

# **EDEN AQUATICS**

## **CONSTITUTION**



## INDEX

1. DEFINITIONS
2. PREAMBLE
3. OBJECTIVES
4. JURISDICTION
5. MEMBERSHIP
6. AFFILIATION FEE
7. REGISTRATION OF INDIVIDUAL MEMBERS
8. ADMINISTRATION
9. ANNUAL AND SPECIAL GENERAL MEETINGS OF THE ASSOCIATION
10. REGIONS
11. BOARDS/COMMITTEES/SOCIETIES
12. ADMINISTRATION AND MANAGEMENT OF BOARDS/ COMMITTEES/SOCIETIES
13. SELECTION COMMITTEES
14. COLOURS
15. EMBLEM
16. HEADQUARTERS
17. SANCTIONS
18. DISQUALIFICATION/SUSPENSION
19. DISPUTES/DISCIPLINARY MATTERS
20. APPEALS
21. LAWS GOVERNING THE SPORT
22. GENERAL
23. RULES AND ALTERATIONS
24. FIRST CLAIM MEMBERS
25. INDEMNIFICATION
26. LEGAL PROCEEDINGS
27. WINDING UP
28. BINDING CLAUSE
29. AUTHORITY OF THE CONSTITUTION
30. DOMICILIUM RULE
31. REGISTRATION OF SWIMMERS/OFFICIALS

## 1.0 **DEFINITIONS**

1.1 EDEN Aquatics (EDA) is the official body responsible for the aquatic disciplines of Diving, Open Water Swimming, Swimming, Synchronized Swimming, Masters Swimming and Water Polo in the province of EDEN.

1.2 EDA is affiliated to Swimming South Africa (SSA) which is the recognised national body governing the above disciplines in South Africa. EDA is also affiliated to the EDEN Sport Council.

1.3 "Executive" shall mean the Executive referred to in Clause 8.1 hereof.

1.4 "Regions" shall mean the regions that make up the legislative District of EDEN.

1.5 "Affiliates" shall mean the Clubs affiliated to EDA, in accordance with Clause 6.0 hereof.

1.6 "Associations" shall mean those associations, with similar activities to those of EDA that seek association to EDA for the benefits of both parties.

1.7 "Members" shall mean the Clubs and Associations in EDA, and the individual members of such Clubs and Associations.

## 2.0 **PREAMBLE**

2.1 Words importing the masculine gender shall include the feminine gender.

2.2 Where the context so requires, words of a plural nature shall include the singular and the singular shall include the plural.

2.3 EDA, based on its activities and objectives, will apply to be registered with the Department of Sport and Culture and Arts and the South

African Revenue Services as a Public Benefit Organization.

- 2.4 EDA and its Members, jointly and severally, (including *inter alia* all registered individual members) agree that they are bound by the provisions of the Constitution, By-laws, rules and rulings of FINA, SSA or any body having control over the recognized aquatic disciplines in the Republic of South Africa, and agree to abide hereby.
- 2.5 Unless contrary to the provisions of this Constitution and/or the Constitution of Swimming South Africa (SSA), and insofar as they can be applied hereto, the obligations and duties of EDEN Aquatics (EDA) in and to SSA, shall apply *mutatis mutandis* in respect of its Members in and to EDA.
- 3.0 **OBJECTIVES**  
The objectives of EDA shall be:
- 3.1 To promote and encourage Diving, Open Water Swimming, Swimming, Synchronized Swimming, Masters Swimming and Water Polo in the area of its jurisdiction.
- 3.2 To ensure that EDA and any of its affiliates do not practice discrimination on the grounds of gender, race, social origins, sexual orientation, disability, conscience, belief, culture, language, religion or political affiliations.
- 3.3 To promote the formation of Clubs in connection therewith.
- 3.4 To promote and control within its jurisdiction, Championships and competitions in Diving, Open Water Swimming, Swimming, Masters Swimming, Synchronized Swimming and Water Polo.

3.5 To act as Board of Appeal and Tribunal in all matters concerning Diving, Open Water Swimming, Swimming, Synchronized Swimming and Water Polo, and to this end, to adjudicate upon any matter referred to it by any Board/ Committee/Society, Affiliated Association, Club or individual members concerning:

3.5.1 the meaning of or the interpretation of the Laws connected with the relevant discipline;

3.5.2 any matter of practice or procedure;

3.5.3 any rules, By-laws, regulations and conditions;

3.5.4 any matters of practice, policy, misconduct or complaint which may be within its jurisdiction;

3.5.5 to act as a controlling body for all Clubs under its jurisdiction;

3.5.6 to make such By-laws as may be considered necessary or desirable with regard to matters of administration and administrative awards, and at the request of the relevant Boards/Committees/Societies in respect of the staging of competitions, galas and events

- the formalities for entry
- the selection criteria applicable to teams
- the award of colors the recognition of records and matters ancillary thereto.

- 3.5.7 to represent the interest of divers, open water swimmers, swimmers, synchronized swimmers and water polo players of EDEN Aquatics at all meetings of SSA;
- 3.5.8 to pass on to Clubs communications of interest and importance from SSA;
- 3.5.9 to stimulate public opinion, by all possible means, so as to influence all authorities to provide pools for diving, swimming, synchronized swimming and water polo facilities in accordance with the standards as laid down from time to time by SSA and FINA; and
- 3.5.10 to raise funds by donation, bequest or sponsorship in any lawful manner;
- 3.5.11 to accelerate the transformation process at all levels of the sport;
- 3.5.12 the promotion of inter-provincial competitions and participation in National Championships;
- 3.5.13 the identification of local requirements with regard to facilities for training and competitions;
- 3.5.14 in the promotion of the provision of such facilities referred to in 3.5.13 through representation to appropriate authorities;
- 3.5.15 registration of swimmers;
- 3.5.16 the training of officials through the Technical Officials of EDA by the promotion of theoretical and practical cause

and examinations accessible to all interested parties and leading to registration as qualified Technical officials. This program will ensure the availability of technical officials adequate to meet the demands of clubs, schools and communities for organized competitions.

#### 4.0 **JURISDICTION**

- 4.1 The jurisdiction of EDA shall be the legislative Region of EDEN.
- 4.2 The District of EDA consists of the portion of the Western Cape known as Eden District and Central Karoo District, divided into the following Regions :
- Barrydale;
  - George;
  - Heidelberg;
  - Knysna;
  - Mosselbay;
  - Oudtshoorn;
  - Plettenberg Bay;
  - Riversdale;
  - Swellendam;
  - and Stilbay.
- 4.3 Each Region encompasses various municipal districts, each with its own local government.
- 4.4 Each Region will be responsible for the Objectives outlined in Clause 3.0 and be structured along the recommendations of EDA to meet these objectives.

## 5.0 MEMBERSHIP

5.1 Membership of EDA shall be open to Clubs and Associations, comprising of individual members, who will act as administrators, officials, coaches and competitors in that Club or Association, subject to the following requirements;

5.1.1 Any Diving, Open Water Swimming, Swimming, Synchronized swimming, Water Polo Club or Association, provided that it has a registered membership of the individuals members, as defined in Clause 5.1.3.

5.1.2 A Club seeking membership with EDA must deposit a fee as determined by Executive from year to year with its application for membership, together with a copy of its Constitution.

5.1.3 A Club seeking membership must register within fourteen (14) days and pay a deposit fee for at least three (3) officials (Chairperson, Administrator and Treasurer or other).

5.1.4 Should the application for membership be revoked, the application fee will be returned.

5.1.5 Executive, in its sole discretion, and without giving reasons, may refuse any application for membership.

5.1.6 Should the membership numbers of competitors in a Club reduce from the recorded membership in the previous season, Executive reserves the right to terminate membership of the Club.

5.1.7 In terms of Clause 5.1.2, every Club is required to forward copies of their Constitutions and financial statements to EDA annually by 30th June of each year.

- 5.1.8 Clubs must operate and develop their activities in their Region, liaising with provincial and local governments through their regional structures.
- 5.1.9 All Clubs are expected to meet transformation criteria as set out by the Executive Committee.

#### New Clubs

- 5.1.10 EDA shall recognize two forms of new Clubs seeking membership;
- 5.1.10.1 those Clubs who are entering the sport for the first time, with no experienced competitors; and
- 5.1.10.2 Those Clubs who are entering the sport for the first time, with experienced competitors.
- 5.1.11 All new Clubs, as identified in Clause 5.1.10, will be placed on probation for the first year and at the end of that period, Executive will assess the viability of the Club.
- 5.1.12 Clubs entering with no experienced competitors will fall under the jurisdiction of the EDA who will assist the clubs until such time that the EDA agrees that all criteria to sustain and progress the club forward have been met.
- 5.1.13 Clubs entering with experienced competitors will fall under the jurisdiction of the Boards concerned.
- 5.1.14 Should the registration numbers not be maintained by a Club, membership of the new Club to EDA may be terminated.
- 5.1.15 During the probation period of membership, no new Club will be entitled to vote in any general meetings.

## 5.2 Individual Members

- 5.2.1 All individual members of Clubs and Associations shall automatically become Members of EDA on registering with a Club or Association, by completing the prescribed EDA Registration Form.
- 5.2.2 Only individual members may hold any official position in a Club or Association.
- 5.2.3 An individual member must register with a Club in his region of domicile.
- 5.2.4 Scholars or students who are temporarily resident outside their region of domicile, such as at boarding schools or overseas, may register with a Club for the period in which they are present from their normal period of activity.
- 5.2.5 Competitors will be accepted as being fully registered for competitions when the registration forms and payment of the Registration Fees have been received by the EDA Treasurer.

## 5.3 Life Membership

- 5.3.1 Life membership may be conferred upon individuals who, in the opinion of the Executive, have rendered outstanding service to EDA over an extended period of time, and such membership shall be recommended by Executive to a General Meeting of EDA by way of a notice of motion, which should be accompanied by a citation detailing the extraordinary service rendered to the Association.
- 5.3.2 Life membership can only be granted on a two-thirds majority at the General Meeting.

5.3.3 No Life Member shall be required to pay any subscription fee or charge after being so elected.

5.3.4 Life Members shall have the right to attend all Executive Meetings, without a right to vote, and Annual and Special General Meetings, with a right to vote.

5.3.5 The award will comprise of the EDA badge, in accordance with Clause 16.0, with the words LIFE MEMBER underneath.

#### 5.4 Other

Associate membership to EDA will also be open, through agreement, to representation from the Disability Swimming South Africa (DISSA), United Schools Swimming Association of South Africa (USSASA).

### 6.0 **AFFILIATION FEE**

6.1 Every affiliated body or Club, shall pay an annual Affiliation Fee in an amount which shall be determined by the Executive annually and which shall be notified to each such body not later than the 30th May in each year, prior to the start of the new season. In determining the annual Affiliation Fees payable, the Executive of EDA shall separately determine the fees payable by Affiliated Clubs.

6.2 The Executive shall have the discretion to exempt any class of member from the payment of an annual Affiliation Fee, and unless an express determination of a fee in respect of any class of member is made in accordance with the provisions of this Clause, it shall be deemed that the class of member concerned has been exempted from the payment of an affiliation fee for the ensuing year.

6.3 The Executive may differentiate between classes of membership in determining the annual Affiliation Fee.

- 6.4 The Executive may increase the Affiliation Fee at any time in respect of any class of member as it may consider necessary or desirable.
- 6.5 The Affiliation Fees shall be payable in advance on or before the start of each new season, but not later than the 30th May of the new season. In the event of the Affiliation Fee being unpaid by the 30th May, all rights and privileges shall be suspended until the Affiliation Fee is paid.
- 6.6 Should any Club, other member body, or any individual member be more than two (2) months in arrears with its Affiliation Fee, its delegate or delegates shall not have the right to attend any meeting of EDA and its Boards, and all rights and privileges arising from its membership of the EDA shall be suspended until all arrears due to EDA shall have been paid.
- 6.7 The defaulting Member shall, notwithstanding the foregoing suspension of rights and privileges, continue to remain liable to EDA for the fulfilment of all its obligations.

#### 7.0 **REGISTRATION OF INDIVIDUAL MEMBERS**

- 7.1 Registration of all individual members and officials shall be effected by all Clubs, through their Administrator, with the Registration Administrator / Treasurer of EDA for each season and such registration shall be on the forms approved by the Executive from time to time. The season shall commence on the 1st day of May in each year and terminate on the 30th April of the following year.
- 7.2 In respect of all registered Club members and officials there shall be paid a Registration Fee in an amount determined by Executive from time to time and the Registration Fee shall be payable when the Registration Form concerned is submitted.

- 7.3 The Executive may increase the Registration Fee at any time in respect of any class of members as it may consider necessary.
- 7.4 In any competition held under the auspices of EDA and/or SSA, no unregistered diver, open water swimmer, swimmer, synchronized swimmer or water polo player may compete.
- 7.5 No competitor will be allowed to participate in any event until such time as the registration form and fee are submitted in accordance with Clauses 7.1 and 7.2.
- 7.6 Affiliated Clubs may hold internal domestic events in which unregistered members may take part.
- 7.7 Two classes of officials are recognised by EDA, namely Club and other administrators, and poolside / technical officials who shall be members of the Officials Society of each Board.

## 8.0 **ADMINISTRATION**

- 8.1 The Management of EDA shall be vested in an Executive of the following members:

President,  
Vice-President,  
Administrator (without voting rights),  
Treasurer,  
Executive Member,  
The Conveners of each Board

### Executive Committee

- 8.2 The President, Vice-President, Treasurer, Executive Member and the

Chairperson of each properly constituted Board shall form the Executive Committee of the Executive and shall hold office for four (4) years.

8.2.1 The Executive will be served by the EDA Administrator who will be a paid official and have no voting rights.

8.3 The Executive Committee is completely accountable to the EDA Executive and will report to the Executive at the next Executive meeting regarding all matters handled between Executive meetings. The management committee may take on the power and authority that it believes it needs to be able to achieve the objectives of the organisation

#### Executive Meetings

8.4 The Members of Executive shall hold office and act until the completion of their term following the date on which they were elected or appointed. The Executive shall have the power to fill any vacancy occurring in Executive Membership.

8.5 In the case of a Board's delegate inability to attend an Executive meeting, an alternate, to be nominated by that Board, but who must be a registered member of the relevant Board, may attend an Executive meeting of EDA in the delegate's stead.

8.6 The Executive shall meet regularly to transact the business of the EDA. Seven (7) days' notice in writing of such meeting shall be given to the Executive Members unless all members shall waive such notice.

8.7 At all Executive meetings of EDA, at least 51% of members entitled to vote shall form a quorum and the Chairperson shall have a casting, as well as a deliberative vote in the event of an equality of votes. Should any member of the Executive absent himself from two consecutive meetings, after having notice thereof, and without having applied for leave of absence, he/she shall be deemed to have vacated office, but may be reinstated by the Executive upon good cause shown at the next ensuing meeting.

8.8 Executive shall have the powers to deal with all cases of misconduct and is empowered to expel, suspend or fine any individual member, Club, Board, Committee, Society or Association of EDA for such

misconduct. For the purpose of this provision, misconduct shall include any unauthorized media statement by any individual member or Club, or any act which in the opinion of the Executive has brought, or is calculated to bring any of the sporting disciplines over which it has jurisdiction into disrepute.

- 8.9 Meetings of the Executive may be convened at any time by the President, and shall be convened on a requisition signed by four members of the Executive and delivered to the Administrator. Such requisition shall state the motion/s or other business which the Meeting is required to discuss, and these matters will then become the sole agenda for that meeting. Such a meeting shall be convened within ten (10) days of the presentation of the requisition.
- 8.10 Executive shall at all times be empowered to appoint sub-committees to carry out any specific duties allocated by the Executive.

#### Finance

- 8.11 Executive shall maintain an account or accounts in the name of EDA at a commercial bank or building society, which shall be operated by means of the signature of the Treasurer, and counter signature by at least one (1) other official of the Executive.
- 8.12 The accounts of EDA shall be audited by the Auditors to be elected and appointed at the Annual General Meeting. The Financial Year of the Association shall extend from the 1st day of May to 30th day of April in the following year.
- 8.13 Executive may hire, purchase or lease movable and/or immovable property in the name of EDA upon such terms as may be considered expedient and shall further have the right to borrow money on a mortgage or otherwise for any such purpose.

- 8.14 The Executive shall receive and pass accounts for payment, including accounts for the refund of expenses incurred by any persons engaged in the work of EDA, provided prior written authority has been granted for such expenses to be incurred on the behalf of EDA.
- 8.15 All cheques and negotiable implements shall be co-signed by the EDA Treasurer and any one of the two (2) remaining members of the Executive who have been duly authorized.
- 8.16 The Treasurer is authorized in his/her capacity to act as trustees of, and for all intents and purposes, and be the legal holder of all money, trophies and other property of the union and shall deal with same as the Executive may from time to time determine.
- 8.17 Any spending in excess of R10 000.00 must be approved by at least two thirds of the Executive.

#### Executive Meetings

- 8.18 At meetings of the Executive, at least 51% of members entitled to vote shall form a quorum and the Chairperson of the meeting shall have a casting, as well as a deliberative vote in the event of a deadlock.
- 8.19 The Executive shall not, however, be empowered to settle any matter that is in the nature of an appeal to EDA or to take any disciplinary action against any individual member or Club, save suspension pending investigation by the Executive.

#### General

- 8.20 The Executive may employ part-time employees in the field of clerical, secretarial or technical assistance.

**9.0 ANNUAL AND SPECIAL GENERAL MEETINGS OF THE ASSOCIATION**

- 9.1 The Annual General Meeting of EDA shall be held on a date to be determined by its Executive, but not later than the 31st day of August, in each year, and twenty-eight (28) days' notice of Meeting shall be given in writing to each member, Club and Association.
- 9.2 At the Annual General Meeting, reports by the President, Treasurer including the Audited Financial Statements for the previous year, duly prepared and certified by the Auditors, Board Conveners and Chairpersons of Associations shall be submitted, together with reports on major events.
- 9.3 Officers set out in Clause 8.2 shall be elected every second year.
- 9.4 The nominations, with written acceptances from the nominees as referred to in Clause 8.2 hereof, shall be submitted to the General Administrator in writing, at least twenty-one days prior to the Annual General Meeting. The person so nominated shall sign a letter indicating acceptance of such nomination. Should insufficient nominations be received in writing, the President or the Chairperson of the meeting may permit nominations to be moved from the floor.
- 9.5 The following persons or bodies shall be elected at the Annual General Meeting:
- President  
Vice-President  
Treasurer  
Executive Member, and  
Records Officer and/or gala Liaison Officer.

- 9.6 Notices of Motion, duly given, shall be considered.

All Notices of Motion must be delivered in writing to the General Administrator of EDA at least twenty one (21) before the Annual General Meeting.

- 9.7 The ratification of all Board, Committee, Society and Selection Committee members shall also take place at the Annual General Meeting.

- 9.8 The nominated delegates representing DISSA, USSSA and Tertiary Education Associations on all Boards, Committees and Societies shall also be announced not later than seven (7) days prior to the date of the Annual General Meeting.

- 9.9 Nominations for awards must be forwarded to the General Administrator of EDA, with a detailed "curriculum vitae" within twenty-one (21) days prior to the Annual General Meeting or Special General Meeting

- 9.10 A Special General Meeting may be summoned at any time by the Executive, or by the General Administrator on receipt of a requisition signed by at least fifty percent (50%) of the Clubs. The Meeting must be held within twenty-eight (28) days of receipt of the requisition and fourteen (14) days' notice in writing of the meeting shall be given. The requisition must state the object of such meeting which shall become the whole agenda of the meeting.

#### Voting

- 9.11 At Annual and Special General Meetings, those entitled to vote will be:

Each Club - two delegates, each with one vote

Each Association - one delegate, with one vote

Each Member of Executive - one vote Each Life Member of EDA - one vote

Each delegate, other than the representative from an Association, must be a registered member of EDA, which delegates shall be:

- i) in the case of swim board, two (2) members, which shall include the convener;
- ii) in the case of the remaining disciplines, two (2) members, which shall include the convener.

- 9.12 The quorum at a General Meeting shall be no less than fifty-one (51%) percent of the members or delegates of Clubs who are entitled to vote. Should a quorum not be present at the meeting, the meeting shall stand adjourned for seven (7) days at the place, at the same time. If the quorum is once again not reached, the persons attending the said adjourned meeting shall form a quorum.
- 9.13 Any person, Club, or Association affiliated to EDA, who or which is entitled to be present and vote at any General Meeting, shall be entitled to vote by proxy. If any person, Club or Association affiliated to EDA appoints a proxy, such appointment must reach the offices of EDA at least 48 hours prior to the said General Meeting and must be presented on the day of the meeting. If the proxy is not received within 48 hours as stipulated the proxy appointed shall not be entitled to vote at the General Meeting.
- 9.14 In the event of the Executive being reduced in number, the replacement shall be the person obtaining the next highest number of votes at the Annual Meeting.
- 9.15 The results of the voting shall be retained by the General Administrator until the next Annual Meeting, whence the General Administrator will confirm their disposal.

- 9.16 Each elected Executive Member shall serve for four (4) years.
- 9.17 In the case of the remaining disciplines, two (2) members which shall include the convener.

## 10.0 **REGIONS**

- 10.1 Each region will operate in the same manner as the Executive of EDA and will be responsible for meeting the Objectives of EDA as set out in Clause 3.
- 10.2 The Annual General Meeting of each Region shall be held thirty (30) days prior to the date of the Annual General Meeting of EDA.
- 10.3 The contents of Clause 9.0 shall apply to each Region.

## 1. **BOARDS/COMMITTEES/SOCIETIES**

2. The function of the Boards/Committees/Societies, shall be to organize and administer the discipline for which each is responsible, subject to the overall control and direction of the Executive of EDA.
3. The disciplines to be controlled and administered by the Boards are:

Masters

Swimming Diving

Open Water Swimming

Swimming

Synchronized Swimming,

and Water Polo

4. Each board is responsible for the provision of Technical expertise to the code and EDA; for example, but not limited to:
  - 11.3.1 Developing technical knowledge and skills to administer the code to FINA International standards;
  - 11.3.2 Ensure sufficient, trained number of officials needed to officiate the code;
5. Assist EDA in any dispute regarding the specific code as may be requested from EDA;
6. To assist EDA in ensuring the best possible standard and quality of facilities needed for the code; Strive to develop and expand all knowledge in their code to the benefit of the EDA region.
7. All Boards will be responsible for associated functions, such as the officials of that discipline (the Officials Society in the case of Swimming), the instructors (the Swim Instructors), and representatives of the Disabled (DISSA), Schools (USSASA) and Tertiary Education.
8. All Boards will comprise of an elected:

Chairperson

Vice- Chairperson, Member or Club

Regional representatives for that discipline, and Regional representative for the Officials, Instructors, DISSA, USSASA and Tertiary Education

Boards that are not fully constituted as determined at the sole discretion of the Executive Committee and which does not function in accordance with this constitution and/or which are not active, will not have a voting right at the Annual General Meeting.

9. The Chairperson, Vice-Chairperson and Member of each Board shall form the Executive Committee of that Board.
- 11.8.2 All Boards are directly responsible for the development and transformation of their sport, which will be monitored by the Transformation Committee and/or the Executive Committee.
- 11.8.3 Each Board will appoint a member who will be responsible for the development of the sport and will be responsible, among other issues, for the:
- 11.8.4 Development and growth of the sport in all disciplines, liaison with Communities through the formation of Clubs, contact with schools at all levels with a view to establishing aquatic programs, pursuance of the Learn-to-Swim programme in all its disciplines, oversee all recreational galas, and recommend changes when necessary,
- 11.8.5 Assist new Clubs in having a strong stable administration, being financially sustainable and maintaining acceptable standards.
- 11.9 Each board Member will appoint a member who will be responsible for the High-Performance program with selected swimmer/player in cooperation with Regional, Provincial and National Programmes and academies. This member will be named High Performance Manager and report to the Swim board and EDA Executive Committee.

The finances of each Board shall be under the control of the Treasurer of EDA.

### Development Executive

EDA may institute a Transformation Committee.

### Transformation Committee

10. The objective of the Transformation Committee is to monitor the progress of transformation at all levels within the Association, and to report regularly to the EDA Executive of progress, with recommendations.
11. The Transformation Committee will comprise of three (3) nominated members from the Executive Executive, of which the Chairperson of the Executive Committee shall be one of the three (3) nominated members.
12. The Convener of the Committee will be elected by the nominated members of the Committee, and if need be shall have a casting vote.

## 12.0 **ADMINISTRATION AND MANAGEMENT OF BOARDS / COMMITTEES / SOCIETIES**

### Boards

- 12.1 Each Board, shall:
  - 12.1.1 Form a Club Forum, consisting of not more than two (2) nominated delegates from each participating Club and a representative from each of the registered Associations falling within the relevant discipline.
  - 12.1.2 Be responsible for the guidance and performance of its subsidiaries, such as the Officials Society, etc.
  - 12.1.3 Cater for and ensure representation of various Associations or official bodies associated with the discipline and recognised by EDA.

- 12.1.4 Be responsible for the development, control and administration (including discipline on charges of misconduct) of its discipline.
- 12.2 The management of each Board, etc, shall be vested in an Executive.
- 12.3 The Executive members shall hold office until the conclusion of the Annual General Meeting, following that at which they were elected.
- 12.4 At Executive Meetings, a quorum shall consist of three (3) members.
- 12.5 The Board, etc., shall at all times be entitled to appoint sub-committees to carry out specific duties.
- 12.6 In the case of emergencies, the Board, Executive may make decisions and act on behalf of the Board, which decisions shall be binding upon the Board, provided that such decision/s or action/s is/are reported at the next Board meeting.
- 12.7 Should any member of the Executive absent himself/herself from two consecutive meetings after having received notice thereof and without having applied for leave of absence he/she shall be deemed to have vacated office.
- 12.8 All income and expenditure received or incurred by the Board, etc., will be administered through the Honorary Treasurer of EDA.
- 12.9 All funds raised must be made payable to EDA, who will allocate such funds to the specific Boards, etc., for the purpose for which they were raised.
- 12.10 All Boards, etc., will utilize the standardized EDA letterhead, with the details of each Board, etc., clearly identified.

#### Committees

12.11 In the case of the Transformation Committee, a quorum shall consist of five (5) members.

### 13.0 **SELECTION COMMITTEES**

13.1 At the Annual General Meeting of each Board, there shall be elected a Selection Committee consisting in each case of three (3) members from nominations submitted to the General Administrator of EDA. The Synchronized Swimming Selection Committee shall consist of qualified judges, who are non-competitors.

13.2 The Selection Committee for each discipline shall select all teams to represent the Association at all competitions. The Committee will also nominate all teams and individual competitors for official trials. At its first meeting, the Selection Committee will elect a Convener.

13.3 All selections must be submitted to the President who will seek ratification of the selection by the Board.

13.4 The nominations, with written acceptances from the nominees, shall be submitted to the General Administrator of EDA in writing, at least twenty-one (21) prior to the Annual General Meeting of each Board. The person so nominated shall sign a letter indicating acceptance of such nomination. Should insufficient nominations be received in writing, the Chairperson of the meeting may permit nominations to be moved from the floor.

13.5 Each elected member of the Selection Committee will serve for two (2) years.

#### Voting

13.7 Once voting has been completed, the appointed scrutinizer, or his deputy, will read out the results starting with the delegates with the

highest number of votes. The top delegate from the disadvantaged community will be duly elected, irrespective of placing.

13.8 If he elected Chairperson is a member from the advantaged community, then the Vice-Chairperson must be elected from the disadvantaged members, and vice-versa.

13.9 In pursuance of Clause 13.8, in the second year the roles of the Chairperson and Vice-Chairperson of each Selection Committee as elected in Clause 13.1 will be reversed.

#### 14.0 **COLOURS**

14.1 The colors of EDA shall be dark green, white and dark/navy blue.

#### 15.0 **EMBLEM**

15.1 The emblem of EDA shall be the official EDA emblem and is applicable to all its associate members.

#### 16.0 **HEADQUARTERS**

16.1 The headquarters of EDA shall be at George.

#### 17.0 **SANCTIONS**

17.1 Any Club or individual member may be sanctioned:

17.1.1 in the case of violation of the Constitution, By-Laws, Rules and/or decisions, and/or

17.1.2 for bringing the sport into disrepute

17.2 Sanctions shall be imposed by the Executive of EDA and may consist of one or more of the following:

- 17.2.1 warning,
  - 17.2.2 fine,
  - 17.2.3 suspension, and/or
  - 17.2.4 Expulsion.
- 17.3 Sanctions shall be enforced immediately upon the decision being made by the Executive of EDA.
- 17.4 EDA, through the General Administrator, shall notify the affiliated Club or individual member of the sanctions imposed.
- 17.5 An affiliated Club or an individual member sanctioned by the Executive of EDA may appeal to EDA not later than one month after the sanction has been submitted by the General Administrator of EDA.
- 18.0 **DISQUALIFICATION/SUSPENSION**
- 18.1 Any sentence of disqualification and/or suspension by EDA on an affiliated Club, shall be binding on all the individual members of the affiliated Club.
- 18.2 Full power of disqualification or suspension shall be vested in EDA on the affiliated Club.
- 18.3 The General Administrator of EDA must send a list of suspensions immediately after the meeting at which they were resolved upon to all Clubs, Boards/ Committees/Societies and notify the General Administrator of SSA.
- 18.4 EDA, to whom preliminary appeals shall lie, have the power to reinstate any individual member or affiliated Club disqualified.

## 19.0 **DISPUTES / DISCIPLINARY MATTERS**

- 19.1 Where a dispute (i.e. a matter which is subjudice or any decision affecting the Policy or function of the Executive) affecting any of the matters within the jurisdiction of the EDA exists, the matter concerned shall be treated as a domestic dispute and the channels and methods provided in the Constitution for the settlement of such matters shall be followed.
- 19.2 Any attempt to take such matters outside the sphere of EDA jurisdiction by resort to the media shall constitute misconduct on the part of the person concerned.
- 19.3 All disciplinary matters concerning members shall fall under the jurisdiction and control of the Executive of EDA.
- 19.4 Any complaint made by either an individual member or a non- member against an individual member, shall be lodged in writing with the General Administrator of EDA, who in consultation with the Executive, shall then, subject to its rights of delegation set out in Clause 18.2, give a directive as to whether or not a disciplinary enquiry should be held, and if so, the nature, composition and details thereof.
- 19.5 Where the member against whom the complaint has been made is an individual member of an affiliated Club, the Executive may delegate its powers to the affiliated Club and instruct them to deal with the matter accordingly in terms of such mandate.
- 19.6 Such affiliated Club shall send a report of the enquiry to the EDA Executive, who may impose a penalty.

## 20.0 APPEALS

- 20.1 Any affiliated Club may appeal to EDA against any decision given in terms of Clauses 16.0 and 17.0 and any individual member of an affiliated Member may appeal against any decision of such affiliated Club.
- 20.2 All appeals lodged with EDA must be submitted in writing to the General Administrator setting forth the facts, accompanied by extracts, or copies of all documents quoted, or relating to the case, and such other particulars as may be thought necessary.
- 20.3 All appeals must be lodged with EDA within fourteen (14) days after the incident or sanctions.
- 20.4 An appellant, on lodging the notice, must deposit with the General Administrator of EDA the sum of R500, 00, the whole or part of which may be refunded or retained by EDA at its discretion.
- 20.5 Appeals against a ruling of an affiliated Club must be made within fourteen days (14) from the time of receiving the decision of such affiliated Club.
- 20.6 EDA, on receipt of an appeal against disciplinary action taken by an affiliate Club against any individual member of such Club, may in its discretion alter such decision, and/or increase or decrease the penalty imposed.
- 20.7 All Appeals shall be heard by the Executive of EDA at its next Executive Meeting.
- 20.8 Should an individual member or an affiliated Club object to the decision made by the Executive of EDA as per Clause 20.7, the individual member or the affiliated Club has the right of appeal to Swimming South Africa.

## 21.0 **LAWS GOVERNING THE SPORT**

21.1 The laws governing the sport as laid down by FINA as adopted and/or amended by the SSA shall govern all aspects of Diving, Open Water Swimming, Swimming, Synchronized Swimming and Water Polo under the jurisdiction of EDA.

21.2 Every Diving, Open Water Swimming, Swimming, Masters Swimming, Synchronized Swimming and Water Polo Player who is registered with or affiliated to EDA and who has participated or is about to participate in a race or other competition held under the auspices of EDA, shall submit himself or herself to drug testing whenever or wherever called upon to do so by an official authorized by the Executive of EDA. The International Olympic Committee rules as amended by SSA, shall apply to the drug testing procedure and shall be definitive of the list of drugs which, from time to time, are prohibited by that body.

## 22.0 **GENERAL**

22.1 All EDEN Championship events, shall be deemed "Open" Championships. However, should a title be won by a competitor from another Association, the trophy for that event shall not be awarded to the winner, but shall be awarded to the first EDEN competitor in that Championship. Visiting competitors and teams may take part in competitions, matches and tournaments in the EDEN area of jurisdiction.

22.2 No affiliated member of a Club or Association or an affiliated Club or Association shall be entitled to take part in any invitation event or other event outside the jurisdiction of EDA, without first obtaining the consent of the Executive.

22.3 No member of an affiliated Club of the same branch of the sport, shall

be allowed to join another Club within the jurisdiction of EDA, unless he produces a certificate from his previous Club to the effect that he is in good financial standing and/or has not been suspended for any reason.

- 22.4 Any competition staged by an affiliated Member, Club or Association, as a fund-raising event, shall not be liable to a staging or registration fee, provided the organizing body remits to EDA a levy on each participating competitor. The levy for each season will be announced at the Annual Meeting.

### 23.0 **RULES AND ALTERATIONS**

- 23.1 No alteration, deletion or addition to the Constitution shall be made except at a Special General Meeting called for the purpose, provided that no such alterations, deletion or addition shall be effective unless with the sanction of at least two thirds of those present and entitled to vote.

- 23.2 Notice in writing shall be given to the General Administrator of EDA of any proposed amendment to the Constitution, setting forth, in full such amendment/s. The proposed amendment/s shall become the only item on the Agenda of the Meeting. The Meeting shall be called within twenty-eight (28) days of receipt of the notice. All Clubs, Associations and Executive members shall be notified, in writing, at least fourteen (14) days before the date set down for the Meeting.

- 23.3 The Executive of EDA may make By-laws relating to administrative matters and awards, and, at the request of the Board concerned, relating to:

the staging of galas and events

the formalities for entry to such events and galas

the selection criteria applicable to teams

the award of colors, and  
the recognition of records.

- 23.4 By-laws promulgated by EDA may be rescinded, altered or amended by Executive provided such amendment is included in the notice of meeting at which such amendments are proposed.

#### 24.0 **FIRST CLAIM MEMBERS**

- 24.1 A member may not belong to more than one Club in respect of each branch of the sport. The branches of the sport referred to are Diving, Open Water Swimming, Swimming, Synchronized Swimming and Water Polo. A member may, however, belong to different Clubs in respect of the different disciplines provided the member registers with both Clubs for each discipline.

- 24.2 The Disability Swimming South Africa (DISSA), United Schools Swimming Association of South Africa (USSSA), and the Tertiary Association of South Africa within the jurisdiction of EDA shall be regarded as an association throughout these rules.

#### 25.0 **INDEMNIFICATION**

- 25.1 EDA is a Voluntary Association having a corporate identity, separate from that of its members, which is entitled to own property, whether movable or immovable or otherwise, and to sue in its own name and, notwithstanding and change in the composition of its membership from time to time, shall have perpetual succession.
- 25.2 All immovable property or other rights relating to immovable property, which might be obtained by EDEN Aquatics from time to time, shall be registered in the name of EDA.

25.3 The liability of the members of EDA for debts of EDA is restricted to the outstanding affiliation fee, if any, owed by them from time to time and such members shall have no interest in any of the property or accumulated income of EDA.

25.4 In pursuance of Clause 2.3, the signatories of the office-bearers submitted to the South African Revenue Services will not be personally liable for any obligations or liabilities as claimed or demanded by the South African Revenue Service.

## 26.0 **LEGAL PROCEEDINGS**

26.1 The association is a Universitas and may sue and/or be used in its own name. Any Power of attorney required in any legal proceedings shall be signed by two (2) members of the Executive.

## 27.0 **WINDING UP/Dissolve**

27.1 If upon winding up or dissolution of EDA there remain, after satisfaction of all its debts and liabilities, any assets whatsoever, the same shall not be paid to or distributed among the members of EDA, but shall be donated or transferred to SSA. The organisation may close down if at least two-thirds of the members present and voting at a meeting convened for the purpose of considering such matter, are in favour of closing down.

## 28.0 **BINDING CLAUSE**

28.1 In the event of a dispute involving interpretation of this constitution the English version shall be binding.

**29.0 AUTHORITY OF THE CONSTITUTION**

29.1 This constitution supersedes any constitution of a member or Club insofar as it is incanted with this constitution.

**30.0 DOMICILIUM RULE**

30.1 An swimmer shall only represent EDA wherein he/she is domiciled;

30.2 An swimmer shall only be a member of a Club if the swimmer and the Club are both domiciled in the EDA;

30.3 No swimmer may relocate from one province to another without being in possession of a written clearance certificate from his former province entitling him/her to compete in the new province. Failure to obtain such a clearance certificate shall render the swimmer ineligible to compete in the new province;

30.4 No swimmer may relocate from one club to another without being in possession of the written clearance certificate from his former Club entitling him/her to compete in the new Club colors. Failure to obtain such a clearance certificate shall render the swimmer ineligible to compete in the new Club colors;

30.5 Other than in an exceptional case, where a Club or an individual swimmer has received no co-operation from the previous province, there shall be no other line of communication between a Club and the Office of the SSA, except through the province;

30.6 Only in the event where the provisions of 30.4 not adhere to or the clearance certificate cannot be obtained, a swimmer will have direct recourse to SSA;

30.7 Officials of EDA will serve on the executive committee, commissions

and committees of EDA only in a ex-officio capacity.

31.0 **REGISTRATION OF SWIMMERS/OFFICIALS**

- 31.1 No EDA swimmer shall compete in any competitions without having obtained a clearance from EDA. Such registrations may only be issued through affiliated Clubs and/or schools and/or EDA. Temporary registrations may be issued at meetings to swimmers who are either unregistered or have no registration numbers or Club colors at the meeting.
- 31.2 Juniors competing in senior open events shall for registration purposes be treated as senior swimmers.
- 31.3 The fees for the following year should be determined at the Executive Meeting and approved at the EDA Annual General Meeting.
- 31.4 The registration period is from 1 May to 30 April of the following year.
- 31.5 Club secretaries shall, if authorized by the EDA, submit a list of their registered swimmers and fees due to the union.
- 31.6 Affiliates, Clubs and schools shall ensure that all swimmers who compete at competitions outside their normal school competitions, shall be registered with EDA.
- 31.7 Clubs will register their members directly with EDA administrator.
- 31.8 Registration will be done in batches on a monthly basis in advance and paid for in advance. Registration shall not be issued to individual swimmers.
- 31.9 No registrations of swimmers will be done after 31 January of each year for that specific season.
- 31.10 Registration must be handed in to the EDA administrator not later than 1 month before participating in any SSA or EDA sanctioned event.

**THIS CONSTITUTION WAS SUBMITTED AND ADOPTED AT A GENERAL  
MEETING OF EDEN AQUATICS HELD ON 4 May 2023**

A handwritten signature in black ink, appearing to read 'L. Coetzee', written in a cursive style.

**L Coetzee President**

**20 DAY OF August 2024**