

CONSTITUTION

OF

SCHOOLS WATER POLO SOUTH AFRICA

PART I – ESTABLISHMENT, NATURE, AND OBJECTIVES

1. ESTABLISHMENT AND CONTINUATION OF ASSOCIATION

Schools Water Polo South Africa, having been constituted as a voluntary association, continues to exist as such as more fully set out herein.

2. DEFINITIONS

In these presents, unless the context otherwise indicates:

2.1 The following words shall have the meanings hereinafter assigned to them:

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| 2.1.1 “ Affiliated Member ” | means any body that has been admitted as an affiliated member of SWPSA in terms of this Constitution and whose membership as such has not been suspended or terminated; |
| 2.1.2 “ Annual General Meeting ” | means an annual general meeting of SWPSA; |
| 2.1.3 “ Appeal Tribunal ” | means a tribunal established by SWPSA to hear and deal with appeals as envisaged in this Constitution, whether as a standing tribunal or as an ad hoc tribunal with specific terms of reference; |
| 2.1.4 “ the Association ” | means SWPSA; |
| 2.1.5 “ Auditors / Accountants ” | means the auditors or accountants appointed by SWPSA from time to time; |
| 2.1.6 “ Business Day ” | means weekdays other than Saturdays, Sundays, and public holidays in the Republic of South Africa; |
| 2.1.7 “ Chairperson ” | means the chairperson of SWPSA; |

- 2.1.8 **“Capitated Member”** any individual member of an Affiliated Member who is up to date with submission of the required capitation information and with the payment of their capitation levies and other SWPSA imposed fees to the Affiliated Member, and the word **“capitation”**, **“capitated levy”** or **“capitated levies”** and the like shall have the corresponding meaning in context;
- 2.1.9 **“in committee”** means the part of a meeting where the meeting will be closed to invited attendees only based on the nature of business transacted and that no minutes or record of debate is kept, and that the debate is confidential to those attending the meeting concerned;
- 2.1.10 **“this Constitution”** means the provisions of this document being the constitution of SWPSA;
- 2.1.11 **“Disciplinary Committee”** means a committee established by SWPSA to hear and deal with disciplinary issues as envisaged in this Constitution, whether as a standing committee or as an ad hoc committee with specific terms of reference;
- 2.1.12 **“Executive Committee”** means the executive committee of SWPSA comprising the Executive Officers of SWPSA;
- 2.1.13 **“Executive Officers”** means the members elected to the Executive Committee;

- 2.1.14 **“General Meeting”** means an Annual General Meeting or a Special General Meeting of SWPSA;
- 2.1.15 **“General Secretary”** means the General Secretary of SWPSA;
- 2.1.16 **“Individual Member”** means an individual who is a player, coach, referee, team manager or administrator of water polo at a school and who has been admitted as an individual member of SWPSA in terms of this Constitution and whose membership as such has not been suspended or terminated, and includes any individual deemed to be an Individual Member as envisaged in Clause 14.6 below;
- 2.1.17 **“Member”** means a member of SWPSA whose membership has not been suspended or terminated, and shall include an Individual Member;
- 2.1.18 **“Month”** means calendar month;
- 2.1.19 **“Office Bearer”** means elected members of the Executive Committee;
- 2.1.20 **“these presents”** means this Constitution and the regulations and by-laws of the Association from time to time in force;
- 2.1.21 **“Relevant Body”** means any federation, association or other body that administers or regulates water polo (whether in South Africa or elsewhere) of which SWPSA may be or become a member of;

- 2.1.22 **“school”** means any "public school" or "independent school" as envisaged in the South African Schools Act, 1996 and includes any institution or facility at which a learner receives "home education" and that meets the requirements for "home education" as defined in and for purposes of that Act;
- 2.1.23 **“Special General Meeting”** means any general meeting of SWPSA that is not an Annual General Meeting;
- 2.1.24 **“SWPSA District”** means each of the geographical districts recognised by SWPSA as set out in Annexure A hereto;
- 2.1.25 **“SWPSA”** means SCHOOLS WATER POLO SOUTH AFRICA, an association of its members established and constituted under this Constitution, which association is constituted to represent the interests of water polo players, coaches, referees, team managers and administrators in all schools within the Republic of South Africa.
- 2.1.26 **“SWPSA IPT”** means the annual inter-provincial schools water polo tournament arranged, hosted and presented by SWPSA as referred to in Clause 27.1 below;
- 2.1.27 **“Vice Chairperson”** means the Vice Chairperson of SWPSA;

- 2.1.28 **“WADA”** means The World Anti-Doping Association responsible for the World Anti-Doping Code;
- 2.1.29 **“World Aquatics”** means the sole and exclusive world governing body for all aquatics, formerly known as Federation Internationale de Natation (FINA);
- 2.1.30 **“in writing” or “written”** means expressed or communicated in written form in the English language;
- 2.1.31 **“Year”** means calendar year, being January to December.

- 2.2 The words and phrases set out above may be added to or deleted as required.
- 2.3 Any words importing the singular shall include the plural, and vice versa, and words importing any one gender shall include the other.
- 2.4 The words “include”, “including” and similar expressions shall be interpreted as including without limitation.

3 **INCORPORATION AND STATUS OF THE ASSOCIATION**

- 3.1 SWPSA is an association of its members, not for gain.
- 3.2 SWPSA is an association with separate legal personality independent of its members and with perpetual succession, capable of suing and being sued in its own name; and none of SWPSA’s members in their personal capacities shall have any right, title, or interest to or in the funds or the assets of SWPSA nor shall such members be liable for the debts of SWPSA.

4 **LIABILITY OF MEMBERS**

- 4.1 All SWPSA’s assets shall be registered or held in the name of or on behalf of SWPSA.
- 4.2 Members shall not be liable to meet the debts, engagement, and liabilities of SWPSA and the liability of Members shall be limited solely to the amounts due

by them in respect of affiliation and/or capitation levies or other monies payable by them in terms of this Constitution.

5 INCOME, PROPERTIES AND MONIES

- 5.1 The income, property and monies of SWPSA from whatever source derived shall be applied and invested solely towards the promotion of the mission and objectives of SWPSA as set forth in this Constitution and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise to any Member.
- 5.2 Nothing herein contained shall however prevent the making of grants by SWPSA to a Member for the purpose of conducting SWPSA's objects or furthering SWPSA's interests or the payment of out-of-pocket expenses to any member of the executive or to the payment of remuneration to any person for any service rendered to SWPSA.

6 NAME AND COLOURS

- 6.1 The name of the Association shall be Schools Water Polo South Africa (or in shortened form as referred to by its acronym, SWPSA) or such other name as the Association may decide from time to time.
- 6.2 The colours and logo of SWPSA shall be as determined by the Executive Committee.

7 MISSION

The mission of SWPSA is the promotion of water polo in all its aspects in schools and for the benefit of learners at school within the Republic of South Africa.

8 OBJECTIVES AND VALUES

- 8.1 The objectives of SWPSA are:
- 8.1.1 to promote, advance, encourage and foster the game of water polo in the interests of the game and its Members and their players;
- 8.1.2 to bring about and maintain close co-operation between its Members;

- 8.1.3 to guide and assist Members in their administration and general conduct of water polo competitions;
- 8.1.4 to promote and encourage the holding of competitions, championships, and tournaments and to assist in the conduct and control thereof;
- 8.1.5 to formulate, control and regulate the conditions governing the playing of water polo at tournaments, championships and other events arranged and administered by it;
- 8.1.6 to promote inter-provincial schools water polo competitions, whether arranged and administered by it or by others;
- 8.1.7 to arrange and administer an annual inter-provincial schools water polo tournament (being the SWPSA IPT);
- 8.1.8 to act appropriately to ensure water polo is a drug free sport by adopting (and, to the extent, possible) implementing the anti-doping code of WADA or codes aligned therewith;
- 8.1.9 to develop and implement practical policies aligned with the Constitution of the Republic of South Africa aimed at transformation and to develop and take measures to facilitate and assist all Affiliated Members to subscribe and adhere to those transformation policies;
- 8.1.10 to develop and implement policies aimed at ensuring the safeguarding of minors and to develop and take measures to ensure that such policies, as amended from time to time, are implemented, enforced, and continuously monitored;
- 8.1.11 to honour deserving parties by making Meritorious Service awards and approving Honorary Life Members;
- 8.1.12 to raise funds as SWPSA may deem fit and to administer such funds as herein provided, and to make such payments from the funds as may be necessary to conduct the objectives of SWPSA save that SWPSA shall not depart from its status as being an association not for gain; and
- 8.1.13 to promote general water safety and learn to swim programs at schools to foster greater access to water polo participation at schools and to promote the capacitation of educators and coaches at schools in officiating, coaching and management of school water polo.

8.2 SWPSA shall adhere to specific values in its desire to create a cohesive framework that guides the behaviour and decisions of all stakeholders within the Association. These values reflect a commitment to creating a supportive, positive, and competitive environment that not only enhances the water polo experience but also fosters personal growth and community development. The values are Respect, Inclusivity, Sportsmanship, Enjoyment and Excellence. The Executive Committee must:

- 8.2.1 regularly re-assess these values and suggest appropriate changes to a General Meeting for adoption at such General Meeting;
- 8.2.2 prepare, adopt, and update from time to time a code of values for SWPSA that expands on the values to be adhered to, which code will be considered in any disciplinary or other applicable action to be taken.

9 RULES OF WATER POLO AND AMATEUR STATUS

- 9.1 Subject to Clause 9.2 below, SWPSA will apply the rules of water polo at all tournaments arranged and administered by it, as formulated and prescribed by World Aquatics, together with such amendments or additions thereto as may be adopted by World Aquatics and/or SWPSA from time to time as such rules and amendments apply to water polo played by amateurs of appropriate ages.
- 9.2 Notwithstanding the aforementioned, SWPSA may allow changes to such rules regarding the size of pools within which the water polo is played, the duration of periods of play and any other rule changes necessary for the smooth and efficient running of tournaments.

PART II – ADMINISTRATION

10 FINANCIAL YEAR END

Prior to 30 April 2023, the financial year end of SWPSA was 30 April of each year. As from 9 December 2023 the financial year end of SWPSA was changed to 31 December of each year (with the first financial year end after 30 April 2023 being 31 December 2023).

11 **BOOKS OF ACCOUNT**

11.1 Proper books of account and records of its affairs shall be kept by SWPSA.

11.2 SWPSA shall appoint auditors or accountants who shall:

11.2.1 keep the books of account of SWPSA;

11.2.2 keep all administrative records of SWPSA;

11.2.3 compile and produce financial statements for SWPSA for each of its financial years from such books of account and records based on sound and generally accepted accounting principles and practice in the Republic of South Africa and shall independently review same in accordance with applicable professional standards;

11.2.4 submit on behalf of SWPSA all required returns to relevant authorities.

11.3 The offices of the Auditors / Accountants or such other address as determined by the Executive Committee from time to time shall be the offices and *domicilium citandi et executandi* of SWPSA.

11.4 SWPSA shall:

11.4.1 not later than sixty (60) days after the last day of each of its financial years submit its annual report for that financial year to its Executive Committee and at the same time make same available to its Members; and

11.4.2 not later than four (4) months after the last day of its financial year submit its reviewed financial statements for that financial year to its Executive Committee and at the same time make same available to its Members.

11.5 SWPSA's financial transactions shall be conducted by means of a South African registered banking account.

PART III – MEMBERSHIP

12 SWPSA AND RELEVANT BODIES

- 12.1 Although SWPSA arranges and administers its own competitions for schools and Affiliated Members of SWPSA at which Individual Members of SWPSA may participate (such competitions not being competitions of any particular Relevant Body), SWPSA may apply for associate or other appropriate membership of any Relevant Body. Where Individual Members of SWPSA wish to participate in competitions of any such Relevant Body, they must do so as individual members (capitated where required) of that Relevant Body and must meet the requisite capitation and other criteria of that Relevant Body.

13 AFFILIATED MEMBERS

- 13.1 Schools water polo associations in each of the SWPSA Districts and other *bona fide* regional, provincial, or other bodies involved in schools water polo may apply for membership of and affiliation to SWPSA as an Affiliated Member. As of 31 December 2023, the current Affiliated Members of SWPSA are:

- 13.1.1 Boland Schools Water Polo, representing schools in the SWPSA District identified as “DC2” from Worcester;
- 13.1.2 Buffalo City Schools Water Polo, representing schools in the SWPSA District identified as “BUF” from East London;
- 13.1.3 Eastern Gauteng Schools Water Polo, representing schools in the SWPSA District identified as “EKU” from Germiston;
- 13.1.4 Eden Water Polo, representing schools in the SWPSA District identified as “DC4” from George;
- 13.1.5 Free State Schools Water Polo, representing schools in the SWPSA District identified as “MAN” from Bloemfontein;
- 13.1.6 Gauteng Schools Water Polo, representing schools in the SWPSA District identified as “JHB” from Johannesburg;
- 13.1.7 KwaZulu-Natal Schools Water Polo, representing schools in the SWPSA Districts identified as “ETH” from Durban, “DC29” from KwaDukuza and “DC22” from Pietermaritzburg;

- 13.1.8 Nelson Mandela Bay Schools Water Polo, representing schools in the SWPSA District identified as “NMA” from Port Elizabeth and the area of the Makana Local Municipality (“EC104”), which includes the town of Makhanda, formerly known as Grahamstown;
- 13.1.9 Northern Gauteng Water Polo, representing schools in the SWPSA District identified as “TSH” from Pretoria; and
- 13.1.10 Western Province Schools Water Polo, representing schools in the SWPSA District identified as “CPT” from Cape Town.
- 13.2 Individual Members of SWPSA may only represent (and participate in any SWPSA competition or tournament as part of a team or delegation from) a single Affiliated Member at any specific time.
- 13.3 Should any Individual Member of SWPSA at any time wish to represent (or participate in any SWPSA competition or tournament as part of a team or delegation from) an Affiliated Member of a SWPSA District that is different to the one referred to in Clause 13.1 above representing the school at which such Individual Member plays, coaches or administers water polo, such Individual Member may only do so:
 - 13.3.1 with the permission of both relevant Affiliated Members; or
 - 13.3.2 if the permission of both relevant Affiliated Members cannot be obtained, with the permission of the Executive Committee (after referral to it by either of the relevant Affiliated Members), which shall be final and binding on all concerned. Any Executive Officer who is also a member of, or who has been nominated as such by, either of the relevant Affiliated Members shall not participate in any discussion or decision of the Executive Committee on whether to grant or refuse such permission, but prior to deciding on the matter, the Executive Committee shall invite both the relevant Affiliated Members (and, at the sole discretion of the Executive Committee, the Individual Member concerned) to express their views on the matter within such period as may be stipulated by the Executive Committee in its sole discretion.
- 13.4 All applications for Affiliated Membership of SWPSA shall be made in writing to the General Secretary and must be accompanied by the prescribed application fee if any, (which shall be refunded if the application should not be approved)

together with such documentation and other information as SWPSA may require in support of the application.

- 13.5 Provided the applicant conforms with the requirements of Affiliated Membership of SWPSA, such applications shall be considered at a General Meeting and may be accepted only if passed by a two thirds (2/3) majority of those present and voting at such meeting.
- 13.6 The prescribed application fee if any, for intended Affiliated Members shall be determined by the Executive Committee of SWPSA and advised annually at its Annual General Meeting.
- 13.7 All schools offering water polo must register with the Affiliated Member in whose SWPSA District they are situated, but (subject always to the restrictions in Clauses 13.2 and 13.3 above) this registration requirement will not prevent any Individual Member playing, coaching or administering water polo at that school from electing to represent a different Affiliated Member.
- 13.8 Where an Individual Member is a learner who is educated at home and who receives "home education" that meets the requirements for "home education" as defined in and for purposes of the South African Schools Act, 1996, and where such Individual Member also plays water polo at a club, the Affiliated Member of the SWPSA District referred to in Clause 13.1 above in whose region the club is situated shall, subject to Clause 13.3, be the Affiliated Member that such Individual Member must represent.

14 **INDIVIDUAL MEMBERS**

- 14.1 Eligible persons for individual membership shall be water polo players, coaches, referees, team managers and administrators of water polo at schools falling within the area of jurisdiction of an Affiliated Member.
- 14.2 If any such Individual Member wishes to also become an individual member of a Relevant Body, they must arrange same through a club that is registered with or recognised by that Relevant Body, provided that:
 - 14.2.1 nothing herein prohibits SWPSA from assisting, organising or administering such process at the request of the Individual member concerned; and

- 14.2.2 such registration and/or recognition of the Individual Member by such Relevant Body shall not affect such Individual Member's status with SWPSA in any manner whatsoever.
- 14.3 All schools at which there are learners playing water polo or where there are persons coaching, refereeing, managing or administering water polo and who wish to be capitated as a Capitated Member shall ensure that such learners and other persons are capitated by providing all requisite capitation information to SWPSA (and, if required by the relevant Affiliated Member, to the Affiliated Member referred to in Clause 14.1 above) in the format required and making payment of the prescribed capitation levy and other SWPSA fees required.
- 14.4 All capitations must be completed by 30 November annually.
- 14.5 Once capitated, SWPSA (and, if relevant, the relevant Affiliated Member) will retain the capitation information and where the Affiliated Member received a capitation levy, it must pay over the capitation levy to SWPSA.
- 14.6 For any player, coach, referee, team manager or administrator to compete, coach, referee, manage, participate, or officiate in competitions arranged, administered, or recognised by SWPSA they must be a capitated Individual Member, unless the Executive Committee has allowed otherwise. Where the Executive Committee has allowed otherwise, it may impose such conditions or restrictions as it may deem appropriate to such case, and the relevant individual shall be deemed to be an Individual Member and shall be bound by the duties and obligations of an Individual Member of SWPSA notwithstanding the fact that their membership has not been registered with the Affiliated Member. Such individual shall be bound by the duties and obligations required of a capitated member and their Affiliated Member (or failing which, the relevant individual) shall be required to make all relevant payments to SWPSA in respect of them yet shall draw no benefits from such deemed membership until they are officially capitated and recognised by SWPSA.
- 14.7 All Individual Members will be bound by SWPSA's code of conduct (including its code of values).
- 14.8 SWPSA shall have the power to sanction an Individual Member in respect of a violation of this Constitution and all regulations, by-laws, and rules of SWPSA (including its code of conduct and code of values).

- 14.9 An Individual Member may only represent a school or Affiliated Member at a SWPSA sanctioned event if such Individual Member is enrolled at such school or Affiliated Member at least fourteen (14) days prior to the closing of entries for the event.
- 14.10 Learners who are temporarily resident outside the boundaries of their Affiliated Member, may register and become an Individual Member through the Affiliated Member of temporary residence, provided that the school at which they are enrolled is in the same area as their temporary residence.

15 HONORARY LIFE MEMBERS

- 15.1 SWPSA in a General Meeting, passed by two thirds (2/3) majority of those present and voting at such General Meeting, may elect honorary life members ("Honorary Life Members") who shall have been duly nominated by an Affiliated Member or an Individual Member.
- 15.2 Honorary Life Members may attend General Meetings of SWPSA and enter discussions but shall have no vote at such meetings.

16 FEES

16.1 Annual Fees

The annual fees payable by all Individual Members and Affiliated Members to SWPSA if any shall be determined by SWPSA prior to the commencement of each forthcoming financial year of SWPSA.

16.2 Annual Subscription for Affiliated Members

- 16.2.1 The annual subscription due by all Affiliated Members to SWPSA shall be payable not later than 30 April in each year.
- 16.2.2 Should any Affiliated Member be more than two (2) months in arrears in payment of its annual subscription, the defaulting Affiliated Member and its delegates shall not have the right to attend any meeting of SWPSA and all rights and privileges arising from its membership of SWPSA shall be suspended until all arrears due to SWPSA shall have been paid.

- 16.2.3 The defaulting Affiliated Member shall, notwithstanding any foregoing suspension of rights and privileges, continue to remain liable to SWPSA for the fulfilment of all its obligations as set out herein or otherwise.
- 16.2.4 Notwithstanding anything hereinbefore contained, an Affiliated Member which fails to pay its annual subscription to SWPSA by 30 April following the season for which the subscription was due, shall, *ipso facto*, be removed from Affiliated Membership of SWPSA and may only be re-admitted if the erstwhile affected member makes an application to SWPSA for reinstatement, which shall not be considered until the applicant shall have made payment of all arrear and current amounts owed by it to SWPSA.
- 16.2.5 Any Affiliated Member who may want to withdraw their affiliation from SWPSA shall give written notice thereof to the General Secretary advising from which date the withdrawal will become effective. The affiliation ends immediately from such date, but no refunds of fees will be made.
- 16.2.6 SWPSA shall have the power to suspend and/or expel an Affiliated Member for violation of this Constitution and/or any of SWPSA's bylaws and/or rules. The Affiliated Member concerned shall be allowed to appeal this decision as set out in this Constitution.
- 16.2.7 During the period of suspension and/or expulsion from Affiliated Membership, the Affiliated Member, and its Individual Members, will not be able to participate in any of the activities of SWPSA.

16.3 **Annual Capitation Levy of Individual Members**

- 16.3.1 All Individual Members shall be liable for, and pay to SWPSA, via their Affiliate Member, an annual capitation levy and such other fees as SWPSA may impose from time to time.
- 16.3.2 The capitation levies payable to SWPSA shall apply to any Individual Member be they a player, coach, referee, team manager, competitor or official or the like, seeking individual membership of SWPSA.

16.3.3 All Individual Members shall capitate through their Affiliated Member by providing the requisite SWPSA capitation information.

16.3.4 All capitation levies for Individual Members officiating or participating in any event at any level must have been received by SWPSA not later than seven (7) days prior to the closing of entries for such event. In the absence of the capitation levies having been received, SWPSA reserves the right to immediately sanction, in a manner at the sole discretion of SWPSA, the Individual Member and/or the relevant Affiliated Member through which such capitation should have been done.

16.3.5 Once capitated, all Individual Members shall be bound by and agree to uphold the provisions of these presents and the provisions of the constitution, by-laws and rules of the Affiliated Member to which they belong.

16.4 Honorary Life Members

Honorary Life Members shall not be obliged to pay any fee to SWPSA for such honorary membership.

PART IV – ADMINISTRATION

17 ADMINISTRATION

17.1 The affairs and business management of SWPSA shall be conducted by the Executive Committee and at General Meetings.

17.2 No person shall be entitled to act as a delegate for more than one Affiliated Member.

17.3 The aforesaid delegates shall be capitated Individual Members of the Affiliated Member they represent and shall be appointed by the Affiliated Member in writing.

17.4 Written notice of the names of the appointed delegates who will be attending any General Meeting shall have been received by the General Secretary before the commencement of the General Meeting, failing which such delegate will not be entitled to participate or vote at such General Meeting.

18 EXECUTIVE COMMITTEE

18.1 SWPSA shall have an Executive Committee in which shall be vested, subject to the limitations (if any) imposed by this Constitution, the management and administration of the Association and who, in addition to and without limitation of the powers expressly conferred upon it by this Constitution, may exercise, or delegate to any one or more persons, all such powers of the Association. The Executive Committee shall consist of the Executive Officers referred to below that are elected to those positions at a General Meeting. To redress previous inequalities and to promote diversity and a good representation from schools, due consideration shall be given in nominating and electing these Executive Officers in accordance with SWPSA's transformation policy and to include an appropriate number of educators, school coaches and school administrators.

18.2 The Executive Officers of SWPSA shall comprise of a:

18.2.1 Chairperson;

18.2.2 Vice Chairperson;

18.2.3 General Secretary;

18.2.4 Treasurer;

18.2.5 Public Relations Officer;

18.2.6 Convener: Coach's Committee;

18.2.7 Convener: Technical Office Committee;

18.2.8 Convener: Competitions and Tournaments;

18.2.9 Convener: Athlete Development – Boys;

18.2.10 Convener: Athlete Development – Girls,

and in addition, the Chairperson may at any time co-opt any person as an additional member onto the Executive Committee where required or deemed value adding, which co-opted appointments will be valid until the first following Annual General Meeting and must be confirmed thereat for a specified period thereafter, if required.

- 18.3 Not all positions on the Executive Committee shall be required to be occupied or always filled and may remain vacant for any period, but the positions of Chairperson, Vice Chairperson and General Secretary must always be occupied and filled. Where a position on the Executive Committee is not occupied or filled, the Chairperson may delegate the relevant functions thereof to any member of the Executive Committee.
- 18.4 An Executive Officer may occupy and fulfil more than one role or position on the Executive Committee.
- 18.5 The Executive Officers, each of whom shall hold office for a period of four (4) years, shall be elected at a General Meeting and take office at the first meeting of the Executive Committee after the conclusion of the annual SWPSA IPT. The Executive Committee shall, in SWPSA's annual report, publish the attendance record of each Executive Officer at meetings of the Executive Committee. An Executive Officer's term will be limited to three (3) consecutive periods, unless a majority decision of Members present and voting (>50%) at a General Meeting for such purposes determines otherwise.
- 18.6 All Affiliated Members and the current Executive Officers shall have the right to nominate Executive Officers. Such nominations are to be made in writing.
- 18.7 The written acceptance of the nomination by each nominee shall be furnished by the Affiliated Member or Executive Officer as the case may be, making the nomination. Such nominations, and acceptances, shall have been received by the General Secretary at least twenty-one (21) days prior to the date of the Annual General Meeting and all *bona fide* accepted nominations shall have been announced and notice given to the Affiliated Members not less than ten (10) days before such Meeting.
- 18.8 No nomination will be accepted by SWPSA unless a signed nomination and acceptance document accompanies the nomination.
- 18.9 The elected Executive Officers of SWPSA shall constitute the Executive Committee.

19 MEETINGS OF THE EXECUTIVE COMMITTEE

- 19.1 The Executive Committee shall meet not less than four (4) times annually.
- 19.2 The Executive Committee may hold their meetings in person at the venue of any tournament held or at such other venue as the Executive Committee may determine or, if the attendees are able to hear and understand the proceedings at the meeting and are able to be heard and understood by those present by way of any suitable form of electronic communication, then by such form of electronic communication as the Chairperson (or failing them the chair of the relevant meeting of the Executive Officers) may decide.
- 19.3 Executive Officers shall be given not less than forty-five (45) days' written notice of Executive Committee meetings provided that shorter notice may be given if an urgent decision of the Executive Committee is required in the reasonable opinion of not less than 5 (five) Executive Officers.
- 19.4 A quorum for the meeting of the Executive Committee shall be a majority of the Executive Officers, who must be present at the commencement of such meeting, provided that (i) the Chairperson or the General Secretary must be and remain present for the duration of the meeting for the meeting to be quorate, and (ii) if a meeting cannot be held or continue because it is not quorate it shall be adjourned to the next day (or to such other time and date as the meeting may decide) and as long as the Chairperson or General Secretary is present at such adjourned meeting it shall be quorate.
- 19.5 In the absence of the Chairperson, the General Secretary will chair meetings of the Executive Committee. In the absence of the General Secretary an ad hoc chairperson shall be elected by the Executive Officers present to chair the meeting.
- 19.6 All decisions taken at a meeting of the Executive Committee shall be taken by majority vote (>50%) of those present and voting at the meeting.
- 19.7 The Chairperson of SWPSA shall, in addition to their deliberative vote, have a casting vote in the event of an equality of votes on any resolution.
- 19.8 Should any Executive Officer be absent from two (2) consecutive meetings of the Executive Committee, after having received due notice of such meeting and

without special leave of absence, their office shall, *ipso facto*, be deemed to be vacant.

- 19.9 A resolution in writing (whether recorded in one or more documents) signed and dated by all the Executive Officers shall be valid and effective as if passed at a duly convened Executive Meeting.
- 19.10 The Executive Committee shall ensure that a minute of its meetings is recorded in a minute book by the General Secretary, setting out in full any resolutions passed, and that a copy of the draft minutes is delivered by the General Secretary to each Executive Officer as soon as practical after each meeting. Each Executive Officer shall sign their copy and return it to SWPSA provided that if any Executive Officer does not agree with the draft minutes in respect of any meeting attended by them, they shall annotate the minutes accordingly. Any such annotated minutes shall be tabled at the next Executive Committee meeting for approval with or without amendment.
- 19.11 The procedure at all Executive Meetings shall commence as follows:
 - 19.11.1 Welcome;
 - 19.11.2 Confirmation of Notice of Meeting;
 - 19.11.3 Apologies;
 - 19.11.4 Review of Agenda;
 - 19.11.5 Declaration of Interests;
 - 19.11.6 Chairperson's Introduction;
 - 19.11.7 Minutes of the Previous Meeting;
 - 19.11.8 Matters arising from these Minutes;
 - 19.11.9 Report from the General Secretary;
 - 19.11.10 Other matters;
 - 19.11.11 Date of next Meeting.

20 EMERGENCY MEETINGS OF THE EXECUTIVE COMMITTEE

- 20.1 An emergency meeting of the Executive Committee may be called by not less than five (5) Executive Officers, on forty-eight (48) hours' notice in writing to all Executive Officers, which written notice may include notice by short message service (SMS) or other electronic applications.
- 20.2 Such written notice shall state the place, date and time of such meeting and the business to be discussed at such emergency meeting.
- 20.3 At the emergency meeting no business other than the business included in the notice may be discussed.
- 20.4 Save for the aforementioned the proceedings and decisions taken at an emergency meeting of the Executive Committee shall be conducted, taken and implemented in the same manner as regular Executive Committee meetings.

21 POWERS OF THE ASSOCIATION

SWPSA is a voluntary association with full legal personality and with a continuing existence, independent of changes in membership and office bearers, of indefinite duration. Without in any way derogating from the general powers of SWPSA (whether set out in this Constitution or otherwise confirmed in it), it shall have the following powers, all of which may be exercised by the Executive Committee:

- 21.1 to let or hire movable and immovable property in the name of SWPSA, where it shall appear to be in the best interest of SWPSA and upon such terms as it may deem expedient to be utilised solely for the purpose of fulfillment of the objectives of SWPSA;
- 21.2 to purchase in the name of SWPSA such property, movable or immovable, as may be considered requisite and necessary to be utilised solely for the purpose of facilitating and conducting the sporting activities controlled and promoted by SWPSA, noting that no Member or Office Bearer will be or is entitled as a Member or in any other capacity, to any of the property, assets or income of SWPSA, or to any portion thereof;

- 21.3 to discipline and/or sanction any Affiliated Member, or any Individual Member, which or who, in the Executive Committee's opinion, has been guilty of any misconduct warranting such action;
- 21.4 to always control Individual Members (whether through the Affiliated Member where they are registered or otherwise);
- 21.5 to add to, alter or revoke any of the articles of Constitution of SWPSA at any General Meeting, provided that no such addition, alteration or revocation shall be considered unless twenty-one (21) calendar days' notice of the motion so to amend the Constitution in writing shall have been given to the General Secretary and by the General Secretary, to each Affiliated Member at least ten (10) calendar days before such Meeting. Such proposed addition, alteration or revocation to become effective, shall require a two-thirds (2/3) majority of those present and voting at the General Meeting;
- 21.6 to arrange, regulate, suspend or abandon any or all its competitions or to substitute others in their stead; and
- 21.7 generally, to do all things necessary to fulfil the objectives of SWPSA.

22 DUTIES OF EXECUTIVE COMMITTEE

The duties of the Executive Committee shall be to:

- 22.1 arrange for the proper conduct and management of the affairs of SWPSA;
- 22.2 deal with all matters of a routine nature during the periods between General Meetings of SWPSA;
- 22.3 compile and maintain a fit for purpose procurement policy that meets both the short- and medium-term requirements of SWPSA;
- 22.4 purchase such items as may be required for the purpose of conducting the affairs of SWPSA;
- 22.5 negotiate and accept sponsorships in respect of any of the activities of SWPSA;
- 22.6 give rulings within its powers on matters referred to SWPSA by its Members that are in good standing;

22.7 deal with all cases of misconduct falling within SWPSA's jurisdiction (including those covered in the World Aquatics handbook as applicable), but not limited to:

22.7.1 team management;

22.7.2 officials;

22.7.3 spectators at the SWPSA IPT and other SWPSA sanctioned tournaments;

22.7.4 an individual or individuals whether as an Individual Member or representative of an Affiliated Member:

22.7.4.1 who in a public statement, comment to the Press or Press interview criticises team(s) selection(s), appointment of referee(s) or the performance of a referee; and/or

22.7.4.2 in any other manner brings SWPSA or its Members into disrepute;

22.7.5 participants, whether they be players, coaches, referees, team managers, administrators or officials at the SWPSA IPT or any other SWPSA sanctioned tournament who through their actions, bring SWPSA or the tournament into disrepute through bad behaviour which will include but not be limited to substance abuse, initiation, physical and/or verbal abuse or deliberately and wilfully ignoring tournament rules,

provided that any decision by the Executive Committee in terms hereof shall be subject to an appeal to the Appeal Tribunal;

22.8 conduct, institute, or defend legal proceedings on behalf of SWPSA and be empowered to take evidence on commission;

22.9 record and retain such records of all results and selections arising from SWPSA tournaments and activities;

22.10 act as "Holders in Trust" of all trophies, monies, and other property of SWPSA and deal with same as SWPSA may decide;

- 22.11 compel where advisable, any Affiliated Member or member of an Affiliated Member before removing any trophy won by such member, to provide adequate security against loss or damage to or non-return of such trophy;
- 22.12 appoint delegates to represent SWPSA at national and international congresses or meetings where deemed necessary;
- 22.13 ensure that all persons selected to represent SWPSA in all branches of the sport are provided with a suitable uniform and apparel;
- 22.14 employ secretarial, technical, and clerical assistants wherever necessary;
- 22.15 appoint ad hoc committees to advise the Executive Committee on urgent matters or to investigate specific matters or problems and to report thereon or to develop and propose the implementation of policies aimed at protecting and ensuring the health and safety of players (including, without limitation, the development of appropriate concussion and other safekeeping protocols);
- 22.16 indemnify the Executive Officers of SWPSA in their personal capacities or in their capacities as Executive Officers of SWPSA who are hereby and shall be hereafter indemnified against and free from personal liability for the actions and/or debts and/or liabilities contractual and/or delictual or otherwise of SWPSA, save for any wilful or grossly negligent actions or missions and save for any criminal act perpetrated in office;
- 22.17 co-opt and appoint Executive Officers to fill any vacancies which occur between General Meetings;
- 22.18 discuss and make decisions on all matters assigned to them by the General Meetings;
- 22.19 interpret and enforce the rules of World Aquatics;
- 22.20 submit proposals to the General Meetings;
- 22.21 decide on and publish bylaws after due consultation;
- 22.22 decide on and publish rules for all national and other SWPSA events;
- 22.23 decide on SWPSA meritorious awards;

- 22.24 act in any case of emergency and make decisions in case of emergencies, subject to retroactive ratification by the General Meeting at its next meeting;
- 22.25 determine the dates of all national events;
- 22.26 check the accreditation of all those participating in events controlled by SWSPA;
- 22.27 ratify in writing the appointment of all officials and members of teams representing SWPSA;
- 22.28 impose sanctions as and when required;
- 22.29 appoint disciplinary committees and the Appeal Tribunal;
- 22.30 deal with all appeals;
- 22.31 submit at the Annual General Meeting a report of the previous year's activities; and
- 22.32 review the deliberations and decisions of all portfolios and respond where necessary.

23 ANNUAL GENERAL MEETINGS

- 23.1 A General Meeting known as the Annual General Meeting of SWPSA shall be convened every year immediately before the commencement of, and in the same city or centre as, the SWPSA IPT.
- 23.2 All Executive Officers, Affiliated Members and Honorary Life Members shall receive sixty (60) days' written notice of the date of the Annual General Meeting.
- 23.3 All notices of motion to be dealt with at the Annual General Meeting shall be received by the General Secretary not less than twenty-one (21) calendar days before such scheduled meeting failing which such issues shall not be dealt with at the Annual General Meeting.
- 23.4 Not less than ten (10) days prior to the Annual General Meeting, the General Secretary shall give written notice to all Executive Officers and all Members entitled to attend the meeting of:

23.4.1 the time and venue of the meeting and provide them with a copy of the agenda for the meeting, which agenda shall include:

23.4.1.1 all *bona fide* accepted nominations for Executive Officers where applicable;

23.4.1.2 any notice of intention to amend the Constitution;

23.4.1.3 applications received for the hosting of the SWPSA IPT in the forthcoming year;

23.4.1.4 applications received for the entering of additional teams to participate at forthcoming SWPSA IPTs;

23.4.1.5 the relegation or promotion of provinces and/or teams;

23.4.1.6 the application by a province or region or other body for Affiliated Membership.

24 SPECIAL GENERAL MEETING

24.1 The Executive Committee shall:

24.1.1 be entitled in respect of such matters exceeding the authority of the Executive Committee; and/or

24.1.2 on receipt of a written request from not less than one third (1/3) of the Executive Committee and/or not less than two (2) Affiliated Members,

call a General Meeting, which shall be known as a Special General Meeting, to consider such matters exceeding the authority of the Executive Committee and/or the matter set out in the written request.

24.2 A Special General Meeting called for as prescribed in Clause 24.1 above shall be convened within forty-five (45) days after the said written request.

24.3 All Special General Meetings shall be called in writing, and notice shall be given to all Executive Officers, all Affiliated and Honorary Life Members, not less than twenty-one (21) days in advance, which notice shall include the agenda for such meeting.

25 REPRESENTATION AT GENERAL MEETINGS

- 25.1 Each Executive Officer who attends General Meetings is entitled to one (1) vote.
- 25.2 Each Affiliated Member is entitled to appoint two (2) delegates to the General Meetings, provided written notice of the appointed delegates is given to the General Secretary prior to the commencement of the meeting, and each such delegate present shall be entitled to one (1) vote. An Executive Officer is not entitled to represent an Affiliated Member. No person shall be entitled to act as a delegate for more than one Affiliated Member, and each such delegate shall be a capitated Individual Member of the Affiliated Member such delegate represents and shall be appointed by such Affiliated Member in writing.
- 25.3 All Honorary Life Members shall be entitled to attend the General Meeting and to speak at such meeting, but such Honorary Life Member shall not be entitled to vote.
- 25.4 The Chairperson or in their absence, the General Secretary or in the absence of both, an Executive Officer elected by the Executive Officers present, shall be the Chairperson of the meeting.
- 25.5 A quorum at all General Meetings shall be at least fifty per cent (50%) in number of all Executive Officers and all delegates of Affiliated Members entitled to attend the General Meeting.
- 25.6 All General Meetings shall be open to Affiliated and Honorary Life Members, except when the meeting is resolved **in committee** by the Chairperson or delegates. No person other than an Executive Officer, a delegate of an Affiliated Member or an Honorary Life Member shall be entitled to attend or be present at any General Meeting, unless invited by the Chairperson in consultation with the Executive Committee.
- 25.7 If within thirty (30) minutes from the time appointed for any General Meeting a quorum is not present, the meeting shall stand adjourned for the same time and place the following day.
- 25.8 Save for a resolution to repeal or amend the Constitution, a resolution shall be passed on the vote of the majority (>50%) of those present and voting at the meeting.

- 25.9 No resolution shall be rescinded at the same meeting unless a motion is carried by two thirds (2/3) majority of the members present and voting at the meeting.
- 25.10 A record of proceedings of General Meetings in the form of minutes shall be kept by the General Secretary and retained together with a record in the form of minutes of previous meetings shall be retained by the General Secretary.
- 25.11 Copies of the minutes of a General Meeting shall be forwarded to each Affiliated Member and to each of such members delegates as attended the General Meeting, but not later than twenty-one (21) days after the date of such General Meeting.
- 25.12 At General Meetings the following items and procedures shall be included on the agenda:
- 25.12.1 Welcome;
 - 25.12.2 Confirmation of the notice of the meeting;
 - 25.12.3 Confirmation of the delegates present;
 - 25.12.4 Apologies;
 - 25.12.5 Declaration of a quorum;
 - 25.12.6 Minutes of the previous General Meeting shall be read and confirmed as a true reflection of the meeting which confirmation shall be moved and seconded by two (2) authorised members of the meeting;
 - 25.12.7 Matters arising from the minutes;
 - 25.12.8 "Other business" for which due notice has been given save that in the event of an Annual General Meeting "other business" shall be included in the item at the end hereof; and at Annual General Meetings the following additional items shall follow;
 - 25.12.9 Address by Chairperson;
 - 25.12.10 Presentation and adoption of the Chairperson's report;
 - 25.12.11 Audited/reviewed financial statements submitted by the treasurer;
 - 25.12.12 Appointment of the Auditors / Accountants for the ensuing year;
 - 25.12.13 Notices of motion;

- 25.12.14 In the event of the Annual General Meeting being held four (4) years after the election of the incumbent Executive Committee, or in the event of a vacancy occurring, the election of Executive Officers;
 - 25.12.15 Reports from all conveners;
 - 25.12.16 Meritorious awards and Honorary Life Membership;
 - 25.12.17 Other business.
- 25.13 Voting papers at the Annual General Meeting shall be retained by the General Secretary until the next Annual General Meeting when they will be destroyed with the permission of the meeting.
- 25.14 Should a vacancy on the Executive Committee occur be it through resignation or dismissal, between Annual General Meetings, the nominee with the highest number of votes among those nominees not elected at the last Annual General Meeting when an election was held, shall be appointed to the vacancy, subject to the approval of the Executive Committee and failing such approval, the Executive Committee shall be entitled to co-opt and appoint such person as they deem suitable to serve in such vacancy until the next Annual General Meeting.

26 EMERGENCY SPECIAL MEETINGS OF SWPSA

- 26.1 During the duration of any interschools tournament or the SWPSA IPT, and at the request of the Chairperson of the Executive Committee or the tournament director (the “**Tournament Director**”) at such tournament or on the written request of two (2) Affiliated Members, a Special General Meeting (an Emergency Special General Meeting) may be held.
- 26.2 Notice of such Emergency Special General Meeting shall be orally given to all members of the Executive Committee present at the tournament and to all Affiliated Members represented at the tournament.
- 26.3 Affiliated Members may nominate a coach or manager from a team participating in the tournament to represent them should the chairperson of the relevant Affiliated Member not be present at the tournament or able to attend. Such appointment of the coach or manager may be ratified in writing by the chairperson of the relevant Affiliated Member, which may include ratification via short message service (SMS) or other electronic applications.

- 26.4 The chairperson of such Emergency Special General Meeting shall be the Chairperson of the Executive Committee and failing them, an Executive Officer present at the tournament and elected by those present and entitled to vote and failing such Executive Officer, the Tournament Director and failing them, such member as may be elected by those present at the meeting and entitled to vote.
- 26.5 No business may be discussed at the Emergency Special General Meeting other than the business included in the notice whether such notice be written or oral.
- 26.6 A quorum at such Emergency Special General Meeting shall be seventy-five per centum (75%) of the Executive Officers present at the tournament and fifty per centum (50%) of the Affiliated Members represented at the tournament.
- 26.7 To pass a resolution at such Emergency Special General Meeting shall require the votes of seventy-five per cent (75%) of the Executive Officers present at the meeting and two-thirds (2/3) of the Affiliated Members present at the meeting. The provisions of Clauses 25.1 and 25.2 above shall apply, *mutatis mutandis*.
- 26.8 The chairperson of the meeting shall give written notice to the General Secretary of the business discussed at the meeting and the votes taken at the meeting.

27 **TOURNAMENTS**

- 27.1 SWPSA shall host the SWPSA IPT every year, which shall:
 - 27.1.1 be held at a date most convenient for schools; and
 - 27.1.2 in a town or city within the Republic of South Africa which date, town or city shall be decided by the Annual General Meeting each year.
- 27.2 Subject to the approval and conditions imposed by SWPSA:
 - 27.2.1 Affiliated Members may host tournaments for the members of such Affiliated Member in addition to hosting a SWPSA IPT; and
 - 27.2.2 notwithstanding the provisions of this Clause 27.2, schools situated within the SWPSA Districts may host tournaments for invitees to such tournaments subject to their own tournament rules.

27.3 All SWPSA and Affiliated Member tournaments held shall be conducted in accordance with:

27.3.1 the rules of water polo approved by SWPSA from time to time; and

27.3.2 the rules of conduct imposed or accepted by SWPSA from time to time.

27.4 SWPSA may select teams, may appoint coaches, team managers and administrators for such teams and may award SWPSA colours, to participate in international tournaments identified by SWPSA from time to time, whether held in South Africa or elsewhere. SWPSA acknowledges that it does not have the authority to award South African national colours (as envisaged in the National Sports and Recreation Act, 1998) to any player, coach, team manager or administrator involved with any such team in relation to any such tournament.

28 SWPSA IPT

28.1 Affiliated Members may apply to SWPSA to host the SWPSA IPT, which application shall:

28.1.1 be in writing and addressed to the General Secretary;

28.1.2 be received by the General Secretary not later than 31 August of each year (if the SWPSA IPT is to be held in December of that year or, if not, by such other date as the Executive Committee may determine for this purpose) or if no such applications are received up to and including the Annual General Meeting;

28.1.3 include the proposed venue or venues together with the written consent of the management of the respective venues;

28.1.4 identify the proposed Tournament Director together with the written acceptance of the appointment by such proposed Tournament Director.

28.2 The Executive Committee shall receive and consider all applications to host the SWPSA IPT and shall make its recommendations; and the Annual General Meeting shall decide the dates, town or city and Tournament Director for the hosting of the SWPSA IPT for the following year.

28.3 The Tournament Director nominated by and for the Affiliated Member whose application to host the SWPSA IPT for the following year has been approved shall:

28.3.1 hold office from the conclusion of the SWPSA IPT in the year in which they are appointed until the conclusion of the SWPSA IPT for which they are appointed;

28.3.2 be responsible for organising the SWPSA IPT;

28.3.3 be subject to the control of the host Affiliated Member;

28.3.4 keep SWPSA and all Affiliated Members informed regarding arrangements including accommodation, specific tournament dates and the like;

28.3.5 arrange a suitable venue for the Annual General Meeting;

28.3.6 determine the format and provisions for referees and time keepers;

28.3.7 generally, ensure the smooth running of the SWPSA IPT;

28.3.8 report to SWPSA in respect of:

28.3.8.1 the breach of the provisions of this Constitution;

28.3.8.2 the breach of conduct on the part of any individual member, official or player or other appointed official;

28.3.8.3 appoint a treasurer for the SWPSA IPT and be responsible to ensure the treasurer accounts to the General Secretary and host Affiliated Member for the finances of such SWPSA IPT;

28.3.9 the host Affiliated Member may:

28.3.9.1 procure sponsorship for the SWPSA IPT, provided that the terms of such sponsorship are approved by SWPSA prior to the acceptance of such sponsorship;

28.3.9.2 levy a fee for the hosting of the SWPSA IPT, the quantum of which is determined by the Executive Committee from time to time for such purpose;

28.3.9.3 retain any surplus funds existing on conclusion of such SWPSA IPT.

28.4 Irrespective of the Affiliated Member hosting the SWPSA IPT and the venue for such SWPSA IPT, the SWPSA IPT shall (unless the Annual General Meeting shall decide otherwise) cater for players in age groups under 19, under 16, under 15, under 14 and under 13, and may (if the Executive Committee so determine) consist of different sections and team pools for each age group.

28.5 All teams representing an Affiliated Member shall compete in the relevant age groups for that SWPSA IPT, and (if relevant for that SWPSA IPT) in the relevant sections and team pools as determined by the Executive Committee for purposes of that SWPSA IPT.

28.6 No player, coach, manager or administrator may in any one SWPSA IPT represent:

28.6.1 more than one team;

28.6.2 more than one Affiliated Member.

28.7 No player already in possession of a National Senior Certificate or similar Matriculation Certificate may participate in the SWPSA IPT.

28.8 All teams participating in the SWPSA IPT shall as part of the team have:

28.8.1 a manager or management team;

28.8.2 an individual being a responsible and competent referee, which individual shall be required to referee at the SWPSA IPT in addition to any other duties such individual may be required to perform for such team.

28.9 SWPSA shall, at SWPSA's cost, provide for additional neutral referees to referee at the SWPSA IPT.

28.10 Members of all teams, whether player, coach, referee or manager fulfilling whatever function whether any of the aforementioned or any other, together

with any other officiating person or body, shall be subject to the codes of conduct of SWPSA (in general and for the relevant tournament) and World Aquatics or any other recognised code as applied by SWPSA.

- 28.11 No form of initiation of whatever kind or form shall be practised before, during or after the SWPSA IPT.

29 INJURIES

SWPSA shall not be liable nor responsible for any injuries sustained before, during or after any tournament nor liable for any damages arising therefrom; and all participants in a tournament in whatever form or function shall, when required by SWPSA, sign or agree to such indemnity as may be required by SWPSA.

30 DISCIPLINARY HEARINGS AND TOURNAMENTS

- 30.1 Affiliated Members and team managers shall, always, be responsible for and answerable to SWPSA for the behaviour of its members.

- 30.2 An Affiliated Member or Members, an Individual Member or member in whatever capacity shall be guilty of an offence and subject to sanction by the Disciplinary Committee if such member(s) is/are found to have:

30.2.1 breached or contravened the Constitution of SWPSA; and/or

30.2.2 breached or contravened the rules and regulations of SWPSA; and/or

30.2.3 breached or contravened any resolution adopted or ruling made by SWPSA or the Executive Committee; and/or

30.2.4 breached or contravened SWPSA's code of conduct or code of values; and/or

30.2.5 breached or contravened the rules of any tournament falling within the jurisdiction of SWPSA; and/or

30.2.6 brought SWPSA into disrepute; and/or

30.2.7 engaged in conduct, behaviour or practices which may be prejudicial to the interest of SWPSA and/or water polo.

- 30.3 In the event of it being alleged that a group or groups or individual or individuals are or have been guilty of behaviour likely to bring SWPSA into disrepute, and in the event of the Executive Committee in emergency meeting being of the view that such behaviour warrants intervention, the Executive Committee shall appoint a disciplinary enquiry committee:
- 30.3.1 The chairperson of the Disciplinary Committee shall be an Executive Officer appointed by the Executive Committee for that purpose and they together with two (2) further Executive Officers shall constitute the Disciplinary Committee whose decision shall be by majority vote (>50%) and any decision shall be reported to the next succeeding Executive Committee in meeting, for ratification.
- 30.3.2 The Disciplinary Committee shall have the power to deal with matters of a disciplinary nature against players or officials or other individuals who may be guilty of behaviour likely to bring SWPSA into disrepute or have contravened the rules of conduct imposed or accepted by SWPSA from time to time in a match or competition whether national or otherwise or who has in any other way committed a breach of any rule falling within the jurisdiction of SWPSA.
- 30.3.3 The Disciplinary Committee may decide whether, in a particular case, it is necessary to convene a disciplinary hearing or it may adopt any other fair procedure to deal with disciplinary matters.
- 30.3.4 Any person called to appear before a disciplinary hearing shall be entitled to submit written or oral representations or evidence in person or to be represented by a representative of their Affiliated Member. The chairperson / president of the Affiliated Member within whose jurisdiction the individual or individuals are capitated shall be entitled to attend any hearing relating to such individual / individuals but shall have no vote.
- 30.3.5 Any individual member subjected to a Disciplinary Committee decision shall have the right of appeal to the Appeal Tribunal, whose decision shall likewise be by majority vote (>50%) and whose decision shall be final.

- 30.3.6 The Disciplinary Committee shall consider the representations of the
allegor and the alleged offender and shall be entitled to:
 - 30.3.6.1 declare the alleged behaviour unproven; or
 - 30.3.6.2 not required of sanction; or
 - 30.3.6.3 in the case of an individual or individuals, refuse to admit that
person to attend or participate in the current and/or future
SWPSA IPT tournaments or future tournaments falling under
the auspices of SWPSA for a period as the Disciplinary
Committee may deem fit; or
 - 30.3.6.4 in the event of an Affiliated Member being guilty of such
behaviour, terminate or suspend the membership of such
Affiliated Member for a period as the Disciplinary Committee
may deem fit.
- 30.4 If any such complaint or allegation is made during the duration of a tournament
falling within the jurisdiction of SWPSA and in respect of an act or omission
committed during such tournament, the Executive Officers attending such
tournament shall meet *in committee* to appoint a Disciplinary Committee.
- 30.5 Such Disciplinary Committee shall comprise the Chairperson of the Executive
Committee and failing them, the General Secretary and failing them, the
Convenor: Competitions and Tournaments together with a further Executive
Officer plus the Tournament Director save that in the event of the Tournament
Director being the subject of a complaint, the chairperson of the Affiliated
Member within whose jurisdiction the tournament falls.
- 30.6 The Disciplinary Committee shall forthwith summon the alleged offender/s to
appear at a hearing by the Disciplinary Committee which hearing shall be at an
appropriate neutral convenient venue as soon as possible.
- 30.7 The alleged offender shall be obliged to attend the disciplinary hearing and may
be represented at such hearing by the chairperson or next senior member of the
relevant Affiliated Member.
- 30.8 The Disciplinary Committee shall allow the complainant and the alleged
offender(s) to give evidence and to make representations to the Disciplinary

Committee whereafter the Disciplinary Committee shall adjourn giving a time and place at which the Disciplinary Committee shall make its decision known.

30.9 The Disciplinary Committee shall make known their findings at such time and such venue referred to in Clause 30.8 above whereafter such decision shall become binding on the Member and the Tournament Director; and the Disciplinary Committee shall convey their decision to the General Secretary together with notes of the hearing.

30.10 At such hearing and having heard the complainant / alleged and the alleged offender and their respective witnesses if any, the Disciplinary Committee, in its finding is empowered to impose the undermentioned sanctions:

30.10.1 in the case of an individual or individuals:

30.10.1.1 terminate that person's or those persons' right to participate further in or to attend that tournament; and/or

30.10.1.2 terminate that person's or those persons' right to participate in and/or to attend any future tournament falling within the jurisdiction of SWPSA and terminate that person's or those persons' Membership where applicable for as long as the Disciplinary Committee may deem fit; and/or

30.10.2 in the case of an Affiliated Member, suspend or terminate the Membership of the Affiliated Member for as long as the Disciplinary Committee may deem fit.

30.11 The offender(s) shall be entitled to appeal to the Appeal Tribunal, save that pending such appeal the decision of the Disciplinary Committee shall be binding upon SWPSA and its Members.

30.12 The disciplinary enquiry referred to above shall be held as soon as possible after the game in which the incident occurred and, in any event, if possible before the player is due to play in the next game.

31 APPEALS

- 31.1 Any Member sanctioned by a Disciplinary Committee may appeal to the Appeal Tribunal of SWPSA against any decision of that Disciplinary Committee.
- 31.2 All appeals lodged with SWPSA shall be submitted in writing setting forth the facts, accompanied by extracts or copies of all documents quoted, and relating to the matter and such other particulars as may be thought necessary.
- 31.3 All appeals must be lodged with SWPSA within fourteen (14) days of the finding of the Disciplinary Committee.
- 31.4 An appellant, on lodging the notice of appeal and to lodge an appeal, shall deposit with SWPSA such amount as the Executive Committee may determine from time to time for this purpose, the whole or part of which may be refunded or retained by SWPSA in SWPSA's discretion.
- 31.5 On receipt of an appeal against the disciplinary action and of the required deposit the appeal shall be heard by the Appeal Tribunal as soon as possible but at the latest on the date of the next Executive Committee meeting.
- 31.6 The appellant and the complainant shall be entitled to attend the hearing of the Appeal Tribunal at which hearing both parties may be represented by legal counsel or the chairperson of the relevant Affiliated Member.
- 31.7 The Appeal Tribunal has full powers on appeal to deal with the appeal, and at the discretion and as determined by the Appeal Tribunal, hear evidence *de novo*. The Appeal Tribunal has the power to amend and/or vary the finding and/or sanction of the Disciplinary Committee, including the power to find the appellant guilty of a more serious offence than that as found by the Disciplinary Committee and/or to increase any sanction of the Disciplinary Committee.
- 31.8 The Appeal Tribunal, at its discretion, may refund the deposit paid by the appellant, in whole or in part.
- 31.9 The Appeal Tribunal shall be constituted by a legal practitioner or retired legal practitioner with at least ten (10) years' practical experience together with two (2) Executive Committee members who were not members of the Disciplinary Committee.

32 RULES, REGULATIONS AND BYLAWS

SWPSA, in a General Meeting, shall be entitled to make rules, regulations and bylaws and amend same from time to time which shall be approved by SWPSA in a General Meeting and notice thereof given by the General Secretary to the Members of SWPSA whereafter such rules, regulations or bylaws shall be binding on all Members.

33 AMENDMENT OF CONSTITUTION

This Constitution shall not be repealed or amended except by resolution passed at an Annual General Meeting or at a Special General Meeting called for that purpose, which resolution shall be passed by not less than seventy-five per centum (75%) of those present and voting at the General Meeting.

34 DISSOLUTION OF SWPSA

- 34.1 SWPSA may not be dissolved, wound up or placed in liquidation except by resolution passed at a Special General Meeting called for that specific purpose which resolution shall be passed by not less than seventy-five per cent (75%) of those present or represented at the meeting and entitled to vote.
- 34.2 If at a Special General Meeting it is resolved that SWPSA be dissolved or wound up and placed in liquidation, a liquidator shall be appointed at that meeting. If after payment of all debts and liabilities of SWPSA, any property of whatsoever nature remains, the same shall be given to any similar aquatics organisation or association, as determined by the liquidator.

35 DATE OF EFFECT

This Constitution comes into effect from 17 June 2025 and represents the most recent and binding version of SWPSA's Constitution as ratified by the Affiliated Members in General Meeting.

ANNEXURE A – SWPSA DISTRICTS**Boland Schools Water Polo**

| Name | Code | Seat |
|--------------------------------------|-------------|-------------|
| Cape Winelands District Municipality | DC2 | Worcester |

Buffalo City Schools Water Polo

| Name | Code | Seat |
|--|-------------|-------------|
| Buffalo City Metropolitan Municipality | BUF | East London |

Eastern Gauteng Schools Water Polo

| Name | Code | Seat |
|--------------------------------------|-------------|-------------|
| Ekurhuleni Metropolitan Municipality | EKU | Germiston |

Eden Water Polo

| Name | Code | Seat |
|------------------------------------|-------------|-------------|
| Garden Route District Municipality | DC4 | George |

Free State Schools Water Polo

| Name | Code | Seat |
|------------------------------------|-------------|--------------|
| Mangaung Metropolitan Municipality | MAN | Bloemfontein |

Gauteng Schools Water Polo

| Name | Code | Seat |
|--|-------------|--------------|
| City of Johannesburg Metropolitan Municipality | JHB | Johannesburg |

KwaZulu-Natal Schools Water Polo

| Name | Code | Seat |
|-------------------------------------|-------------|------------------|
| eThekweni Metropolitan Municipality | ETH | Durban |
| iLembe District Municipality | DC29 | KwaDukuza |
| uMgungundlovu District Municipality | DC22 | Pietermaritzburg |

Nelson Mandela Bay Schools Water Polo

| Name | Code | Seat |
|--|-------------|--|
| Nelson Mandela Bay Metropolitan Municipality | NMA | Port Elizabeth |
| Makana Local Municipality | EC104 | Makhanda (part of the Sarah Baartman District) |

Northern Gauteng Water Polo

| Name | Code | Seat |
|--|-------------|-------------|
| City of Tswane Metropolitan Municipality | TSH | Pretoria |

Western Province Schools Water Polo

| Name | Code | Seat |
|---|-------------|-------------|
| City of Cape Town Metropolitan Municipality | CPT | Cape Town |