.
- 14.2.5 To co-ordinate fixtures for all branches of athletics in terms of the provisions of clause 28.
- 14.2.6 To convene Council Meetings, including the AGM and Special General Meetings.
- 14.2.7 To present at the AGM a proposal for a revenue and expenditure budget for the forthcoming year, including proposals for affiliation and licence fees.
- 14.2.8 To ratify recommendations from Commissions for the awarding of Western Province colours.
- 14.2.9 To receive and decide on applications for the ratification of Western Province records in athletics from the relevant Commissions.
- 14.2.10 To authorise the signature of powers of attorney and other documents on behalf of WPA.
- 14.2.11 To open an account or accounts in the name of WPA with a registered commercial bank or banks, deposit WPA funds therein, draw, accept and endorse such cheques, other bills of exchange and promissory notes and make such payments from WPA's funds as may from time to time be necessary and provided for in WPA's approved budget for the year, or as otherwise provided for by the resolution of a Council or Board Meeting.

- 14.2.12 To at any time require an affiliated club, Commission, committee or office bearer to produce on not less than seven (7) days written notice any book or document relating to the affairs of such body, for inspection at a meeting of the Board.
- 14.2.13 To at any time require the attendance before it on not less than seven (7) days written notice any member or office bearer of any affiliated club or Commission or committee.
- 14.2.14 To appoint ad-hoc committees consisting of persons who need not necessarily be members of WPA to undertake specific tasks or investigation on its behalf.
- 14.2.15 To ensure that minutes of Council Meetings are circulated to all members of WPA and are posted on the WPA website. Minutes of Board Meetings, after editing to remove items of a confidential nature, shall be posted on the WPA website within 15 days after adoption of the said minutes. Minutes of meetings of commissions and subcommittees shall be available to members on request to the General Manager.
- 14.2.16 To report to Council on the activities of the constituent substructures of WPA.
- 14.2.17 To co-ordinate a time-table of meetings of the Council, Board, Commissions and Committees for the year.
- 14.2.18 To establish policy and direction in line with the provisions of this Constitution and the decisions of Council.
- 14.2.19 To institute appropriate disciplinary action in terms of clause 29 against any member of WPA.
- 14.2.20 To appoint full or part-time or contracted employees as required for the efficient operation of the Association.
- 14.2.21 To ensure that minutes be kept of all meetings of substructures of WPA.
- 14.2.22 To appoint delegates to various bodies to which WPA is affiliated to or is required to send such to.
- 14.2.23 To ensure that all Standing Committees are properly constituted.
- 14.2.24 To maintain a Head Office.
- 14.2.25 To control the financial affairs of WPA.
- 14.2.26 To pay out any honorarium or allowances specifically approved by Council or the Board.
- 14.2.27 To enter into agreement with any sponsor for WPA as a whole or for any Commission or athletics meeting.
- 14.2.28 To submit to Council an audited financial report, income statement and balance sheet for the financial year past.
- 14.2.29 To do anything that is in the interests of WPA, provided it is in keeping with the mission and objectives and complies with the provision of the Constitution and the decisions of Council.
- 14.2.30 To enter into agreement with any sponsor, supplier or partner for WPA as a whole or for any Commission or athletics meeting; provided such agreement is approved by at least 75% (seventy five percent) of the voting rights of the full WPA Board.



14.2.31 To authorise expenditure; either in accordance with the approved budget or on condition that any individual item not in budget may not exceed R200 000 (Two hundred thousand Rands) without approval by Council.

### 14.3 PROCEEDINGS OF THE BOARD

14.3.1 The Board shall meet monthly or at such other intervals as it may determine, but not less than ten (10) times annually.

14.3.2 A quorum at meetings shall be at least four (4) voting members, which number must include either the President or Vice-President and two (2) of the four Commission Chairpersons or nominated alternates.

14.3.3 The President shall chair all meetings of the Board. In the absence of the President, the Vice-President shall assume the powers and duties of the President.

14.3.4 Board meetings can be called by the President or by any three voting members of the Board submitting such a request to the President.

14.3.5 Members of the Board shall be given not less than seven (7) days written notice of meetings.

14.3.6 Each member of the Board as described in clause 14.1.1 shall have one vote. Matters put to the vote shall be carried by a simple majority of the votes cast. In the event of a tie the person chairing the meeting may exercise a casting vote.

14.3.7 A meeting of the Board may be conducted by electronic communication ; or one or more Board members may participate in a meeting by electronic communication, so long as the electronic communication facility employed enables all persons to participate effectively in the meeting.

14.3.8 A decision that could be voted on at a meeting of the Board may instead be adopted by written consent of the majority of the Board members, provided that the motion to be voted on has been formally distributed by the President or General Manager (or other person authorised by the President or General Manager) to each member and each member has received notice of the matter to be decided. A decision so made in this manner is of the same effect as if it had been approved by voting at a meeting.

## 15 **MANAGEMENT COMMITTEE**

15.1 The President or Vice-President together with any other two (2) voting members of the Board, acting together, will together constitute a Management Committee, being a substructure of the Board, that will be entitled to deal with any urgent matter arising, provided that the Management Committee will not exercise any powers not specifically conferred on the Board and will not do anything that contravenes policy as formulated by the Council.

15.2 If the matter under discussion concerns any of the Commissions, the two members included in clause 15.1 must include the chairperson(s) of the Commission(s) involved.

15.3 Any action taken by the Management Committee shall be ratified at the next meeting of the Board, failing which it shall lapse.

## 16 COMMISSIONS

### 16.1 COMPOSITION

- 16.1.1 WPA shall have four Commissions to administer, develop, and promote each branch of athletics, namely WPA Cross Country Commission, WPA Race Walking Commission, WPA Road Running Commission and WPA Track and Field Commission.
- 16.1.2 Each Commission shall have a Chairperson elected at the AGM in terms of clause 22.17.
- 16.1.3 A further eight (8) members shall be elected at the AGM in terms of clause 22.23.
- 16.1.4 The members of the Commission shall elect a Vice-Chairperson from their number.
- 16.1.5 The convenor of the Standing Committee for Selection appointed in terms of clause 17.2.11 shall be co-opted as a full voting member of the Commission, if not already a member.
- 16.1.6 The Secretary shall assist at meetings of the Commissions by arrangement.
- 16.1.7 Any member of an ASA Commission residing in WPA shall serve on the relevant WPA Commission as an ex-officio member without vote.

### 16.2 POWERS AND FUNCTIONS OF THE COMMISSIONS

- 16.2.1 The Commissions are an integral substructure of WPA, and they shall therefore have no standing, legal or otherwise, separate to that of WPA.
- 16.2.2 The Commissions shall have no constitutions of their own and they shall hold neither AGMs nor Council Meetings of their own.
- 16.2.3 Commissions shall have no power except those powers derived from the Council, Board and this Constitution.
- 16.2.4 The Commissions will have the right to co-opt members from time to time, subject to ratification by the Board. Co-opted members shall have no voting powers.
- 16.2.5 The primary role of the Commissions is that of planning, technical input and guidance with specific rules and regulations regarding their particular branch of athletics, with powers including to:
  - 16.2.5.1 Co-operate with and provide guidance to affiliated clubs and associate members to further the development of the particular discipline of athletics;
  - 16.2.5.2 organise WPA Championships and other competitions;
  - 16.2.5.3 select competitors to represent WPA and to propose team managers of any teams selected, subject to approval of the Board;
  - 16.2.5.4 maintain any section of the domestic competition rules relating to the particular branch of athletics and ensure compliance therewith, to be included as a Schedule to this Constitution;
  - 16.2.5.5 establish standards and regulations for and provide advice to event organisers and assist in the co-ordination of events;

- 16.2.5.6 catalogue provincial records and performances and maintain comprehensive statistics;
  - 16.2.5.7 submit regular reports to the Board;
  - 16.2.5.8 control and regulate the income and expenditure of its discipline according to generally accepted accounting practice, procedures determined by the Board and the budget approved by Council;
  - 16.2.5.9 nominate and appoint such ad hoc committees as may be required to assist in and ensure the proper management of its discipline;
  - 16.2.5.10 forward representatives of the Commission to all appropriate Standing Committees.
- 16.2.6 Expressly excluded from the rights and powers of the Commissions are:
- 16.2.6.1 The right to international and interprovincial liaison and participation, except with the approval of the Board, ASA and/or the province concerned;
  - 16.2.6.2 the right to organise fixtures and WPA events at venues outside the borders of WPA without the approval of the WPA Board and/or Council and the other province concerned;
  - 16.2.6.3 the licensing and registration of members;
  - 16.2.6.4 the procurement of sponsorship without the prior approval of the Board;
  - 16.2.6.5 the right, as a substructure of WPA, to enter into any agreement in the name of the Commission (all agreements are to be in the name of WPA);
  - 16.2.6.6 the involvement in any matter that affects WPA as a whole or which relates to or affects other Commissions.

### 16.3 PROCEEDINGS OF THE COMMISSIONS

- 16.3.1 The Commissions shall meet at least eight (8) times a year.
- 16.3.2 Not less than seven (7) days written notice of meetings shall be given to all members of the Commission and to the office of WPA.
- 16.3.3 A meeting of the Commission may be called by the Chairperson or any three members of the Commission on request to the Chairperson.
- 16.3.4 Meetings shall be chaired by the Commission Chairperson or if absent, the Vice-Chairperson.
- 16.3.5 A quorum at meetings shall be at least six (6) voting members which number must include either the Chair- or Vice-Chairperson.
- 16.3.6 Any member of the Board shall have the right to attend and participate in the meetings of the Commissions and their committees, without the right to vote.
- 16.3.7 Minutes of any meeting of the Commission and the meetings of any committee appointed by them shall be submitted within two (2) weeks of said meeting, or as soon as is reasonably possible, to all members of such Commission or committee and to the Board.

- 16.3.8 Each member of the Commission defined in clause 16.1 shall have one vote. Any matter put to the vote shall be carried by a simple majority of the votes cast. In the event of a tie, the person chairing the meeting shall have a casting vote.
- 16.3.9 A decision that could be voted on at a meeting of the Commission may instead be adopted by written consent of the majority of the Commission members, provided that the motion to be voted on has been formally distributed by the Commission Chairperson (or other person authorised by the Commission Chairperson or General Manager) to each member and each member has received notice of the matter to be decided. A decision so made in this manner is of the same effect as if it had been approved by voting at a meeting.

## **17 COMMITTEES**

Committees of WPA shall be divided into two categories, namely *Ad hoc* and Standing Committees.

### **17.1 AD HOC COMMITTEES**

- 17.1.1 These are special committees formed on a needs basis (as and when required). The number of members on these committees will differ from committee to committee, depending on the task they have to execute. In each instance a convenor of the committee will be appointed.
- 17.1.2 *Ad hoc* committees may be formed at the request of the Board, or any of the Commissions.
- 17.1.3 *Ad hoc* committees shall be dissolved as soon as they have achieved the objectives for which they have been formed, or as the Board or Commission responsible for their formation may decide.

### **17.2 STANDING COMMITTEES**

- 17.2.1 As opposed to *Ad hoc* committees, Standing Committees have a permanent existence (in principle and not in composition).
- 17.2.2 Except as provided elsewhere, all Standing Committees shall be answerable to the Board.
- 17.2.3 The following Standing Committees are constituted:
- 17.2.3.1 Development committee
  - 17.2.3.2 Technical Officials committee
  - 17.2.3.3 Coaching committee
  - 17.2.3.4 Disciplinary committee
  - 17.2.3.5 Finance / Administration committee
  - 17.2.3.6 Selection committees (one per Commission)
  - 17.2.3.7 Medical and anti-doping committee

- 17.2.3.8 Statistics committee
- 17.2.3.9 Constitution and Rules committee
- 17.2.3.10 Awards committee
- 17.2.4 With the notice of the AGM the Board shall call for nominations from members for persons to serve on the Standing Committees. Such nominations may be submitted at any time prior to the first Board meeting after the AGM. This list shall assist the Board and Commissions in the selection of persons to serve on the various committees.
- 17.2.5 Any Standing Committee shall consist of not less than three (3) persons. There shall be no maximum number of members.
- 17.2.6 In addition to the members appointed by the Board, each Commission may nominate a representative to serve on each appropriate Standing Committee.
- 17.2.7 The Standing Committee for Discipline shall consist of five (5) members who shall be elected at the AGM in terms of clause 22.
- 17.2.8 The chairpersons for the Standing Committees for Technical Officials and Coaches shall be elected at meetings of registered officials and coaches, to be ratified by Council at the AGM in terms of clause 22. The further members of these committees shall be selected by the same meetings of registered officials and coaches, or by the chairpersons, to be ratified by the Board.
- 17.2.9 The Standing Committee for Development shall be chaired by the Development Officer.
- 17.2.10 The Standing Committee for Finance / Administration shall be chaired by the Finance Officer.
- 17.2.11 Each Commission shall appoint the convenor and members for the Standing Committees for Selection for their discipline of athletics, to be ratified by the Board. The convenors of these committees shall be co-opted to the relevant Commissions, if not already members.
- 17.2.12 At its discretion or at the request of the convenor of the Standing Committee the Board may add additional members to any Standing Committee.
- 17.3 The Board shall review the composition of all Standing Committees annually and within four (4) weeks of the AGM shall notify all members of such composition in writing before the Council Meeting to be held in November.
- 17.4 The findings and/or recommendations of any committee will be of no force or effect until they are ratified by the Board or Commission responsible for the committee's formation.
- 17.5 The minutes of any meeting of a Standing Committee are to be tabled at the subsequent Board meeting.

## **CHAPTER 4: ADMINISTRATION AND PROCEEDINGS**

### **COUNCIL MEETINGS**

#### **18 PROCEEDINGS OF COUNCIL MEETINGS**

- 18.1 The President or, if absent, the Vice-President shall preside at Council Meetings. If both are absent the members of the Board present shall appoint someone from their midst to chair the meeting.
- 18.2 Council Meetings shall be held at least quarterly, at a time and place determined by the Board.
- 18.3 The Annual General Meeting shall be held preferably in September or if necessary no later than the 16<sup>th</sup> October of every year.
- 18.4 The agenda for a Council Meeting shall be decided by the Board and shall be approved by the Council at the start of the meeting. Items to be added to the agenda after the posting of the notice of the meeting as described in clause 18.5 below, must be received by the WPA Office no later than five (5) working days before the meeting. Items for the agenda shall only be added from the floor at the discretion of the meeting, and then only after a satisfactory explanation for the lateness is provided.
- 18.4.1 Voting shall be limited to motions contained in the notice and agenda sent to members as described in Clause 18.5.
- 18.5 Each member as described in Clause 5 shall be sent prior notice in writing of the time, date and place of each Council Meeting and the agenda and all motions submitted for consideration at the meeting. Such notice shall be not less than three (3) weeks in the case of an ordinary Council Meeting or Special General Meeting, and four weeks in the case of an Annual General Meeting.
- 18.6 In the case of an Annual General Meeting, a notice shall be sent to members at least eight (8) weeks before the meeting, which shall detail the date, time and venue for the meeting as well as the deadline for receipt of motions. All notices of motion to be dealt with at the meeting shall reach the WPA office no later than five (5) weeks before such meeting and shall be in writing. The Board, at its sole discretion, shall decide whether to place such motions on the agenda of the meeting or take any other action that it deems appropriate.
- 18.7 Accredited representatives of clubs and associate members shall have the right to speak and vote at all Council Meetings.
- 18.8 Life members, Honorary members, individual members of affiliated clubs and associate members and any invited guests may attend Council Meetings and at the discretion of the person chairing the meeting participate in discussions but shall have no vote. Any such persons should be recognised by the chairperson at the beginning of the meeting. Only the accredited representatives of affiliated clubs and associate members should table new motions for consideration by the meeting.
- 18.9 The chairperson of any Council Meeting shall not permit discussion on any allegation, accusation or personal attack against any individual who is not present at the meeting. Such

allegations or accusations must be addressed through the appropriate channels to the WPA office and the individual given the opportunity to respond accordingly. This provision shall not apply where a duly constituted disciplinary hearing of WPA has found against an individual and has ruled that its findings be reported at a WPA Council Meeting.

- 18.10 No person shall deliberately mislead a Council Meeting. Any person accused of doing so shall be subject to disciplinary action.

## **19 QUORUM FOR COUNCIL MEETINGS**

- 19.1 A quorum shall be constituted by the presence of a representative from no less than one quarter (25%) of the affiliated clubs of WPA, excluding any club on probation or suspension.
- 19.2 Should there not be a quorum half an hour after the scheduled starting time of the meeting of which notice was given, the meeting may continue but shall be incapable of passing any resolution or decision. The Board shall thereafter decide whether the said meeting should be reconvened with the same agenda and if so decided, the members of WPA shall be given a minimum of seven (7) days notice in writing that the said meeting will be reconvened at a time, date and place named in such notice, and being not less than two weeks after the aborted meeting. Should a quorum not be constituted at the reconvened meeting, the delegates then present will constitute a quorum.

## **20 VOTING AT COUNCIL MEETINGS**

- 20.1 Except where otherwise provided, when a quorum is correctly constituted, all decisions taken and resolutions passed shall be taken or passed, as the case may be, by a simple numerical majority of votes.
- 20.2 Voting, except where otherwise provided, shall be by a show of hands unless two or more affiliated clubs request a secret ballot.
- 20.3 The Board shall appoint a neutral person or persons to co-ordinate the voting at an Annual General Meeting or Special General Meeting or where a secret ballot is called for. The name of such person or persons shall be included in the agenda of the meeting. If such persons are not nominated in advance, a suitable person shall be appointed by the meeting.
- 20.4 Each eligible affiliated club shall have one vote. (One vote per club and not per delegate.)
- 20.5 An affiliated club shall be eligible to vote at a Council Meeting provided:
- 20.5.1 its membership has been approved by Council in terms of clause 6;
  - 20.5.2 its membership has not been suspended or terminated in terms of clause 6; and
  - 20.5.3 its annual affiliation fees to WPA have been paid in terms of clause 27.
- 20.6 In the case of the Annual General Meeting, an affiliated club shall be entitled to vote in the election of Officers of the Association provided it meets the requirements of 20.5 and in addition has been represented at a minimum of four (4) Council Meetings in the past two years since the previous AGM where elections were held. The number of meetings shall be applied pro-rata to any club granted membership in the period between AGMs. The eligibility

of clubs to vote in the elections at the Annual General Meeting shall be sent with the final agenda for the meeting as described in clause 18.5.

- 20.7 No individual shall have a vote except in their capacity as the accredited representative of an affiliated club. No individual may represent more than one affiliated club.
- 20.8 Votes by proxy shall not be admissible.
- 20.9 In the event of tied voting there shall be a revote after further discussion of the matter in question. Any person directly affected by the voting may be asked to leave the room during such discussion.
- 20.10 On any matter except the election of officials, if after a revote the votes are still tied, the President, or if absent the person presiding over the meeting, shall exercise a casting vote if they choose to do so or make any other arrangement they deem suitable provided it is in the spirit of this Constitution.
- 20.11 Voting in the election of officials shall be according to clause 22.

## **21 PROCEDURE AT ANNUAL GENERAL MEETING**

- 21.1 The agenda of the Annual General Meeting shall as far as possible be disposed of in the following order:
  - 21.1.1 submission of delegates credentials;
  - 21.1.2 confirming the validity of the meeting in terms of the Constitution:
    - 21.1.2.1 confirmation of the date of posting of the notice convening the meeting, the reading of such notice; and
    - 21.1.2.2 confirming the presence of a quorum;
  - 21.1.3 confirming the agenda for the meeting including any points to be raised under General;
  - 21.1.4 reading (if need be) and if in order adopting the minutes of the previous Annual General Meeting and any Special General Meeting held since the last Council Meeting; if not in order, duly amending and adopting such minutes;
  - 21.1.5 submission, discussion and adoption of the report of the Board, which shall include reports of the separate Commissions and Standing Committees;
  - 21.1.6 discussion of the income and expenditure statement for the current financial year;
  - 21.1.7 recommendations by the Board for licence fees and subscriptions for the following year, for adoption, or amendment and adoption. Such recommendations to be based on a draft revenue and expenditure budget as envisaged in clause 27;.
  - 21.1.8 dealing with any motions, including motions to amend the Constitution of which due notice has been given as per clause 18.6;
  - 21.1.9 election of office bearers in terms of clause 22;
  - 21.1.10 acceptance of the fixture list for athletic meetings for the forthcoming year;
  - 21.1.11 confirmation of the names of any athletes not granted clearance in terms of Schedule B;
  - 21.1.12 appointment of a Legal Advisor and an Auditor for the forthcoming year;
  - 21.1.13 awarding Honours, if any, in terms of clause 34;
  - 21.1.14 election of Life Members, if any, in terms of clause 8;
  - 21.1.15 attending to any matters raised under General.



21.2 If the meeting is unable to complete the proposed agenda, the meeting may elect to adjourn the meeting and reconvene within twenty one (21) days. A minimum of seven (7) days notice of such reconvened meeting shall be sent to all members and persons who received notice of the original meeting.

## **22 BIENNIAL ELECTION OF OFFICE BEARERS**

22.1 All elected positions on the Board, Commissions and Standing Committees shall be elected for a term of two (2) years with the following conditions:

22.1.1 no individual shall be allowed to hold the position of President, or Chairperson of a Commission, or Chairperson of the Technical Officials or Coaches Committees, for more than two consecutive two-year terms.

22.1.2 Any position vacated in mid-term due to resignation or other causes shall be filled by co-option at the discretion of the Board for the remainder of the term. Due consideration shall be taken of the nature of the position vacated in terms of the criteria for appointments included in clause 22.18 and 22.19 and the results of voting at the past election.

22.2 All appointed positions on Standing Committees shall be for a term of one (1) year.

### NOMINATIONS

22.3 Nomination forms for the positions to be elected shall be sent to all members with the notice convening the Annual General Meeting.

22.4 Nominations are to be invited for the following positions:

22.4.1 President/Vice President;

22.4.2 Chairperson of each Commission (WPACC, WPARR, WPATF, WPARW);

22.4.3 Member of each Commission (WPACC, WPARR, WPATF, WPARW);

22.4.4 Member of the Standing Committee for Discipline;

22.4.5 Finance Officer

22.4.6 First Additional Member for the Board

22.4.7 Second Additional Member for the Board

22.5 Nominees must be licensed members in good standing of affiliated clubs. Nominees for Commissions and Committees, whether as chairperson or members, must be active as a participant, administrator or official in that discipline.

22.6 A nomination for the position of President shall be automatically considered as a nomination for the position of Vice President.

22.7 A nomination for the position of Chairperson for a particular Commission shall automatically be considered as a nomination for member of that Commission.

22.8 The completed nomination forms are to reach the office of WPA by no later than five weeks before the AGM. The nominated person shall confirm in writing their availability to stand for election and provide a short summary of their credentials.

- 22.9 Lists of the persons nominated together with their credentials shall be prepared by the office and sent to all members with the final notice of the AGM.
- 22.10 In the event of no nominations having been received for a particular position, or if in the opinion of the Board the nominations received are unlikely to give effect to the conditions regarding gender representation contained in Clause 22, nominations shall be accepted at the meeting.
- 22.11 The nomination of chairperson of the Standing Committee for Technical Officials shall be decided at a meeting of registered Technical Officials held before the date of the AGM.
- 22.11.1 Notice of this meeting shall be sent to all registered Technical Officials at least two weeks (14 days) before such meeting.
- 22.11.2 A quorum shall comprise of at least twenty (20) registered Technical Officials.
- 22.11.3 The President or designated alternate shall chair the meeting, or if absent the meeting shall decide who shall preside.
- 22.11.4 Candidates for nomination shall be accepted at the meeting and such candidates should be present or have previously indicated their acceptance to stand.
- 22.11.5 In the case of a tie for the position of chairperson there shall be a re-vote excluding all other nominees except the tied parties. If, after a re-vote, the parties are still tied the President or designated alternate shall cast a deciding vote.
- 22.11.6 The same meeting may select other registered Technical Officials to serve on the Standing Committee for Technical Officials.
- 22.11.7 The decisions of this meeting shall be forwarded to the WPA office.
- 22.12 The nomination of chairperson of the Standing Committee for Coaches shall be decided at a meeting of registered Coaches held before the date of the AGM.
- 22.12.1 Notice of this meeting shall be sent to all registered Coaches at least two weeks (14 days) before such meeting.
- 22.12.2 A quorum shall comprise of at least ten (10) registered coaches.
- 22.12.3 The President or designated alternate shall chair the meeting, or if absent the meeting shall decide who shall preside.
- 22.12.4 Candidates for nomination shall be accepted at the meeting and such candidates should be present or have previously indicated their acceptance to stand.
- 22.12.5 In the case of a tie for the position of chairperson there shall be a re-vote excluding all other nominees except the tied parties. If, after a re-vote, the parties are still tied the President or designated alternate shall cast a deciding vote.
- 22.12.6 The same meeting may select other registered coaches to serve on the Standing Committee for Coaches.
- 22.12.7 The decisions of this meeting shall be forwarded to the WPA office.

## ELECTIONS

- 22.13 All elections shall be held by secret ballot.
- 22.14 The nominees need not be present at the AGM.
- 22.15 Ballot papers shall be distributed at the meeting.

- 22.16 Except for the Commission Chairpersons, no person is allowed to hold a position on the Board as well as any Commission. In other words, as soon as a member is elected to a position, she or he will automatically be removed as a candidate for any other position for which she or he was nominated.
- 22.17 Elections shall be conducted in the following order:
- 22.17.1 Election of the President and Vice President.
  - 22.17.2 Election of chairpersons of the Commissions, conducted in alphabetical order viz: WPACC, WPARR, WPARW, WPATF.
  - 22.17.3 Election of the Finance Officer
  - 22.17.4 Election of First Additional Member for the Board
  - 22.17.5 Election of Second Additional Member for the Board
  - 22.17.6 Election of the Members of the Commissions, conducted in alphabetical order viz: WPACC, WPARR, WPARW, WPATF
  - 22.17.7 Election of five (5) members to the Standing Committee for Discipline.
- 22.18 Any position that for whatever reason cannot be filled by election as intended, shall be appointed by the Board, subject to ratification at the next Council meeting.
- 22.19 Unless otherwise provided, elected office bearers shall assume office from the close of the Annual General Meeting at which they are elected.

#### VOTING FOR MEMBERS OF THE BOARD

- 22.20 Voting for members of the Executive Board shall be conducted as follows:
- 22.20.1 The election of the President shall precede that of the election for Vice President.
  - 22.20.2 The person who receives the most votes shall be declared the President.
  - 22.20.3 Any losing candidate(s) for President shall be added to the ballot paper for the Vice President and the election shall proceed.
  - 22.20.4 The person who receives the most votes shall be declared the Vice President.
  - 22.20.5 In the case of a tie in voting for any position on the Board there shall be a re-vote excluding all other nominees except the tied parties. If, after a re-vote, the parties are still tied, the winner shall be determined by the toss of a coin or the drawing of lots.
- 22.21 The nomination for the position of chairperson of the Standing Committee for Technical Officials, after an opportunity for discussion, shall be put to a vote for ratification by the meeting:
- 22.21.1 If the nomination is not ratified by the AGM, a further meeting of registered Technical Officials shall be convened and a new election conducted in accordance with clause 22.11, for ratification by the Board .
- 22.22 The nomination for the position of chairperson of the Standing Committee for Coaches, after an opportunity for discussion, shall be put to a vote for ratification by the meeting:
- 22.22.1 If the nomination is not ratified by the AGM, a further meeting of registered Coaches shall be convened and a new election conducted in accordance with clause 22.12 for ratification by the Board. .

## VOTING FOR MEMBERS OF THE COMMISSIONS

22.23 Voting for members of the Commissions shall be conducted as follows:

22.23.1 The election of the Chairperson shall be done as part of the election of the Board and shall precede the election of the members of the Commission.

22.23.2 The elected Chairperson shall be excluded from all further consideration in the appointment of members of the Commission. Unless they decline, all the unsuccessful nominees for Chairperson shall automatically be included in the list of nominees for members of the Commission.

22.23.3 If the number of nominations received for members of the Commission do not number eight (8) or more;

22.23.3.1 Those persons already nominated in terms of clauses 22.3 to 22.9 shall be automatically be deemed to have been elected.

22.23.3.2 further nominations shall be taken from the floor to fill the remaining positions.

22.23.4 After the election of the Chairperson and any automatically elected nominees, each Affiliated Club shall be entitled to vote for as many further members of the Commission as required to bring the total number of members, (excluding the Chairperson), to eight (8).

22.23.5 Unless there are already at least two females amongst the Chairperson and members automatically elected in terms of 22.4.1., after the voting for the members of the Commission, two (2) positions shall be assigned to the females receiving the highest number of votes,

22.23.6 As many further positions as required to bring the total number of Commission members including the Chairperson to nine (9), awarded to the nominees receiving the highest number of votes and not included in the previously assigned positions.

22.23.7 In the case of a tie between nominees for a position as member on the Commission, all such tied persons shall be elected to the Commission.

## **23 DISCLOSURE OF INTERESTS**

23.1 Each person holding office in WPA or member of any organising committee (LOC) in respect of an event under the auspices of ASA/WPA, shall disclose to the Board any interest (direct or indirect) that they may have in any contract or proposed contract or business being considered by WPA or the relevant LOC and shall not be present during any discussion or voting upon such business. A person may make a general declaration that they are a member of a particular organisation, so as to be regarded as interested in any transaction involving that organisation.

23.2 No person holding office in WPA or any LOC shall use any information acquired in such position for direct gain; personal, business or otherwise.

23.3 Nothing in this article shall derogate from the general duty of good faith owed by a member to WPA.

23.4 No WPA office bearer shall place themselves in a position where their membership or position of office in another organisation shall cause a conflict of interest. So long as the two (or more) organisations are not in conflict with one another, such a conflict shall not exist. Where such a conflict exists (in the opinion of either party) the WPA office bearer shall either recuse themselves or resign from one of the organisation(s).

## **24 SPECIAL GENERAL MEETINGS**

25.1 Special General Meetings shall be called by the General Manager, or in his /her absence the person acting in such role, upon written request signed by

25.1.1 two thirds of the Board members, or

25.1.2 accredited representatives of no less than 12 Affiliated Clubs.

25.2 The meeting must be called within thirty (30) days of receipt of such request and must be scheduled to take place within thirty (30) days of the notice calling the meeting.

25.3 Should the meeting not be called in accordance with clause 25.2, the persons requesting the meeting shall be entitled to call the meeting on behalf of WPA.

25.4 The Members or Board members requesting the meeting shall be obliged to be present at the meeting called.

25.5 Only the business stated in the notice of the meeting may be discussed. Any motion to be put to the vote must be included in the notice of the meeting.

## **25 REMOVAL OF PERSONS FROM ELECTED OFFICE**

25.1 Notwithstanding anything contained elsewhere in these articles the members may, by resolution passed with a two-thirds majority of votes cast at a Special General Meeting, remove from office any person. This excludes any employee of WPA.

25.2 Upon receiving a valid requisition for a Special General Meeting at which a resolution to remove such person is to be proposed, the Board shall give notice in writing of such resolution to the person(s) concerned, and 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.

25.3 At the Special General Meeting, the person(s) whose removal is proposed shall have the right to address the meeting.

25.4 Any removal of person(s) shall be without prejudice to any legal claim they may have against WPA or that WPA may have against him/her in respect of matters arising before such removal.

## **26 SECRETARIAT / EMPLOYEES**

26.1 The secretary / secretaries / book keeper of WPA shall be salaried employees of the association. Their appointment shall be confirmed by a simple majority of the full Board. The Board shall determine their conditions of employment and remuneration from time to time.

26.2 The secretary / secretaries shall have no vote at any meeting.

26.3 The secretary / secretaries shall report to the General Manager (if appointed) otherwise the President.

## CHAPTER 5 : GENERAL

### 27 FINANCIAL MATTERS

- 27.1 The financial year for WPA shall be from 01 January to 31 December of each year.
- 27.2 The General Manager, in cooperation with the Finance Officer, shall ensure that for the each meeting of the Board, a financial report is prepared, including, where relevant, details for each Commission and a report against budget for the current financial year.
- 27.3 A registered auditor appointed at the AGM shall audit the financial records of WPA. The costs for such services shall be included in the annual budget.
- 27.4 The full audited financial statement of WPA for the previous financial year shall be presented at a Council meeting before the end of July in each year. The audited statements shall be circulated to members together with the notice of such meeting.
- 27.5 WPA shall maintain such special funds as may be decided by Council.
- 27.6 All monies received by WPA shall be deposited to the credit of WPA's bank account.
- 27.7 For the purpose of organising its affairs, each Commission and Standing Committee shall be allocated an operating budget determined by the Board in consultation with the Commissions, to be approved by Council.
- 27.8 The Finance Officer shall submit to the Board, and in turn to the Annual General Meeting, proposals for revenue and expenditure for WPA for the ensuing year. Such proposals shall include recommendations for affiliation and licence fees.
- 27.9 The budget presented at the AGM shall be ratified at the last Council Meeting of the year and, once approved, may only be amended by the Council.
- 27.10 All funds budgeted for a specific Commission or Committee may be used at the discretion of that Commission or Committee. All unspent funds accruing to a given Commission in a financial year will be re-distributed according to the budget for the next financial year and shall not be automatically carried over.
- 27.11 Affiliation fees may be paid from 1<sup>st</sup> October preceding the year of affiliation;
- 27.11.1 Affiliation fees must be paid in full before new licences for the subsequent year will be issued.
- 27.11.2 Affiliation fees of members must be paid before the last day of June in each year. If affiliation fees have not been paid by such date any defaulting members shall be automatically considered for suspension in accordance with clause 11 and shall incur a penalty, to be decided by the Board, of up to half the affiliation fee due.
- 27.12 No Commission or Standing Committee may pay the affiliation fee of any member.
- 27.13 No cheques, other bills of exchange or promissory note shall be drawn, made, accepted or endorsed, and no payment shall be made on behalf of WPA unless such drawing, making, acceptance, endorsement or payment is done in accordance with the procedures and grants of authority approved by the Board.
- 27.14 Any document or documents that are required to be signed in order to an effect a payment on behalf of WPA shall require two signatures, being either the President or Vice-President assisted by any one of the General Manager, Financial Officer or Commission Chairpersons.

- 27.15 Any immovable property, bonds, shares and registered securities of WPA shall vest jointly in the President and Chairpersons of the Commissions.
- 27.16 WPA is a non-profit organisation and any surplus funds arising shall be used for the benefit of athletics in Western Province and shall not be distributed amongst its members.
- 27.17 The Board shall not have the power, save by a resolution of the Council, to dispose of or encumber more than thirty (30) percent of the assets, by market value, of WPA.

## **28 FIXTURES AND AUTHORISED COMPETITIONS**

- 28.1 Each Commission shall present fixture proposals for athletic meetings for the forthcoming calendar year to the Board not later than 31 August.
- 28.2 The Board shall approve these fixture proposals subject to it having the power to amend them to avoid clashes between the fixtures of the different Commissions and ensuring that fixtures take place only within the boundaries of WPA unless by agreement with neighbouring provinces.
- 28.3 The approved fixture list for the following year shall be presented at the Annual General Meeting.
- 28.4 Changes to the approved fixture list may be made only by the Board or the Management Committee, on the recommendation of the Commission concerned.
- 28.5 The Secretary shall give written notice to each affiliated club and associate member of all decisions on fixtures.
- 28.6 Notwithstanding the paragraphs above, dates for fun runs held in terms of the policy of WPA shall be set by WPARR.
- 28.7 All athletics meetings staged in Western Province shall be organised under the auspices of a member of WPA or a structure of WPA.
- 28.8 Any member of an affiliated club or associate member who takes part in or officiates at an athletic meeting which is not held under the auspices of WPA, or under the rules of ASA or the IAAF and without prior authorisation of WPA first being obtained, may be guilty of misconduct.
- 28.9 No member shall organise, promote or hold any athletic meeting without the prior authorisation of the Board having first been obtained.
- 28.10 No person shall compete in any athletic meeting held under the auspices of WPA unless they have been issued with a current licence in terms of Schedule B to this constitution.
- 28.11 All broadcast rights, namely TV, radio and any other broadcast media, to any athletics event taking place in South Africa shall be vested in ASA and as such their permission must be obtained before considering such broadcast.

## **29 DISCIPLINE**

- 29.1 Every member of WPA and their individual members, the office bearers and employees of WPA shall be subject to the disciplinary code of WPA as described in Schedule A to this Constitution.
- 29.2 Any affiliated club or association or person found guilty of misconduct shall have the right to appeal to the Board in accordance with the procedure described in Schedule A.
- 29.3 Any affiliated club or associate member or person who is called to appear before a Disciplinary Committee shall exhaust all remedies in terms of this Constitution prior to approaching any court of law in connection therewith.
- 29.4 Nothing in this Constitution shall preclude any aggrieved person or organisation from pursuing any appeal to ASA, provided that all remedies in terms of this Constitution have been exhausted.
- 29.5 In terms of the ASA Constitution, sanction in disciplinary matters imposed by WPA or its members may not exceed two (2) years.

## **30 DISPUTES**

- 30.1 Any dispute between members, or between an athlete and a member, or between individuals, or between a member or individual and any constituent substructure of WPA, however arising, which cannot be resolved by the persons involved, shall be referred to the Board for mediation.
- 30.2 Any matter that cannot be resolved by mediation shall be referred to arbitration by the Sports Dispute Resolution Forum of the Western Cape Provincial Government, to be dealt with in accordance with the Rules of that Forum.

## **31 RULES AND SCHEDULES**

- 31.1 In addition to the provisions of the Constitution the Board and Commissions may formulate such rules, by-laws, procedures and regulations as may be required for the smooth running of the affairs of WPA.
- 31.2 Such rules, by-laws, procedures and regulations shall be ratified by Council.
- 31.3 Any rule, by-law, procedure or regulation when accepted shall be incorporated in an existing Schedule or accepted as a new Schedule to the Constitution as appropriate.
- 31.4 All rules contained in the Schedules shall be superseded by any amendments to ASA or IAAF rules made from time to time, regardless of whether the relevant Schedule has been formally modified in terms of Clause 32 or not.



## **32 AMENDMENTS TO THE CONSTITUTION AND SCHEDULES**

- 32.1 The Constitution, excluding the Schedules, may be amended only at an Annual General Meeting or Special General Meeting convened for this purpose, upon a majority of not less than two-thirds of the votes recorded.
- 32.2 Notice of any proposed amendments to the Constitution shall appear on the agenda of such AGM or SGM and shall specify which clause of the Constitution it is proposed to amend and the wording of the proposed revision.
- 32.3 The Schedules to the Constitution may be amended upon a simple majority of votes recorded at a Council Meeting provided prior notice of such amendments has been given in the notice of the meeting.
- 32.4 Any amendments to the Constitution or Schedules shall be of effect as soon as they are accepted unless the meeting decides otherwise.

## **33 APPAREL**

- 33.1 The emblem and uniform of WPA shall be as reflected in Schedule F to this constitution.
- 33.2 The emblem and uniform of WPA shall not be used without permission of the Board.

## **34 AWARDS**

- 34.1 Performance and Service awards may be bestowed on individuals according to the standards and procedures contained in Schedule C to this constitution
- 34.2 Service and Performance awards may be awarded retrospectively and posthumously.

## **35 EXTERNAL RELATIONSHIPS**

- 35.1 Western Province Athletics will be represented in its dealings with the public, government, press, ASA and all persons external to WPA by the President or such representatives as may be appointed by the Board.
- 35.2 No affiliated club or individual member of an affiliated club shall communicate with ASA or other national bodies except through the offices of WPA.

## **36 DISSOLUTION OF WPA**

- 36.1 A decision to dissolve WPA may be taken by a two-thirds majority of votes cast at a Special General Meeting called for this purpose, subject to the following stipulations:
- 36.2 An interim committee shall be elected to finalise the affairs of WPA.
- 36.3 In the event of WPA disbanding, all remaining debts shall be paid off. Thereafter, any remaining property, money or other assets shall not be paid or given to any of its Members, but shall rather be given in some way to another non profit organisation that has similar objectives. A Council Meeting shall decide what organisation this should be.

## **37 AUTHORITY OF THE CONSTITUTION**

- 37.1 This Constitution supersedes any constitution of an affiliated club or associate member in so far as it is conflict with it.
- 37.2 The provisions of this Constitution, including the Schedules, shall supersede the provisions of any rules and regulations contained in any other WPA document, in so far as they are in conflict.
- 37.3 All previous constitutions of WPA, its predecessors and any previous constituent associations and/or substructures are hereby expressly revoked.

## **SCHEDULES TO THE CONSTITUTION OF WPA**

### **SCHEDULE A : DISCIPLINARY PROCEDURES**

#### **RULES RELATING TO THE HEARING OF DISCIPLINARY MATTERS**

##### **The complaint:**

1. A complaint may be laid by any licensed athlete, officers of the Association, affiliated club, associate member, Commission or committee of WPA.
2. A complaint may only be laid against any person who is in the category of persons who may lay a complaint.
3. A complaint must be made in writing and must state what rule (either generically or by stating the actual rule) has allegedly been broken and briefly state the facts upon which the complaint is based.
4. The complaint shall state the name of the person or body against whom the complaint has been laid (and, where available, that person's contact details) and shall state the name of the complainant and contact details (where the complaint has been laid on behalf of another party, that party's name must be given and the complaint must state whether that party is aware of the complaint and has agreed to it being laid).
5. The complaint must be delivered in writing to the General Manager of WPA, or where the complaint concerns the General Manager, to the President of WPA.

##### **Drawing up of the charge:**

6. Any complaint duly lodged shall be immediately forwarded to the convenor of the disciplinary committee.
7. If the complaint is laid by or against the convenor of the disciplinary committee, it shall be referred to another member of that committee.
8. The person duly delegated, shall peruse the complaint and decide whether the complaint could sustain a valid charge.
9. If the complaint can sustain a valid charge, a charge sheet shall be drawn up, indicating the name of the person accused; the nature of the offence; the rule broken (where applicable); the complainant (in the case of a highly sensitive matter the name of the complainant may be omitted from the charge sheet, with a statement that there are valid reasons for omitting the name which may not be due to any conduct on the part of the person accused and that the name will be disclosed at the hearing); and the time, date and place of the hearing.
10. The charge sheet shall indicate that the person accused has: the right to legal representation (subject to the rider that the cost of that legal representation shall not be borne by WPA); the right to call witnesses, who must be present at the hearing; and the right to fully state her, his or its case.
11. If the complaint cannot sustain a charge, the complainant shall be advised of that fact in writing as soon as possible.

**Service of the charge sheet:**

12. The charge sheet shall be personally served on the person accused (hereinafter referred to as the respondent).
13. Where it is not practically possible to serve the charge sheet personally, it may be posted by registered post to an athlete to the address reflected on their licence application form, provided such a form exists for the applicable year.
14. Where there is personal service, the respondent shall be requested to sign a copy of the charge sheet to indicate receipt. At the same time, the date, time and place of service must be reflected on the copy. If the respondent refuses to sign the copy, proof of service may be given by the person so serving it certifying in writing that it was served at the relevant time, place and date and that the respondent refused to sign receipt or refused to receive or sign the charge sheet.
15. It shall be a disciplinary offence to refuse service of the charge sheet (receipt of the charge sheet does not imply admission of guilt) for which a sanction of Suspension may be imposed;

**The time place and date of the hearing:**

16. The respondent shall not be given less than five working days notice of a hearing.
17. Save where the respondent otherwise agrees, a hearing shall take place during a weekday in the evening and after 19h00. Where reasonably possible a hearing shall take place at a venue close to the respondent's place of residence.

**The presiding officer:**

18. The presiding officer shall always be a member of the WPA disciplinary committee who is not implicated nor has a vested interest in the matter.
19. Where more than one member of the disciplinary committee is delegated to hear a matter, the convenor of the disciplinary committee shall appoint one of them as the presiding officer, failing which they shall agree on one of them from amongst themselves.
20. Where one member of the disciplinary committee is delegated to hear a matter, and it is apparent, in his or her opinion, that the matter is sufficiently complex or sensitive, the presiding officer may adjourn the hearing and order that it recommence before a reconstituted panel and shall state how many persons in her or his opinion should hear the matter.
  - 20.1 The convenor of the disciplinary committee shall reconvene the hearing with more than one member hearing it and shall be guided, though not bound, by the opinion of the presiding officer who adjourned it as to the number of members on the panel. Where no evidence has already been led and no ruling has been made on a preliminary issue related to the merits of the case, the same person who adjourned the initial hearing may be a member of the panel hearing the reconvened matter.

**The prosecution of the complaint:**

21. The complainant, who shall also be entitled to legal representation, shall be invited to present the case against the respondent. Where the matter is of sufficient complexity, the Legal Advisor may appoint someone to present the case for the complainant, or do so personally.
  - 21.1 The complainant shall be advised whether she or he obliged to present the case against the respondent and shall be consulted about the date of the hearing before it is finalised. Where the Legal Advisor decides to present the case, or to appoint someone else to do so, the complainant shall be advised of this fact and the identity of the person who shall present the case.
22. Where the complaint originates from a Commission or committee of WPA, that Commission or committee shall appoint someone to present the case on their behalf.

**Absence from the hearing:**

23. In the event of the complainant being absent after twenty minutes later than the time set down for the hearing to start, without having provided a reason for the absence before the expiry of the twenty minutes, the charge shall be dismissed. Should the complainant wish to revive the charge she, he or it will have to file a fresh complaint, and provided reasons for her, his or its previous absence.
24. In the event of the respondent being absent after twenty minutes later than the time set down for the hearing to start, the matter shall be postponed. The respondent shall be advised of the new date, time and place of the hearing and be advised that she, he or it must explain her, his or its absence at the previous hearing, failing which one of the following sanctions may be imposed for such absence:
  - 24.1 a suspension of no more than one month; and/or
  - 24.2 a fine of no more than R500.
25. Should the respondent fail to be present within twenty minutes after the time set for the matter to recommence after it has been postponed in terms of rule 24, the matter may continue in the respondent's absence.

**The hearing:**

26. The hearing shall follow the following format:
  - 26.1 The charge shall be read to the respondent; after which the respondent shall be asked to acknowledge that she, he or it knows and understands the charge.
  - 26.2 The respondent shall be asked to either admit or deny the charge.
  - 26.3 The complainant shall present her, his or its case.
  - 26.4 Where evidence is lead, the complainant shall lead the witness, who may be cross-examined by the other parties to the matter. Re-examination shall only be allowed with the permission of the presiding officer.
  - 26.5 At the close of the complainant's case, the respondent may ask for the case to be dismissed for want of a *prima facie* case.

- 26.6 If the respondent's request is refused, or if no such application is made, the respondent shall present its case and rules 26.3 and 26.4 shall apply *mutatis mutandis*.
- 26.7 Where evidence has been led, the complainant may address the hearing in closing and the respondent may then answer.
27. Although the hearing shall not be held in accordance with the strict formality of court proceedings, the general principles as to the laws of evidence shall be applied, save where they are in conflict with these rules.
28. Evidence may be tendered by way of affidavit, but shall be accorded lesser weight than *viva voce* evidence and shall be disregarded to the extent that there is direct and reliable *viva voce* evidence to contradict it.
29. The *onus* shall be on any party alleging a fact to prove that fact.
30. The *onus* shall be on the complainant to prove her, his or its case on the balance of probabilities.

**The decision:**

31. A decision may be reserved at the end of the hearing.
32. Reasons shall be furnished for the final decision reached, although it is not required that a complete judgment be given. Reasons for judgment shall include the material facts found to be proved and any points of law or rules of the sport relied upon in coming to the decision reached.
33. The decision shall be communicated to the respondent before it can have any force or effect.

**The sanction:**

34. If the respondent is found guilty of the charge, she, he or it shall have the right to lead evidence and/or make any submissions regarding the sanction to be imposed.
35. The complainant shall have the right to answer, by leading evidence and/or making submissions regarding the sanction to be imposed.
36. Where the hearing was postponed for judgment on the merits of the charge, the hearing must be reconvened to hear the evidence and/or submissions on the sanction to be imposed.
37. If judgment on the sanction is reserved, the decision shall be communicated to the respondent before it can have any force or effect.

**Appeal:**

38. Both the respondent, if found guilty, or the complainant, shall have the right to appeal to the Board of WPA, provided that a written notice of appeal is lodged with the General Manager of WPA not later than seven days after the decision of the disciplinary committee has been communicated to the respondent and complainant. Such notice of appeal shall succinctly set out the grounds upon which the appeal is based and whether it is directed against the finding of guilt or the sanction imposed.
39. The General Manager of WPA shall forthwith place the appeal on the agenda of the next meeting of the Board of WPA.

40. The notice of appeal shall be sent to the respondent, the complainant and the member or members of the panel which heard the matter.
41. Both the complainant and the respondent shall be afforded the opportunity to present written argument to the Board of WPA before it makes its decision on the merits of the appeal. The member or members of the panel shall be entitled to comment on the arguments so presented.
42. The Board shall deal with the appeal at the earliest reasonable opportunity, after having given the parties a reasonable time to make their representations, as provided for hereinabove.
43. The Board shall provide brief reasons, in writing, for arriving at its conclusion in deciding the appeal.

**Miscellaneous:**

44. Any suspension or expulsion of an affiliated club or associate member shall be referred to the next WPA Council meeting after an appeal has been heard or the time for lodging an appeal has expired for ratification, subject to the right of the Disciplinary Committee, or the Board where an appeal has been dismissed, to suspend such suspension or expulsion pending the outcome of that meeting.
45. In the event of the complainant withdrawing the complaint, save as provided hereinbelow, after the respondent has been asked to admit or deny the charge, the respondent shall be entitled to a finding of not guilty.
46. Where the matter cannot continue for any reason beyond the control of the complainant and/or the respondent and which is not related to the merits of the matter, the matter shall be considered to be null and void.
47. Once a finding has been made or a hearing has been abandoned, the panel hearing the matter shall be discharged and shall have no further role in the matter, save regards the right to comment to the Board hearing an appeal on the notice of appeal or the arguments presented by the parties, as provided hereinabove.
48. In calculating time periods weekends and public holidays shall be excluded.
49. In the event of the committee refusing any postponement, it shall be obliged to give written reasons for doing so.
50. It shall constitute a disciplinary offence to prevent or obstruct any evidence being placed before a panel hearing a matter.
51. A panel hearing a matter shall only be seized of the matter once the matter actually serves before it.”

## SCHEDULE B : LICENSING OF ATHLETES AND TRANSFER OF MEMBERSHIP

### Event numbers:

1. Each licensed athlete shall be issued with two licence numbers (competitor bibs), which, during the period of validity of such number, shall be worn by the athlete when competing in any athletic meeting, unless the organiser of the event provides specific event numbers.
2. If the organiser of an event wishes to use special event numbers;
  - 2.1 Permission to replace the ASA licence with a special event number must be requested from WPA at least one month before the event;
  - 2.2 If only one event number is to be provided then it must be worn on the front of the vest and athletes must wear their permanent licence or a temporary licence on the back.
  - 2.3 IAAF standards for the design of competitor bibs apply.
3. Any licence issued shall be valid until 31 December of the year of issue, save that any licence issued between 01 October and 31 December in any year shall be valid to 31 December of the following year.

### Club membership:

4. Licences for competition shall only be available to athletes through membership of affiliated clubs.
  - 4.1 Licenses sold through associated schools shall be limited to Junior licences or licences for qualified Technical Officials.
5. WPA licences shall only be issued to athletes belonging to clubs or associated schools that are members of WPA, provided the athlete is domiciled in Western Province.”
6. With the exception of National Athletes as defined by ASA, an athlete shall only be a member of a club when the club and athlete are both domiciled in the same ASA province (the *domicilium* rule).
7. A National Athlete may belong to a club of her or his choice anywhere in South Africa, but she or he may only represent the province where she or he is domiciled.
8. In accordance with the ASA ruling at the time of formation of Boland Athletics, athletes belonging to WPA clubs at that time and domiciled in the Boland province, shall be permitted to remain members of their club and renew their licence with WPA unless they change their place of residence, in which case the *domicilium* rule shall apply.
9. Registered technical officials and coaches shall also be assigned a licence as a condition of such registration.
  - 9.1 Technical officials and coaches are not obliged to be a member of an affiliated club and may register directly with WPA.
  - 9.2 Only technical officials and coaches who are members of affiliated clubs are entitled to compete in athletics events using the license assigned.



### **Transfer of membership between Clubs:**

10. Between 1 October and 31 December (the open period) any athlete may transfer from her or his existing club to a new club and may purchase a licence number for the following year through the new club. Athletes transferring during this period are required to inform the club which they are leaving in writing, but will not require specific clearance, unless their existing club has notified WPA, in writing, before the AGM that they will not grant clearance to that athlete. The club shall simultaneously notify the athlete(s) concerned that they will not be granted clearance and the reasons why.
11. WPA shall at the AGM, circulate or otherwise make available to all clubs a list of those athletes who will not be granted clearance by their clubs. Such list shall be updated at the Council meeting held in November.
12. The only grounds upon which a club may refuse clearance to an athlete are:
  - 12.1 the athlete is indebted to the club and has been advised of such indebtedness;
  - 12.2 the club has taken disciplinary steps against the athlete which have resulted in the suspension of the athlete;
  - 12.3 there are disciplinary proceedings pending against the athlete, which are due to be finalised within a reasonable time period;
  - 12.4 the athlete has entered into a valid contract with the club, which contract has been registered with WPA and ASA, which prevents the athlete leaving the club during that coming year; and
  - 12.5 any similar, exceptional circumstance.
13. Should any of the grounds mentioned in para.12 cease to exist; the athlete's name shall be removed from the list held by WPA immediately.
14. Should a club register a transferring athlete during the open period who is on the list referred to in para.11, such club shall commit a disciplinary offence for which a fine, the maximum amount of which shall be set by the WPA Council from time to time, may be imposed. Such transfer shall at the same time be invalid and remain so until the athlete's name has been removed from the list.
15. After the open period, athletes may only transfer between clubs after having gained clearance from their existing club. This applies whether the athlete has renewed her or his previous years membership of the existing club or has purchased a new licence number. The club receiving an athlete transferring from an existing club outside of the open period shall immediately notify WPA, which shall distribute the names of the athletes so transferring with the minutes of the next meeting of the WPA Board and/or Council.
16. The exception to this rule is that athletes enrolling for a course of study at a tertiary educational institution may transfer without clearance, provided they are not athletes described in para.12. Likewise, an athlete who has completed her or his course of study may transfer to another club without specific clearance. Athletes covered by this exception shall notify the club that they are leaving before doing so.
17. Should a club refuse clearance to an athlete, the club to which the athlete wishes to move may appeal in writing to the Board, which may overrule the decision of the existing club not to grant

clearance. Such written appeal shall fully set out reasons why clearance should be granted. The existing club shall, within 14 days of being requested to do so by WPA, provide reasons why the athlete should not be granted clearance. Outside of the open period, WPA shall not grant clearance to an athlete who is referred to in para.12, unless there is no valid reason why they have been included in one or more of those categories, and shall only grant clearance where the existing club is being grossly unreasonable.

18. The decision whether to grant clearance shall be taken by the Board of WPA, or a sub-committee specifically delegated by the WPA Board to handle such matters.
19. Grounds upon which the Board may grant clearance are, but not limited to:
  - 19.1 an irretrievable breakdown in the relationship between the club and the athlete;
  - 19.2 an athlete who is a member of a corporate club leaving the employ of that corporation and entering the employment of a competitor.
20. The following shall not be grounds for the Board granting clearance:
  - 20.1 the new club having better facilities, coaching and/or incentive schemes (it is assumed that athletes will take this into account when first registering with a club);
  - 20.2 the athlete being offered a contract by another club;
  - 20.3 a mere disagreement with the management of the club;
  - 20.4 change of residence (except under exceptional circumstances).
21. Both the existing and the new club shall immediately be informed of the decision made by the Board.
22. Should a club register a transferring athlete outside of the open period who has not obtained clearance for her or his existing club, such club shall commit a disciplinary offence for which a fine, the maximum amount of which shall be set by the WPA Council from time to time may be imposed. Such transfer shall at the same time be invalid and remain so until clearance has been granted.
23. Outside of the open period, either the athlete or the new club may request clearance for the athlete from the existing club.
24. Even though an athlete changes clubs after having obtained a WPA licence number, the athlete shall be entitled to retain her or his licence number until the end of the licence year.

#### **Temporary Licences:**

25. To enable unlicensed athletes and international visitors to compete in events under the auspices of WPA and also to cater for licensed athletes who leave their licence numbers and/or club colours at home, temporary licences may be issued subject to the following conditions:
  - 25.1 Temporary licences are only valid for the meeting for which they are issued;
  - 25.2 Organisers must provide the necessary administration and facilities for the sale of temporary licences;
  - 25.3 A fee, determined by the Board, will be levied for the issue of a temporary licence;
  - 25.4 Athletes with temporary licences may not display any advertising on their running clothing during the event;

- 25.5 A temporary licence may not be issued to a suspended athlete without the approval of WPA/ASA.
- 25.6 If two event numbers are issued, unlicensed athletes must still purchase a temporary licence, but do not have to wear it.

## **SCHEDULE C : AWARDS**

### **1. AWARDS COMMITTEE**

1.1 The Awards committee is required to;

1.1.1 Control the process for nominations for WPA awards;

1.1.2 Ensure consistency in the standards used to make awards;

1.1.3 Ensure that the WPA office keeps records of those persons who have received awards;

1.1.4 Pro-actively identify persons eligible and deserving of awards.

1.2 The Awards committee shall consist of a chairman appointed by the Board, at least one Life Member of WPA, a representative from each of the WPACC, WPATF, WPARR, WPARW commissions and the Coaches and Technical Officials committees, plus as many additional members as decided by the other committee members.

1.3 The Awards committee shall meet as required to perform its role.

### **2. PERFORMANCE AWARDS**

#### **2.1 Colours**

2.1.1 WPA colours shall differentiate between the performances of Juniors (<20 years), Seniors (20-35 years) and Master athletes (35 years and older). This differentiation shall be reflected in the design of the blazer badge (see Schedule F).

2.1.2 Criteria for WPA colours shall be defined for each athletics discipline (Cross Country, Road and Track and Field), but the actual award shall be in the name of WPA and not the Commission. (see Schedule F).

2.1.3 In addition to WPA colours earned in terms of this schedule, master athletes shall also be eligible for colours awarded by the WP Masters Association in terms of their standards and rules.

2.1.4 WPA colours may be awarded to any athlete who:

2.1.4.1. Represents WPA at the ASA National Championships in any athletics discipline (XC, Road, Race Walking or T&F):

2.1.4.2. Seniors - for three (3) separate years,

2.1.4.3. Juniors - for two (2) separate years

2.1.4.4. Masters – for three (3) separate years

2.1.4.5. representation need not be in consecutive years,

2.1.4.6. awards under this paragraph 2.1 may only be awarded once per age group.

2.2 Provided the intended recipient has represented WPA, in the same age group and discipline at least once in an ASA championship, WPA colours may be awarded to any athlete who:

2.2.1 sets a South African record; or

2.2.2 is selected for a South African National team to compete in an international competition; or

2.2.3 reaches a final at an IAAF-sanctioned International track and field competition; or

2.2.4 places in the top ten (10) at an IAAF-sanctioned International road or cross-country event.; or

2.2.5 wins a medal at an ASA National Championships either as an individual or as part of a team; or

2.2.6 wins a gold medal at either the Comrades or Two Oceans Ultra Marathons; or

2.2.7 wins the WPA Championships :

2.2.7.1. Track and Field : Three (3) times in the same event in the same age category

2.2.7.2. Road : Three (3) times in the same event in the same age category or Five (5) times in any event in the same age category

2.2.7.3. Cross Country : Three (3) times in the same event in the same age category

2.2.8 in the opinion of the relevant Commission has consistently achieved standards worthy of recognition and comparable to the level of performance required of the other criteria above; including :

2.2.8.1. Track and Field: Achieves 1000 points according to the IAAF scoring table at least three (3) times in the same event.

2.2.8.2. Road: Achieves the times listed below, on a recognised course, at least three (3) times in the same event and age category.

	<b>10 KM</b>	<b>21.1 KM</b>	<b>MARATHON</b>
<b>MEN</b>			
20-34	29:30	63:15	2:18:30
35-39	31:45	66:30	2:23:00
40-44	33:00	70:15	2:32:00
45-49	34:45	74:00	2:40:00
50-54	35:45	76:15	2:48:00
55-59	40:30	81:00	2:58:00
60+	41:45	88:30	3:18:00
Juniors	31:15	71:00	-
<b>WOMEN</b>			
20-34	35:15	77:00	2:50:00
35-39	37:30	80:30	3:01:00
40-44	39:30	86:00	3:12:30
45-49	42:15	90:00	3:25:00
50-54	43:30	94:00	3:45:00
55-59	46:00	1:41:00	3:54:00
60+	48:30	1:46:00	4:05:00
Juniors	37:45	1:48:00	-

2.2.8.3. Colours under this paragraph 2..2 may be re-awarded and may be earned in as many athletics disciplines as applicable.

### **3. SERVICE AWARDS**

Service Awards are intended to be earned in sequence, but in exceptional circumstances to address past inefficiencies it may be appropriate to make awards retrospectively and collectively.

#### **3.1 Service Certificates**

3.1.1 On the recommendation of the responsible Commission or Committee, after ratification by the Awards committee, Service Certificates may be awarded to persons who have served WPA actively and consistently as an Administrator, Technical Official, Coach or Manager

3.1.1.1. Bronze : for 5 years service

3.1.1.2. Silver : for 8 years service

3.1.1.3. Gold : for 10 years service

3.1.2 WPA Service Certificates may also be awarded to non-members (persons or organizations) who perform meritorious service for WPA.

3.1.3 Service Certificates may be presented to the recipient at any appropriate gathering of WPA.

### **3.2 Honours** (Previously called Honours Colours)

3.2.1 Honours may be awarded to any member of an affiliate club or associate member who has served WPA with distinction as an administrator, team manager, technical official or coach for at least ten (10) years.

3.2.2 A nomination for the award of Honours shall reach the secretary not less than six weeks before the AGM, which nomination must be accompanied by a report on the services to athletics of the person concerned.

3.2.3 Provided the Awards Committee approves the nomination, it shall be placed on the agenda of the said AGM.

3.2.4 A resolution awarding Honours must be passed by a majority of not less than seventy five percent (75%) of the votes cast at the AGM at which it is presented.

3.2.5 The recipient of Honours shall be entitled to wear the Honours badge of WPA.

3.2.6 Except in exceptional circumstances it is recorded as a guide, to preserve the intended status of the award, that no more than four (4) awards of Honours should be made in a single year.

### **3.3 Life Membership**

3.3.1 Life membership is an honour given to an individual who, in the opinion of the Council, is of suitable stature, has been continuously involved in WPA athletics for not less than twenty (20) years, has set a standard which is higher than that normally expected of a person in such position and has set an outstanding example to other athletes or administrators.

3.3.2 a nomination for Life Membership including a detailed motivation shall reach the secretary not less than six weeks before the AGM.

3.3.3 The secretary shall submit such nomination to the Awards Committee;

3.3.4 Provided the Awards Committee approves the nomination it shall be forwarded to the Board for ratification.

3.3.5 Provided the Board approves the nomination, it shall be placed on the agenda of the said AGM.

3.3.6 The nomination shall be put to the vote at the AGM and election to Life Membership shall require a seventy five percent (75%) majority of the votes cast.

3.3.7 On election, a Life Member shall receive a certificate to that effect and shall be entitled to wear the tie and blazer of WPA.



## **SCHEDULE D : ROLE AND DUTIES OF THE FINANCE OFFICER OF WPA**

1. The functions of the Finance Officer are included in the role and duties of the General Manager : Schedule E

## **SCHEDULE E : ROLE AND DUTIES OF THE GENERAL MANAGER OF WPA**

1. The General Manager shall be appointed by the Board in an honorary capacity or as a full or part-time employee, as agreed between the individual and the Board.
2. The General Manager shall serve on the Board in an ex officio capacity and shall have no vote.
3. The General Manager shall perform duties including to:
  - 3.1 Serve on the Standing Committee on Finance / Administration;
  - 3.2 work closely with the Development Officer to implement the Development plan of WPA;
  - 3.3 manage the day-to-day running of the office of WPA, including the performance of the secretaries and other employees of WPA;
  - 3.4 implement policies, procedures, systems and decisions laid down by the Board or Council;
  - 3.5 take or cause minutes to be taken of all meetings of Council and the Board;
  - 3.6 issue notice of all meetings and all other functions as appropriate;
  - 3.7 conduct the correspondence of WPA;
  - 3.8 keep in custody the documents, records, books and correspondence belonging to WPA;
  - 3.9 attend, on request, meetings of Commissions or committees;
  - 3.10 manage the issue of licences and the recording of athletes details in a central database;
  - 3.11 with the knowledge of the Board, represent WPA at meetings involving inter-alia: the City Council, potential sponsors or suppliers, Sports Associations and government or Provincial structures.
  - 3.12 Propose and monitor all procedures and systems required to ensure sound financial management and fiscal discipline in all structures of WPA;
  - 3.13 Assist with the implementation and refinement of all financial controls;
  - 3.14 Submit to each Board meeting a consolidated statement of revenue and expenditure and a balance sheet for the current year;
  - 3.15 Submit to at least every second Board meeting a statement of revenue and expenditure for each Commission and Standing Committee;
  - 3.16 Prepare, in co-operation with the Finance Officer, Board and Commissions, a budget for the forthcoming year, to be presented at the AGM;
  - 3.17 Present to Council, within six (6) months of the financial year-end, a duly audited revenue and expenditure statement and balance sheet;
  - 3.18 Report at each meeting of the Board on performance against budget;
  - 3.19 Advise the Board on strategies to best manage any accumulated funds;
  - 3.20 Assist in any negotiations with potential sponsors and the drafting of any agreement reached.
4. The General Manager shall report to the President or designated alternate and shall work closely with the Finance Officer on all matters relating to finance.
5. The General Manger shall not hold office in any Commission.

## **SCHEDULE F : EMBLEM AND UNIFORM OF WPA**

1. The emblem of WPA shall be a single red disa (*Disa Uniflora*) displayed with the outline of Table Mountain above it. The disa shall be depicted true to life.
2. The badge shall be the emblem with the name of WPA and/or the Commission positioned below the emblem. The mountain outline and lettering may be gold, silver, white, blue or black.
3. The badge for Western Province colours and Honours colours shall include such embellishments (laurels, legends etc.) as decided by the Board. The badge for WPA colours shall, by its design or legend, reflect the age category of the recipient (Junior Senior or Age Group).
4. The competition colours of WPA shall be royal blue and white.
5. The blazer shall be blue/black with the badge on the left breast pocket.
6. The tie shall be such design as decided by the Board from time to time.
7. The blazer and tie may be worn by officials and representative teams as well as by individuals who have been awarded colours, honours colours or life membership or as decided by the Board.
8. The WPA competition kit shall only be worn by athletes, coaches and team management when officially representing Western Province Athletics. WPA tracksuits may be worn only by those athletes who have earned them.
9. Except with specific permission, WPA competition kit may only be sourced from the WPA approved supplier.
10. It shall not be permitted to sell or give away WPA competition kit, colours or honours colours to any person who does not qualify for such award.

**SCHEDULE G : WPA DOMESTIC RULES**

**See File WPA Domestic Rules .doc**

## **SCHEDULE G : CODE OF CONDUCT**

This code of conduct is applicable to all stakeholders in WPA including athletes, coaches, technical officials, managers, office bearers, supporters, employees, club representatives, event organisers, sponsors and suppliers; who are expected to :

### **STANDARDS**

- Comply at all times with the constitution, rules, policies and regulations of WPA and its parent structures.
- Demonstrate through words and actions a spirit of sportsmanship, sports leadership and ethical conduct including fair and consistent application of rules without bias or favouritism.
- Uphold all codes, policies and programmes to combat abuse of banned substances in Athletics.
- Uphold and implement standards and procedures to ensure event safety and environmental sustainability.
- Conform to stipulated dress codes for participating, officiating or travelling as part of a team.
- Be particularly conscious of the safety and wellbeing of children and protection of the rights of minors (under the age of 18).

### **INTEGRITY**

- Not act in a manner likely to bring the sport into disrepute or affect adversely the reputation of WPA, or the sport of Athletics generally.
- Act with the utmost integrity, honesty and responsibility in fulfilling their role in the sport.
- Not knowingly place themselves in a situation that could give rise to a conflict between personal interests, the interests of other stakeholders, or the interests of WPA.
- Act in good faith towards all members of the athletics family with mutual trust and understanding.

### **EQUALITY**

- Ensure there is no discrimination on the basis of race, sex, ethnic origin, colour, culture, religion, political opinion, marital status, sexual orientation or any unfair or other irrelevant factor.
- Facilitate an inclusive and welcoming environment for persons with disabilities.

### **DIGNITY**

- Treat all involved in the sport with respect and professionalism and refrain from negativity or disparaging remarks or conduct; including at meetings and on social media.
- Refrain from any behaviour that constitutes harassment, where harassment is defined as comment or conduct directed towards an individual or group, which is offensive, abusive, racist, sexist, degrading or malicious, or creates an environment that is hostile or offensive.

### **CONFIDENTIALITY**

- To hold information entrusted to them in connection with their role or activities in Athletics in confidence and to not use confidential information for personal gain or benefit, or to use such information to the detriment of others.
- Disclose any personal or private, direct or indirect interests that they, family or business associates may have in any activities undertaken by WPA or its partners.

### **BEHAVIOUR**

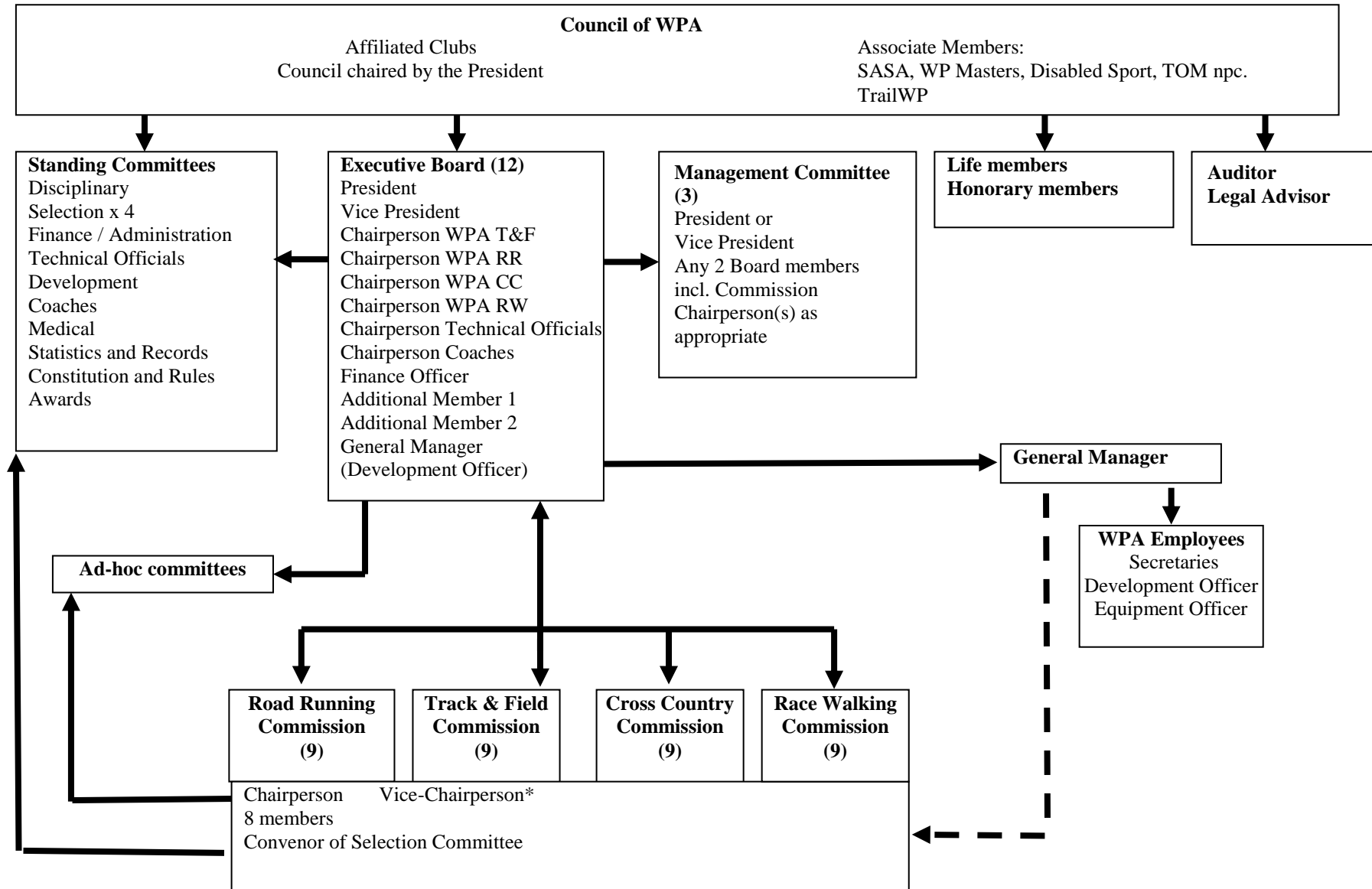
- Work in a spirit of cooperation with other stakeholders, assisting less experienced colleagues, and refraining from public criticism of individuals. Refrain from using or launching attacks of any kind via social media.
- Demonstrate a high level of personal conduct including; refraining from audible profanity, obscene gestures, verbal abuse including derogatory, insulting or accusing language or tone, inappropriate behaviour, dress or attitude.
- Refrain from using alcohol or tobacco products when involved in WPA training sessions or competitive events. To use these products responsibly when attending WPA social events.
- Display a high level of professionalism through punctuality, timeous action and considered opinion.
- To actively uphold this code by positively influencing the behaviour of others.
- Be subject to the disciplinary processes of WPA for any violation of this Code.

## Version Control

Version	Date	Description
<b>0</b>	23 October 2003	Adopted
<b>1</b>	Nov 2004	Schedule C – Merit Awards Section 2 replaced in entirety. Clause 14.1.2 “and any ASA Board members residing in WPA.” Added clause 16.1.8. Added clause 30.5. Amended clause 23.2 Removed Clause 39 – Transitional arrangements for 2003. Amended Schedule B – Licensing of Athletes. Amended Schedule F – Emblem and Uniform Added new Schedule G : WPA Domestic Rules : 1. Eligibility to compete at WPA Championships. 2. WPA records.
<b>2</b>	<b>29 Sept 2005</b>	Adopted at SGM of WPA Position of General Manager Added Board reduced in size. Commissions increased in size
<b>3</b>	<b>Sept 2007</b>	Adopted at AGM of WPA Walking introduced as a Commission Disciplinary process modified Licensing through schools added Disciplinary committee changed to 5 members Clause 10.4 Clubs to have at least 20 Senior licensed members
<b>4</b>	<b>Nov 2008</b>	Adopted at SGM of WPA 7.3 Changed Associate Members 10 and elsewhere Added Finance Officer 28.13 Affiliation fees payable from 01 October and licences will not be issued until paid B.9 Technical Officials and Coaches need not be members of clubs C.3 Honours colours changed to 10 years. C.4 Added Merit Certificates
<b>5</b>	<b>18 Aug 2011</b>	Adopted at SGM 18 August 2011 14.1 Two Additional members added to Board 19.3 AGM to be September or October 19.4 Agenda for Council Meeting 25 Special General Meeting 23.5 Nominees must be active in the discipline concerned 23.10 Nominations already received are deemed to be elected 23.23.6 Removed clause assigning one position to black nominee 24.4 Conflict of Interests 37.3 Assets to be distributed to another non profit organisation Diagram updated
<b>6</b>	<b>08 Oct 2013</b>	Adopted at AGM 8 October 2013 7.3 Add The Two Oceans Marathon NPC & The Trail Running Association of Western Province. 31.2 Arbitration process updated. C2.1 Update ages of Senior and Master Athletes. C2.4.8.2 Update Merit award times. Diagram Updated
<b>7</b>	<b>07 Oct 2014</b>	Adopted at AGM 7 October 2014 8.1 Life membership changed from 10 years to 20 years 17.2.3.10 : Awards committee added 35 Reworded

		Schedule C Awards replaced in its entirety
<b>8</b>	<b>23 Aug 2016</b>	Adopted at SGM 23 August 2016 18. Centre of Excellence removed 22.17 Order of Elections changed 10.7.2 Development Officer not ex-officio on the Board if appointed as an employee 14.3.7 and 16.3.9 to allow decisions by written consent 19.1 Quorum for Council meetings reduced to 25% 20.6 Conditions to vote in elections amended
<b>9</b>	<b>30 March 2017</b>	Adopted at SGM 30 March 2017 14.2.15 Minutes to be posted on WPA website 14.2.30 and 14.2.31 Added clauses defining limits for contracts and expenditure 22.10 Removed provision that persons already nominated shall be regarded as elected. 23.11.5 President to have casting vote in case of tie
<b>10</b>	<b>04 July 2017</b>	Added Schedule H : Code of Conduct

## STRUCTURE OF WP ATHLETICS



\* elected from the members