



CONSTITUTION

CARDINAL AQUATICS CLUB

1. NAME

- 1.1 The name of the club is Cardinal Aquatics (hereinafter referred to as “The Club”) and is a registered swimming association.
- 1.2 The Club is an affiliated member of Swimming South Africa (SSA) and Eastern Gauteng Aquatics (EGA) in respect of swimming, masters and open water swimming, learn to swim and related activities.
- 1.3 This Document should be read in conjunction with the Districts By-Laws, Rules, Constitutions, Policies and Strategies of EGA, AG, SSA and SSA’s association with registered bodies;
- 1.4 The club is associated to Cardinal Aquatics (Pty) Ltd a registered swim school and services provider registered with Swimming South Africa.

2. DEFINITIONS

In this Constitution, unless the context otherwise indicates,

- 2.1 **“Aquatics Discipline”** shall mean Swimming, Open Water Swimming, Learn to Swim and Masters Swimming
- 2.2 **“Annual General Meeting”** The Annual General Meeting of Cardinal Aquatics held annually
- 2.3 **“Athletes”** shall mean All Swimmers, Open Water Swimmers, Master Swimmers, Learn to Swim Students and Scholar Swimmers; In other words, all participants in all Aquatics Disciplines, able bodied and persons living with disabilities.
- 2.4 **“AG”** means Aquatics Gauteng
- 2.5 **“Cardinal Aquatics”** means Cardinal Aquatics (Pty) Ltd Registration Number 2021/302813/07 a registered swim school and aquatics services provider registered with Swimming South Africa.
- 2.6 **“Club”** means the Cardinal Aquatics Club duly constituted in terms of this Constitution.
- 2.7 **“Constitution”** shall mean this constitution and its provisions, the Appendices hereto, By-laws, Rules, Policies and due decisions and orders arising therefrom as amended from time to time

2.8	“Days”	refers to calendar days which are inclusive of weekends and public holidays
2.9	“Disciplinary Enquiry”	Shall mean disciplinary inquiry, investigation or the like in which Members may be involved
2.10	“District”	shall mean Eastern Gauteng Aquatics
2.11	“Drugs“	means any substance/s, method and/or provision regulated in accordance with WADA, through EGA, SSA, SASCOC and or World Aquatics Doping Control rules
2.12	“EGA”	shall mean Eastern Gauteng Aquatics
2.13	“Event”	means an EGA and SSA sanctioned competition, meeting, camp, clinic or tour
2.14	“Guardian/Legal Guardian”	means a person who has the legal authority and the duty to care for the personal and property interests of a minor
2.15	“Headquarters”	means the Headquarters of Cardinal Aquatics which shall be situated at St Benedict's indoor facility
2.16	“Notice”	means by ordinary post to the last address of the member provided to the secretary and notice shall be deemed to have been given two days after the date on which the notice is posted.
2.17	“Members”	shall be the individual registered swimmers of Cardinal Aquatics who by their subscription agree to be bound by this constitution
2.18	“Membership Fee”	the Fee due to Cardinal Aquatics by all Members, payable on an annual basis to be members and any fees due and payable to EGA/AG/SSA and Cardinal Aquatics by all Members as required
2.19	“Minor”	means all persons under the age of 18 years
2.20	“Officers”	means the elected officers of Cardinal Aquatics who are responsible for decisions on matters relating to Cardinal Aquatics
2.21	“Officials”	means those members of Cardinal Aquatics other than Coaches, Athletes and Competitors who are responsible for Club and District activities as Officials
2.22	“Parent”	shall mean a person who has the legal authority and the duty to care for the personal and property interests of a minor
2.23	“Registration Fee”	shall mean all fees required to be paid for registration purposes payable to Cardinal Aquatics by Members
2.24	“SSA”	means Swimming South Africa the national aquatics authority
2.25	“World Aquatics”	means The International Federation recognized by the International Olympic Committee for administering international competition in water sports

Words in the singular number include the plural, and words in the plural number include the singular, where the context so indicates.

3. LEGAL PERSONALITY

The Club shall have legal personality and shall, through its authorised representatives —

- (i) have an independent existence;
- (ii) be entitled to acquire, encumber or dispose of movable or immovable property;
- (iii) be entitled to enter into legal transactions and to institute or defend legal proceedings. The *Club shall* continue in existence notwithstanding changes in the composition of its membership or office-bearers.

4. OBJECTS

The objects of the *Club* are the following:

- (a) To develop and foster the aquatic disciplines amongst its members and the community.
- (b) To encourage its members to participate in aquatic disciplines at all levels.
- (c) To provide coaching and facilities to enable *members* to participate at all levels in aquatic disciplines.
- (d) Represent the interests of its *members* at all levels.
- (e) Promote non-racialism and combat unfair discrimination at all levels.

5. MEANS OF ACHIEVING THE OBJECTIVES:

In order to achieve the objects of the *club*, it may:

- (a) be affiliated to any body if such affiliation could assist it in pursuing and attaining its objectives;
- (b) to organise *aquatic* events;
- (c) employ such persons as are appropriate to the needs and resources of the *club*;
- (d) enter into any contracts and/or acquire such assets which will serve the purpose of achieving those objectives;
- (e) provide a drug free sport by adopting and implementing WADA's anti-doping code to include out of competition doping control;
- (f) ensure that all members subscribe and adhere to the By-Laws, Policies, Rules and Regulations of events, competitions, policies and strategies of Cardinal Aquatics SSA and Eastern Gauteng Aquatics;
- (g) ensure that the Child Protection Policy for persons working with minors is enforced and continuously monitored.

6. ASSETS OF THE CLUB AND NON-PROFIT OBJECTIVE

- (a) The *club* shall not engage in any transaction with a view to the pecuniary gain or profit of its members.

- (b) No members shall have any personal claim on the income or property of the *club* or make any profit out of her or his membership, save where such member is also a duly-appointed and salaried employee of the *club*.
- (c) The *club* shall conduct its financial affairs through a banking account.
- (d) Any *member* must declare any personal interest in any contract entered into or business undertaken by the *club*.

MEMBERSHIP OF THE CLUB

7. MEMBERS

- (a) Any person who subscribes to the objectives of this constitution and who agrees to abide by the rules and regulations of the *club* may apply for membership of the club;
- (b) An application for membership shall be limited to individual members;
- (c) Membership is achieved by submitting an application form to the secretary, and payment of the prescribed capitation fee;
- (d) Parents/Legal guardians are required to sign the application form;
- (e) In applying the individual member will be bound by the Cardinal Aquatics; EGA & SSA Codes of Conduct and Ethics;
- (f) The prescribed application and membership fee shall be determined annually by the Executive Committee of Cardinal Aquatics and published at its Annual General Meeting and is payable annually prior to the 31st of May each year;
- (g) All competitive athletes that are members must also simultaneously register with Cardinal Aquatics (Pty) Ltd for the purposes of coaching.
- (h) Membership of Cardinal Aquatics is mandatory for members.
- (i) All coaching fees shall be paid to Cardinal Aquatics on a monthly basis in accordance with the terms and conditions applicable to Cardinal Aquatics coaching school.

GENERAL MEETINGS OF THE CLUB

8. ANNUAL GENERAL MEETINGS AND SPECIAL GENERAL MEETINGS

- (a) A General Meeting of the *Club* may be either the Annual General Meeting or a Special General Meeting which shall be held at such practical time and place as decided upon by the Committee, and includes virtual meetings.
- (b) All meetings shall be well advertised. Such advertisement shall include, but not be limited to, a notice by electronic email to all members thereof and being affixed to the noticeboard in the Clubhouse, at least twenty one *days* before the meeting for the Annual General Meeting and seven days for a Special General Meeting.
- (c) A Special General Meeting shall be convened at the written request of at least a quorum of the *members* of the *Club* or by the Committee. The request to convene a Special General

Meeting shall state the business to be considered at the meeting.

- (d) All meetings of the *Club* shall be presided over by the Chairperson of the *Club*.
 - (i) In the absence of the Chairperson, all the powers and duties of the Chairperson shall devolve on the Vice-Chairperson and if the Vice-Chairperson too is absent, the said power and duties shall devolve on a *member* elected by the remaining members of meeting, during such absence.
 - (ii) The presiding officer at any meeting shall have both a deliberative and a casting vote.

9. QUORUM FOR GENERAL MEETINGS OF THE CLUB

- (a) The quorum for a meeting shall be 15 members or 25% of the *members* of the club in good standing.
- (b) In the absence of the required quorum at any meeting, the meeting shall be adjourned. Notice shall thereafter be given to all the members of the club of the date and time on which the meeting shall be reconvened, which shall not be less than seven *days* and not more than 21 *days* after the meeting at which a quorum was not reached. When the meeting reconvenes, it shall conduct all business which was on the agenda for the initial date regardless of the existence or not of a quorum.

10. VOTING AT GENERAL MEETINGS

- (a) Only *members* of the Club may vote at any General Meeting of the *Club*.
- (b) Voting shall be by show of hands or, if the meeting so decides, by ballot.
- (c) No voting may be effected by proxy.
- (d) Except where otherwise provided in this Constitution all matters determined by vote shall be decided by a majority of those present.

11. ANNUAL GENERAL MEETING

- (a) An Annual General Meeting of the Club shall be held annually between the period of the 1st of April and the 31st of May and not more than eighteen months shall elapse between such meetings.
- (b) The Committee for the ensuing year shall be elected at the Annual General Meeting.
- (c) At every Annual General Meeting the following reports shall be presented to the meeting:
 - (i) Welcome and Apologies
 - (ii) Notice of convening the meeting
 - (iii) Chairman's address
 - (iv) Confirmation of the minutes of the previous meeting.
 - (v) The Chairperson's report on the activities of the Club over the past year.
 - (vi) The Treasurer's report on the financial state of the Club and presentation and adoption of the financial statements.

- (vii) Election of the executive committee for the coming year as required in terms of clause 12.
- (viii) General.
- (d) Any motions submitted to the Secretary by not later than two days prior to the meeting shall be considered.

THE COMMITTEE

12. TERM OF OFFICE OF COMMITTEE MEMBERS

- (a) The Committee shall serve for a period of two years.
- (b) Any person shall cease to be a Committee member if:
 - (i) that member (or the minor child of the committee member) ceases to be a *member* of the *Club*; or
 - (ii) that member is excluded or suspended from the *Club*; or
 - (iii) that member tenders a resignation in writing and such resignation is accepted by the Committee; or
 - (iv) that member misses three consecutive committee meetings without advancing good cause and/or without giving notice of such non-attendance to the Secretary, and, after having received written notice from the Secretary, misses a further meeting.

13. FUNCTIONS OF THE COMMITTEE

- (a) The functions of the Committee shall be the following:
 - (i) to convene meetings of the *Club*;
 - (ii) to deal with matters of urgency;
 - (iii) to appoint a *member* or *members* to represent the *Club*;
 - (iv) to co-opt any *member* of the *Club* to the committee either generally or for a special purpose;
 - (v) to conduct, generally, the affairs of the *Club*;
 - (vi) to create and constitute such sub-committees as may be necessary for the better running of the affairs of the *Club*, which sub-committee shall report directly to the committee;
 - (vii) to open such accounts as are necessary for the better conducting of the affairs of the *Club* and to nominate the members who are permitted to draw upon such accounts;
 - (viii) to make, amend and suspend rules and regulations for the *Club* in terms of paragraph 19 hereof;
 - (ix) to recommend the annual subscription, if any, payable by the members of the *Club*;
 - (x) to maintain discipline within the *Club*, subject to paragraph 16;

- (xi) to employ staff required for the furthering of the objects of the *Club*;
 - (xii) to appoint team managers and officials for district, provincial and junior and senior level competitions;
 - (xiii) to decide and publish by-laws, rules and regulations and amendments thereto after due consideration with the members of the club;
 - (xiv) to impose sanctions as and when required;
 - (xv) to appoint a disciplinary committees;
 - (xvi) to attend to all appeals;
 - (xvii) to adjudicate any disputes between members and to resolve disputes if received by any member in writing;
 - (xviii) the Treasurer shall keep proper books of account, which shall be signed off by the Chairperson and Treasurer of the Club;
 - (xix) the Treasurer shall present Income and Expenditure Reports to the Committee at the monthly or quarterly basis at the Committee Meetings;
 - (xx) the financial year shall terminate on the 30th of April each year, after which the Treasurer shall frame an Income and Expenditure Account for presentation to the Members at the Annual General Meeting and submission to EGA;
 - (xxi) the committee may deposit monies not required for its immediate use in appropriate accounts with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984;
 - (xxii) the Club may refund necessary expenses incurred by any members of the committee thereof whilst engaged in the work for the Club.
- (b) In the event of a vacancy on the Committee, the Committee may transfer the functions entrusted to the absent member to one or more of the remaining members of the Committee or to a co-opted member.

14. MEMBERS OF COMMITTEE

- (a) The Committee shall consist of the following members:
- (i) Chairperson
 - (ii) Vice-Chairperson
 - (iii) Secretary
 - (iv) Treasurer
 - (v) Two additional members, or such further additional members as the *Club* decides, at a General Meeting, are necessary for the efficient running of the *Club*.
 - (vi) The head coach of Cardinal Aquatics.
- (b) The positions of Chairperson, Vice-Chairperson and Secretary shall be filled by separate persons. The Chairperson and Vice-Chairperson may not hold any other position referred

to in paragraph (a)(iii) to (v) inclusive.

- (c) Any vacancy on the Committee may be filled at a meeting of the *Club* or by co-option.
- (d) A person co-opted to the Committee shall have all the rights, including the right to vote, of a Committee member.
 - (i) Co-opted persons may not exceed more than one third of the members of the Committee membership.
 - (ii) Only members of the *Club* may be co-opted to the Committee.
 - (iii) The term of office of a co-opted person shall not exceed that of the Committee.
- (e) All positions on the committee are honorary, unless any payment is expressly approved in advance by a General Meeting.

15. MEETINGS OF THE COMMITTEE

- (a) All meetings of the committee shall be presided over by the Chairperson. In the absence of the Chairperson, all the powers and duties of the Chairperson shall devolve on the Vice-Chairperson and if the Vice-Chairperson too is absent, then the said power and duties shall devolve on a member elected by the remaining members of Committee, during such absence.
- (b) The Chairperson may convene a meeting of the Committee whenever she or he deems it necessary.
- (c) The Chairperson shall sign every approved amendment to this Constitution, a copy of which shall be contained in the *Club's* Minute Book.
- (d) Meetings of the Committee shall be held regularly, but no less than four times during any Committee's normal term of office.
- (e) Notice of Committee meetings shall be given to all its members by the Secretary.
- (f) The quorum for a meeting of the Committee shall be one half of the Committee.
- (g) Every decision of the Committee shall require a vote, with a simple majority of the members present voting in its favour. The Chairperson shall have a deliberative and a casting vote.
- (h) A meeting of the Committee shall also be convened at the request of the Chairperson or two of its members alternatively at the request of the head coach.
- (i) In the event of a matter of urgency arising between meetings of the Committee, such matter may be attended to by the Chairperson, in conjunction with the head coach and any or all of the committee members affected by such decision; provided that any action taken or decision taken shall be ratified by the Committee at the next meeting of the Committee, failing which any decision taken shall lapse.
- (j) In the absence of the required quorum at any Committee meeting, the business of the meeting may be conducted without the necessary quorum, provided that the minutes of the meeting are posted to all the members of the Committee within seven *days* of the meeting. On such matters as are reflected in the said minutes shall be considered to have been dealt with by the Committee. In the event that the said minutes are not posted timeously the meetings shall be considered to have not been held and all decisions taken thereat

shall be void.

- (k) Any member of the Committee may, within fourteen days object to any decision taken at a meeting where the required quorum was not present, in which event a meeting shall be held within fourteen *days* to reconsider that decision. In the event of the meeting not being held within fourteen *days* of the objection being received the decision shall lapse. In the event of there again not being a quorum, the meeting shall be adjourned until such time as a quorum can be obtained.

GENERAL

16. DISCIPLINE

- (a) Pursuant to the provisions of paragraph 13(x) the committee may suspend for any period no longer than two years, expel or fine any *member* of the *Club* found guilty of assaulting, harassing or interfering with any other *member* of the *Club* or *the Club staff and personnel*; disobeying any of the rules of the Club and any of the aquatic disciplines; conducting herself or himself in such a way as to wrongfully injure the interests of the *Club* or the aquatic disciplines; or to bring the sport or the *Club* into disrepute.
- (b) Any fine imposed in terms of sub-paragraph (a) shall not exceed R500.
- (c) The Club Secretary must send a list of suspensions to EGA immediately after the meeting at which they were resolved upon.
- (d) Any *member* adversely affected by a decision made in terms of this paragraph may appeal against such decision to a general meeting of the club within seven days of the decision against which is being appealed. The secretary shall then convene a meeting of the *club* for the purpose of hearing such appeal.
- (e) After exhausting all internal remedies, the said *member* may further appeal to EGA within one month after the sanction has been issued and/or any organisation to which the *Club* is affiliated, and which permits such appeals.
- (f) An appellant must lodge with the club secretary a fee of R500 which will only be refunded if the appeal is successful.
- (g) All appeals must be in writing setting out the facts of the case with all documentation that the appellant shall be relying upon.
- (h) All internal remedies and possible further appeals in terms of sub-paragraph (d) shall be exhausted before the said *member* may approach a court of law.

17. SUBSCRIPTIONS

- (a) An annual subscription payable by all members of the *Club*, eligible to pay a subscription, may be fixed and varied by the Committee.
- (b) All subscriptions levied shall be subject to the approval of the *Club* in General Meeting.
- (c) Any member who fails to become a member of Cardinal Aquatics and or is in arrears and

fails to pay any the prescribed subscription, application and membership fees and/or coaching fees payable and or any other debt to the *club* within the time period laid down by the committee shall be regarded as not being in good standing and shall cease to enjoy the rights of membership to the club until such debt is paid, all privileges arising from membership of the Club shall be suspended pending payment and shall within 90 days of failure to pay be removed as a member.

18. FINANCIAL YEAR

The financial year of the club shall run from the 1st of May to 30th April of each year.

19. LAWS GOVERNING THE SPORT

- (a) The technical laws as set out in the World Aquatics Handbook and in any of its bulletins, with regard to Swimming, Open Water Swimming, Diving, Water Polo, Artistic Swimming shall be binding on all athletes and competitors held under the jurisdiction of EGA and shall become operative immediately after receipt of World Aquatics notification, unless World Aquatics fixes a date, or unless SSA shall decide otherwise, having regard to prevailing conditions and circumstances.
- (b) Where no provision is made in these laws regarding the conduct of the sport, the Club may apply to EGA for a ruling.

20. CLUB COLOURS

The clubs colours shall be black, red and white with the appropriate badge as per Appendix I.

- (a) The badge of the Club shall be the approved badge;
- (b) Clothing (Kit) will be approved by the Committee;
- (c) Any advertising on clothing and competition gear must comply with World Aquatics and SSA regulations and must be approved by the Executive Committee.

21. RULES AND REGULATIONS

- (a) The Committee may make such by-laws policies and rules for the *Club* as it deems to be in the interest of the better conduct of the affairs and management of the *Club*.
- (b) The Committee may, in the interests of the *Club*, amend or suspend the by-laws.
- (c) Any by-laws made by the Committee shall not be inconsistent with this *Constitution*.
- (d) By-Laws should be carried out as a Notice of Motion and taken to a vote at a Special General Meeting or Annual General Meeting.
- (e) All such By-Laws and Rules shall be binding on all Members once circulated by the Club Secretary.

22. CONSTITUTION

- (a) A copy of the *Club's* approved Constitution shall be kept in the *Club's* Minute Book.
- (b) Any amendment to this Constitution shall be considered only at a General Meeting of the Club in accordance with the provisions of this clause.
- (c) At least twenty one *day's* notice must be given of the meeting at which an amendment of this Constitution will be considered.
- (d) The quorum of the meeting at which an amendment to the Constitution is to be considered shall be the same as for meetings subject to paragraph 9 hereinabove.
- (e) Any amendment to this Constitution requires a vote in favour thereof of at least two thirds of the members present and voting at the meeting.
- (f) After the amendment has been approved it shall be entered in the copy of the Constitution in the Minute Book of the *Club* under the signature of the Chairperson of the *Club*.

23. DISSOLUTION OF THE CLUB

- (a) Should the *club* be unable to achieve the objectives for which it was formed, the committee shall call a general meeting for the sole purpose of deciding whether to continue with the *club*.
- (b) At least 14 days' notice of such meeting shall be given and the notice shall state the purpose of the meeting.
- (c) At such meeting a decision may be taken by two-thirds of those present to dissolve the club.
- (d) Should such a decision be taken, the meeting shall appoint a receiver, who may or may not be a member of the club, to wind up the affairs of the *club*.
- (e) Once the receiver has finalised the winding up of the *club*, it shall cease to exist. Any asset remaining after all the *club's* liabilities have been met must be transferred to another non-profit organisation having similar objectives.

24 APPENDICES

- Appendix I Colours
- Appendix II Code of Conduct
- Appendix III Club Rules

**ADOPTED AT THE FIRST ANNUAL GENERAL MEETING DATED THE 2 JULY 2021
AMENDED/UPDATED ON THE 3 JULY 2023 AT THE ANNUAL GENERAL MEETING**

PRESIDENT

GRP RACCANELLO