

**THE CONSTITUTION  
OF  
CAPE TOWN SURFRIDERS**

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## PART 1

### PREAMBLE

#### 1.

#### CONSTITUTION

This constitution, together with duly authorized amendments thereto from time to time, shall be that of the CAPE TOWN SURFRIDERS (CTS) (Previously Western Province Surfing which name remains reserved) which is a District organization and a member of the Western Cape Surfriders Association.

#### 2.

#### EFFECTIVE DATE

The effective date of the constitution shall be that of the Annual General Meeting of Cape Town Surfing where this constitution is approved, all the provisions hereof having been duly ratified and adopted at such meeting.

#### 3.

#### INTERPRETATION

In this Constitution, unless the context otherwise indicates, and/or unless inconsistent with the context, the following definitions shall apply:

1. **Annual report** shall mean the report submitted by the President to the Annual General Meeting of Cape Town Surfriders and shall include such other reports by any members of the Executive Committee, which the EC considers should be presented as part of such AGM.
2. **CTS** shall mean **CAPE TOWN SURFRIDERS**.
3. **Club** shall mean those Clubs that are in good standing with CTS
4. **District Council (DC)** shall mean those members who make up the decision making group of CTS.
5. **Executive Officers** shall mean those members of the **Executive Committee (EC)** appointed in terms of clause 27.1 thereof.
6. **Management Committee Member** shall mean those members both elected and co-opted on to the Executive Committee
7. **SSA** shall mean Surfing South Africa
8. **Surfing** shall mean the act of riding an ocean or artificial wave on a surf board of any size or dimension in a standing position, and "surfer" shall have a corresponding meaning.
9. **Surf riding** is defined fully in the Surfing South Africa Constitution. All Districts and Provinces will fall in line with this definition.
10. **WCSA** shall mean the Western Cape Surfriders Association
11. **Year or Financial Year** shall mean the period of twelve months ending MARCH 31<sup>ST</sup> each year.

#### PERSONA

Notwithstanding anything herein contained to the contrary, words importing the singular number shall include the plural, and vice versa, and words importing the masculine gender shall include females, and words importing persons shall include bodies corporate.

**PART 2**

**OBJECTS AND MEMBERSHIP**

**5.**

**NAME**

The name of the organization shall be **CAPE TOWN SURFRIDERS**.

**6.**

**HEADQUARTERS**

The Cape Town Surfriders Headquarters will be situated in the City of Cape Town Metropolitan Municipality District and shall be those decided by the EC from time to time.

**7.**

**OBJECTS**

- 7.1** The main objects of Cape Town Surfriders shall be:
- 7.1.1** To be the single recognized controlling body for surfing in the City of Cape Town Metropolitan Municipality District and to promote the interests of surfing socially, recreationally and competitively, within this District, the Province and South Africa.
  - 7.1.2** To give specific attention to the development of surfers in CTS and the Western Cape Surfriders Association and to generate interest in surfing amongst the youth and disadvantaged communities while paying special attention to the process of transformation.
  - 7.1.3** To organize and promote all levels of surfing administration and to foster, organize and manage district surfing competitions and championships and to award badges, colours, medallions and certificates, as appropriate.
  - 7.1.4** To pay prize money as appropriate.
  - 7.1.5** To cooperate with any bodies and persons for the improvement of the sport of surfing and the securing of public recognition and financial support for the sport.
  - 7.1.6** To improve and guard the better interests of the marine environment and ecology, and to actively voice disapproval of environmental or ecological decisions unacceptable to the surfing community.
- 7.2** **Ancillary objects shall be:**
- 7.2.1** To support and utilize the rules and standards as laid down by Surfing South Africa for the management and control of surfing, and surfing competitions, and for the judging of surfing competitions. Such rules and standards to conform to national and international rules and standards in force from time to time.
  - 7.2.2** To coordinate the activities of all clubs and affiliated organizations.
  - 7.2.3** To promote and encourage the formation and affiliation of clubs.
  - 7.2.4** To establish and make known to SSA and WCSA a Logo as well as badges and Colours and to award these colours in recognition of surfing, administrative achievement or excellence and meritorious service to surfing in CTS .
  - 7.2.5** To resist, express and show dissatisfaction of any discriminatory laws, whether racial, sexist or the like.

8.

JURISDICTION

This Constitution and/or any rules and/or regulations framed hereunder, shall be binding on individual members clubs, schools and other entities and the CTS EC through a Disciplinary Committee or directly, shall have the right to take disciplinary action against any of these to enforce the observance thereof.

9.

MEMBERSHIP

Membership of CTS shall be open to all individuals, schools or clubs, males and females, irrespective of age, health status, race, colour or creed. Any person who holds either a paid up full membership or a supporter membership shall be eligible to hold any office in Cape Town Surfriders. There shall be three kinds of Membership of CTS:

**9.1 Full membership:**

9.1.1 All paid up members either in their capacity as a competing individual or as representatives of affiliated clubs or organizations.

9.1.2 Past Presidents, previous Chairpersons and Patrons and in some cases other individuals have over the years been awarded the status of Honorary or Life membership. Honorary and Life members shall be entitled to attend and participate in CTS AGMS and Special General Meetings and shall be accorded the same rights as individual members.

**9.2 Supporter membership:**

Members who have paid the required membership fee applicable to non-competing members

**9.3 Social membership:**

All individuals who have applied for social membership directly to CTS or through their clubs or affiliated organisations. Such persons shall not be eligible to take part in any surfing competitions and will not be eligible to vote at meetings (unless they upgrade to full or supporter membership)

9.4.1 No person, whether as player, administrator, spectator, or in any other capacity whatsoever who participates in or is associated with any person or code of sport which practices, perpetuates, fosters, condones or furthers any form of racism, separatism, ethnicism, discrimination, sexism or any other form of double standards in sport or elsewhere, shall be eligible for/or entitled to retain membership of CTS..

10.

AFFILIATION AND FEES

- 10.1 Any club or organization applying for affiliation, shall forward a copy of its constitution (or any amendment thereto) together with particulars of its proposed colours, badges or other emblems, and shall provide such other information as the EC may require from time to time. Only bona fide clubs and organizations involved in or associated with the sport of surfing or surf riding, including officials and groups concerned with maintaining the ecology of the ocean and similar organizations will be considered for membership.
- 10.2 Any individual may become a member of CTS directly on payment of the prescribed membership fee and upon signing a Membership Form. The prescribed fee paid to CTS by club members, members who are members of other clubs and individuals who are members of CTS shall be the same amount.
- 10.3 Clubs will be expected to pay an affiliation fee, as prescribed, to affiliate to CT, which fee could be different to membership fees for full membership, but may not be less.
- 10.4 All applications for affiliation by clubs or organisations shall be in writing, and must be submitted for approval to the CTS District Committee (DC), who may deal with such application in whatever manner it may deem fit.
- 10.5 The DC shall, from time to time, determine the amount payable by clubs and individuals as affiliation or membership fees. Such fees shall become payable on affiliation and shall be levied and be payable annually thereafter, by not later than January 31<sup>st</sup> each year.

11.

ARREARS

Any club, or person affiliated to, or being a member of CTS being in default of payments or having any liability to the district, shall be liable to such disciplinary action as the DC in its sole unfettered discretion may see fit to take, including suspension of membership for such period or periods as they shall decide.

12.

RECORDS AND INFORMATION

- 12.1 All records, finances and documents of any affiliated club shall be made available for inspection by the EC or any person or committee delegated thereto by the EC at such time and place as they shall specify in writing.
- 12.2 The financial records, (including copies) of CTS and its affiliated clubs and shall be kept for a period of five (5) years.
- 12.3 Documents and records shall be archived for reference purposes.
- 12.4 The finances, records and documents of CTS shall be made available to any affiliated club, or paid up member on, written motivation to the DC
- 12.5 There is no provision in this Constitution for the loan of CTS funds to any individual, elected or appointed official or any affiliated club.

**PART 3**

**MANAGEMENT**

13.

DISTRICT COUNCIL

This DC shall consist of the following:

The SIX elected EC Members who form part of the MC

Between two and four additional co-opted members approved by the EC and being part of the MC.

The Patron or Patrons

The Chairperson (or their nominee) of each paid up affiliated club

14.

THE EXECUTIVE COMMITTEE

The EC shall be made up as follows:

A Management Committee consisting of the SIX elected individuals elected at an AGM

Between two and four additional co opted members approved by the Management Committee.

The Patron or Patrons who do not stand for election.

**PART 4**

**POWERS AND DUTIES**

15.

POWERS AND DUTIES OF THE DISTRICT COUNCIL

- 15.1 The DC shall be the highest authority in CTS. It shall be the policy making body and shall be empowered, through the EC, to carry out and achieve the objects of CTS.
- 15.2 The DC shall have the following powers:
  - 15.2.1 To submit recommendations to an AGM or Special Meeting of the members regarding any amendments to the Constitution.
  - 15.2.2 To make Rules and Regulations and to give proper effect to any of the powers or duties conferred or imposed upon it by this Constitution, or any other law, including anything reasonably necessary or incidental thereto, and also for all or any of the following matters:
    - 15.2.3 The proceedings, business, finances and administration of the District...
    - 15.2.4 The administration of and conduct at CTS surfing competitions.
    - 15.2.5 Proper implementation of SSA judging procedures, methods and criteria.
    - 15.2.6 Proper implementation of coaching procedures, methods and criteria.
    - 15.2.7 Any other business furthering of the aims and objects of CTS.
  - 15.2.8 To acquire by lease, purchase or otherwise, or to construct, maintain, alter or improve, or to sell, let, exchange or lease, any movable or immovable property.
  - 15.2.9 To enter into contracts not inconsistent with the provisions of this Constitution which give force and effect to the objects of CTS.
  - 15.2.10 To instruct the EC to do any lawful act or thing to advance the objects of CTS.
  - 15.2.11 To decide and adjudicate upon any dispute arising from the interpretation of this constitution or any other matter within the affairs of CTS

- 15.2.12 Upon a two thirds majority decision to remove from office any member of the EC where the DC has satisfied itself that such member of the EC is not fit to hold office for any reason whatsoever, but particularly on account of their failure to carry out their functions and duties or alternatively, is in breach of Para. 9.3 of this Constitution.
- 15.2.13 To take such disciplinary action, or to appoint a Disciplinary Committee to recommend action, against any member, whether individual, club or organization or any member thereof as the DC may in its unfettered discretion see fit to take, for purpose of enforcing the provisions of this Constitution, and/or any of the rules or regulations framed there under.
- 15.2.14 To delegate to the EC any of its powers and or duties, with or without provisions.
- 15.2.15 To appoint a Patron or Patrons.
- 15.2.16 To consider and approve applications for membership from any individual or club, and to receive recommendations in that regard from the EC.
- 15.2.17 To determine the fees and other charges to be levied by the EC.
- 15.2.18 To gain affiliation to the Western Cape Surfriders Association.
- 15.2.19 To cooperate with all national, provincial and district sporting bodies in the promotion of sport, free of discrimination of any kind, amongst all the population groups and sexes of the Republic of South Africa.

## 16.

POWERS AND DUTIES OF THE EXECUTIVE COMMITTEE INCORPORATING THE MANAGEMENT COMMITTEE

- 16.1 The EC shall be the executive branch of and shall be responsible for the day-to-day administration of its affairs
- 16.2 The EC shall have the following powers:
  - 16.2.1 To open and conduct, in the name of such, bank accounts as may be necessary from time to time, and to deposit, and withdraw monies from such accounts.
  - 16.2.2 To invest the funds of in any recognized banking institution, or any other recognized, reputable financial body or organization.
  - 16.2.3 To seek, arrange, and conclude agreements or sponsorships in the name of CTS and to ensure that the requirements of the sponsors relating to the use of these funds, as indicated in the contract(s) is adhered to.
  - 16.2.4 To acquire by lease, purchase or otherwise or to contract, maintain, alter or improve, or to sell, let exchange or lease, any movable or immovable property.
  - 16.2.5 To consider and make recommendations to the DC for amendments to the Constitution.
  - 16.2.6 To report to the DC any matters concerning disciplinary action instituted or to be instituted against any organization, club or individual.
  - 16.2.7 In the name of CTS to enter into contracts wherever and whenever necessary in pursuance of the aims and objects of CTS.
  - 16.2.8 Where the office of a member of the EC or MC becomes vacant through any cause other than the expiration of their term of office, the EC may appoint an alternative officer to fill such vacancy as a member of the MC, subject to ratification by the DC in accordance with the provisions of this Constitution.
  - 16.2.9 To assign specific functions, powers and duties to all or any of the members of the EC, and to define what such functions, powers and duties are.
  - 16.2.10 Adhere to the provisions of clause 10.4 hereof to levy and collect all or any of the following: Affiliation fees, Membership fees, Contest entry fees and any other fee or charge arising out of the activities of CTS.
  - 16.2.11 To attend all meetings of the DC.
  - 16.2.12 To raise funds on behalf of and subject to the provisions of any law or laws governing the raising of such funds, to conduct fund raising activities within the Province.
  - 16.2.13 To appoint sub-committees to act on behalf of or to make recommendations to the EC, with such delegation of powers as may be necessary.
  - 16.2.14 To select Surfing Teams, including judges and officials, to participate in CTS events and to award CTS colours to members as is hereinafter provided for.
  - 16.2.15 To arrange and operate surfing contests.
  - 16.2.16 To appoint such officers and servants as it may deem necessary, (and to dismiss them,) and to prescribe the terms and conditions under which such appointments are made, and to pay such remuneration as it may deem fit, provided that the amount of such remuneration shall not exceed the maxima as is approved by the DC from time to time.

- 16.2.17 To pay such honorariums, commissions and incentives as may be decided upon from time to time, provided that the amounts so paid shall not exceed the maxima for honoraria and commission approved by the DC.
- 16.2.18 To do any other legal act or thing in pursuance of the aims and objectives of CTS.

PART 5

**MEETINGS AND RELATED MATTERS**

17.

ANNUAL GENERAL MEETINGS

- 17.1.1 The CAPE TOWN SURFING Annual General Meeting shall be held not later than November 30<sup>th</sup> each year.
- 17.1.2 Notice convening an Annual General Meeting, (or a Special General Meeting) shall be given by the Secretary General by post, fax or email to every member and shall be circulated twenty one (21) days prior to the holding of such AGM (or Special General Meeting) Such notice shall specify the date, time and place of such meeting and shall include all items of business as outlined in 17.1.5
- 17.1.3 The Notice shall be signed by the President.
- 17.1.4 Failure to communicate a notice of meeting to any member or members shall not invalidate the proceedings at such meetings.
- 17.1.5 The following items of business shall be considered at the Annual General Meeting:
- Welcome
  - Notice of Meeting
  - Attendance registers (including Proxies)
  - Apologies
  - Confirmation of Minutes
  - Matters arising from the previous AGM
  - Financial report and presentation of latest Audited Financial Statements
  - President's Report
  - Constitutional amendments
  - Any other items of business, requested to be included on the Agenda by any paid up member in writing to the Secretary General fourteen (14) days prior to the holding of such meeting.
  - Election.
  - General.

18.

SPECIAL GENERAL MEETINGS

- 18.1.1 A Special General Meeting shall be convened by the Secretary General when required to do so by the DC or on receipt of a written requisition signed by three independent affiliated clubs in good standing or on written representation by 25% of the membership.
- 18.1.2 A club shall be in good standing if it has been a paid up member for at least the 15 months preceding the calling for such a meeting.
- 18.1.3 The notice convening any Special General Meeting shall be given in the manner provided for in all the paragraphs under 17.1.1 to 17.1.4.



19.

MEETINGS OF THE DISTRICT COUNCIL

- 19.1.1 Meetings of the DC shall be held at least every six months, at such time and place determined by the President.
- 19.1.2 Fourteen (14) days notice of such meeting shall be given by the Secretary General. Items to be included on the agenda must be forwarded ten (10) days prior to the meeting. The Secretary General shall (at the same time) forward to each member of the DC the final agenda of business for consideration at no later than 5 days prior to the date of the meeting.

20.

MEETINGS OF THE EXECUTIVE COMMITTEE

- 20.1.1 Meetings of the EC shall be held at least every three months, at such time and venue as is decided upon from time to time, by the President.
- 20.1.2 At least fourteen (14) days notice of such meeting shall be given by the Secretary General. Items to be included on the agenda must be forwarded at least ten (10) days prior to the meeting. The Secretary General shall (at the same time) forward to each member of the committee, the agenda of business for consideration at such meeting no later than 5 days prior to the date of the meeting.

21.

MISCELLANEOUS PROVISIONS

- 21.1.1 Quorum for Meetings.
- 21.1.2 The quorum for Annual General Meetings and Special General Meetings shall be the lesser of 25% of the eligible membership or thirty members.
- 21.1.3 In the case of DC and EC meetings, a quorum shall be one half plus one of the number of members of the DC, or EC, as the case may be.
- 21.1.4 If at the expiration of ten (10) minutes after the time at which any meeting was to have been held, a quorum has not assembled, no meeting shall take place, unless it is decided by a unanimous decision of the members present to allow further time not exceeding thirty (30) minutes, for a quorum to assemble. Notwithstanding these provisions the members may by a majority vote agree to adjourn the meeting. Such adjourned meeting may not take place until the expiry of five (5) days from the date of the decision to adjourn such meeting.
- 21.1.5 Where any meeting has been adjourned for lack of a quorum, the number of members present at the adjourned meeting shall constitute a quorum for the next meeting.

- 22. President to Preside  
At every meeting the President or in his/her absence the Vice President shall chair the meeting. If these two are absent the Chairperson for that meeting will be elected by the members present.

- 23. Minutes of Meetings  
The Secretary General, or such other person as may be nominated by them, shall keep a true and accurate record of the proceedings of all meetings, and shall cause these to be prepared, and circulated by email to all affiliated and individuals.

- 24. Voting Procedure at an AGM and Special General Meeting  
Any fully paid up member may vote at or stand for election at an AGM (or Special General Meeting).  
Nominations for positions on the EC must be proposed and seconded when called for by the AGM Chairperson as prescribed in 17.1.5  
Votes will be cast for all proposed and seconded candidates, by secret ballot.  
All paid up members eligible shall cast their votes and no paid up member may abstain.  
The six candidates with the most number of votes will be elected to the EC for a period of two years.  
Votes for the male and female surfer representatives will be held annually as a separate ballot.
- 24.2 Co-opted members  
Where candidates were nominated for the EC but did not get sufficient votes, the two candidates with the highest votes will be co-opted on to the EC as part of the Management Committee (MC). Including these co-opted members, additional members up to a maximum of four co-opted members can be co-opted by the EC on to the MC at any properly constituted meeting of the EC and the EC can additionally co-opt members to fill any vacant positions.  
Members of the MC carry the same voting rights as an elected EC member but serve only until the next AGM or SGM at which there is an election.

- 24.3 Proxy Votes  
Members who are unable to attend an AGM or Special GM may allocate their Proxy vote to any paid up member. These Proxy Votes must be correctly recorded on the appropriate form. Correctly completed Proxy Forms must be handed to the Chairperson of the AGM prior to the meeting being called to order.  
AGM and Special SGM Motions  
Motions submitted to the AGM or to a Special GM shall be proposed and seconded, and voted on by a show of hands.  
Only the election shall be by secret ballot
25. Annual and Special General Meetings  
All paid up Members of good standing as defined in paragraph 9, Honorary Members, Life Members and Patrons are entitled to one vote each.
- 25.1. Meetings of the DC  
Each official delegate representing an affiliated club , shall have the right to cast one (1) vote, as will the President, the Vice President, Treasurer, the Secretary General the Patron or Patrons and the members of the EC. Any President/Chairperson of an affiliated club who is unable to attend a DC meeting may appoint a nominee to vote at such meeting on their behalf. The appointment of a nominee shall be in writing and shall be signed by the President/Chairperson concerned. Such written notice shall be posted, faxed or emailed to the Secretary General to reach them prior to the commencement of the meeting.
- 25.2. Meetings of the EC  
Each Permanent Member, the recognized co-opted members (maximum of four) and the Patron or Patrons, in attendance at an EC meeting shall have the right to cast one (1) vote.

26  
GENERAL

- 26.1 Every motion, proposed and seconded shall be submitted to the meeting by the Chairperson, and every member present shall vote thereon by a show of hands, unless a majority of members present shall have requested a poll. The declaration by the Chairperson that a motion has been carried, or not, shall be final.
- 26.2 Any motion to rescind a resolution passed at a previous meeting must be signed by at least three DC members and in the case of meetings of the EC, by three permanent members of the EC.
- 26.3 At any AGM or Special General Meeting, the presiding Chairperson shall not have a casting vote, and in the event of the Chairperson no longer being a member but presiding only by virtue of their holding the position as Chairperson until the election of a successor, the quorum required shall be exclusive and not inclusive of such Chairperson who shall have no vote.
- 26.4 In the case of equality in the votes cast for the candidates at the election of members of the EC, the matter shall be determined by the toss of a coin by the Chairperson.
- 26.5 This Constitution may not be amended and/or added to in any way, except at a CTS Annual or Special General Meeting. The notice given for such meeting shall specify the proposed amendments and/or additions to be made to the constitution. A majority of two thirds or more of the voting members present shall be required before any proposed, changes, alterations and/or additions to the Constitution can be carried into effect.
- 26.6 Where any member of the DC or the EC have a specific interest in a matter to be discussed or voted on, that person(s) must declare that interest to the meeting. That person(s) may, if considered appropriate by the Chairman, address the meeting prior to any discussion on the matter in which there is an interest but must recuse themselves from both the discussion and any voting on the issue in which they have an interest. Failure to disclose an interest will disqualify that person from being a member of the DC and EC with immediate effect.

**PART 6**

**ELECTION OF OFFICERS**

**27.**

**ALLOCATION OF PORTFOLIO RESPONSIBILITIES ON THE MANAGEMENT COMMITTEE**

- 27.1 The At the first meeting of the EC, to be held within 21 days of the Annual General Meeting or a Special General Meeting for the election of officers, must elect a President, Vice President, Treasurer and Secretary General from the six elected committee members who shall be known as the Executive Officers.
- 27.2 Portfolio responsibilities must then be allocated to the MC members on the basis of, inter alia, their ability to meet the following criteria:
- 27.2.1 Expertise in the particular field to be covered by the appointment.
- 27.2.2 Ability to organize and carry out the functions attached to the appointment
- 27.2.3 Previous experience in a similar capacity
- 27.2.4 Availability of resources and time to adequately fulfill the requirements of the appointed position.
- 27.3 The MC shall regulate the portfolios of each member. The EC positions of President, Vice President, Treasurer and Secretary General and all other portfolios of elected and co-opted MC members must be reduced to writing and must be presented to the District Council within twenty one (21) days for ratification.
- 27.4 Portfolio responsibilities can be re-allocated amongst the committee with the approval of the committee.
- 27.5 Such written portfolios and any subsequent variations, alterations or amendments thereto shall be made known to the District Council within twenty one (21) days of such decision being taken.

**PART 7**

**AWARD OF PROVINCIAL COLOURS**

**28.**

**AWARD OF COLOURS**

- 28.1 The EC shall have the power to award CTS Colours to members and to nominate members to the Western Cape Surfriders Association for Provincial Colours.
- 28.2 The award of colours shall be made in accordance with the Code of Practice for the awarding of such colours.
- Selection of Cape Town Surfriders teams shall be a function of the EC, or a Selection Committee, appointed by the EC. Team selection shall be based on a series of one or more trials. All selections shall be subject to ratification by the EC who shall take into account the commitment to appropriate transformation within the sport.
- 28.3 The names of all recipients who have been awarded CTS Colours shall be recorded by the Secretary General.

## PART 8

### LEGAL AND DISCIPLINARY PROCEDURES

#### 29.

#### LEGAL PROCEDURES

Cape Town Surfing may sue or be sued in any capacity in legal proceedings in its own name. The President or the Vice President or other elected MC member may sign any power of attorney that may be required for this purpose.

#### DISCIPLINARY ENQUIRIES

- 29.1 Disciplinary enquiries are the prerogative of the DC, who may appoint a Disciplinary Committee to hear such matters. The DC, or its appointed Disciplinary Committee, may take such disciplinary action as it in its sole unfettered discretion may deem necessary, which shall include, but not be limited to, the following:
- 29.1.1 Hear all appeals on any decision from an affiliated individual or club.
- 29.1.2 Ensure and enforce the adherence to the provisions of this Constitution.
- 29.1.3 Discipline any member for having brought the sport of surfing into disrepute as a result of, but not limited to, the following:  
 Anti-social and unsporting conduct;  
 Intoxication or being under the influence of illegal substances while attending a surfing competition or any other function related to surfing;  
 Conviction of any criminal charge;  
 Willful disregard for the environment and/or ecology, or the irresponsible destruction thereof;  
 Commit any breach of paragraph 9.3 of this Constitution
- 29.2 All disciplinary enquiries will be heard by either the DC or a Disciplinary Committee appointed by the DC, subject to the following conditions:
- 29.2.1 The accused member shall receive not less than ten (10) days written notice to appear at such a meeting of the Disciplinary Committee.
- 29.2.2 Such accused member shall have the right to be represented by an adult person. Where such accused is under the age of eighteen (18) years, such member must be represented either by their parent or parents or a responsible adult person nominated by the individual.
- 29.2.3 The Disciplinary Committee and DC must, as far as is reasonably possible, observe the provisions of the rule of Law, that all parties must be heard.
- 29.2.4 Notwithstanding the provisions of paragraph 29.2.3, failure by the accused to attend a disciplinary enquiry where notice has been duly given, will not alone invalidate the proceedings of the enquiry or any decision taken thereat.
- 29.2.5 The Disciplinary Committees' recommendations to the DC, and their decision, shall be final and binding, provided that such decision is not inconsistent with the provisions of the Constitution, and there shall be no right of appeal of any such decision.
- 29.3 No representative of the individual or the club from whose ranks the accused member emanates, shall form part of, nor be present at such a Disciplinary or DC meeting, during the time that such an enquiry is being held, except if such representative represents an individual or club or club member under the circumstances as outlined in paragraph 29.2.2 above.

## PART 9

### MISCELLANEOUS MATTERS

#### 30.

#### DISSOLUTION OF CAPE TOWN SURFING

- 30.1 CAPE TOWN SURFING may be dissolved if at least two thirds of the members present at a general meeting of members convened for the purpose of considering such matters, are in favour of dissolution. Not less than twenty-one (21) days notice shall be given of such meeting and the notice convening the meeting shall clearly state that the question of dissolution and disposal of its assets will be considered. If there is no quorum at such a general meeting, the meeting shall stand adjourned for not less than 5 days and the members attending such adjourned meeting shall constitute a quorum.

- 30.2 In the event that CTC does not comply with its own Constitution or practice proper governance, the WCSA, with the sanction of SSA, or SSA itself, can request the DC to call a Special Meeting and, if the DC fails to do so, the WCSA or SSA can call such Special meeting to address any business normally the responsibility of the EC, including for the dissolution of CTS.
- 30.3 If upon the dissolution there remain any assets whatsoever after the satisfaction of all its debts and liabilities, such assets shall not be paid to or distributed among its members, but shall be given to such other organization(s) (preferably having similar objectives) which is/are authorized to collect contributions in terms of the nonprofit organization, as may be decided by the DC, or, in default of such decision, by Surfing South Africa.

31.

MATTERS FOR WHICH THERE ARE NO PROVISIONS

In the event of any matter arising which is within the powers of either the DC or the EC to do, which is not covered by this Constitution, and it is considered by the DC that provision for such matters be made herein, they shall have the right to legislate upon such matter temporarily, pending the due alterations and/or amendment of this Constitution.

- 31.1 **ARBITRATION (Revised 20 November 2013)**  
Should any dispute arise which involves the District, its officials, any clubs affiliated with the District, and any officials, players or members who are subjected to the rules of this Constitution, pertaining to any matter arising from the interpretation or implementation of the Constitution, or arising from the sports governed by this Constitution, then such dispute shall be referred to the Arbitration Forum of the Western Cape Provincial Government, to be dealt with in accordance with the Rules of that Forum.

The provision of Arbitration Act of 1965 shall apply to such arbitration proceedings, save to an extent modified by the Arbitration Forum Rules.

32.

LEGAL STATUS OF RULES AND REGULATIONS

All rules and/or regulations of WESTERN PROVINCE SURFING (WPS) that were in force immediately prior to the effective date of this Constitution shall continue to be binding on all members until they are rescinded.

33.

PAID OFFICIALS

If the DC or any of its EC agrees to employ the services of any official, and if such official receives a remuneration for such services, although such official may serve on the DC or the EC, such official's representations and/or input would be in an advisory capacity alone, and such official will have no voting rights whatsoever.

34.

FUND RAISING

Should the services of a fundraiser be made use of for the collection of contributions, the expenses (remuneration and/or commissions included) must be contractually agreed in writing and may not exceed 20% of the total proceeds of the collection.

The area of operation for fund raising activities shall be mainly in the Western Cape