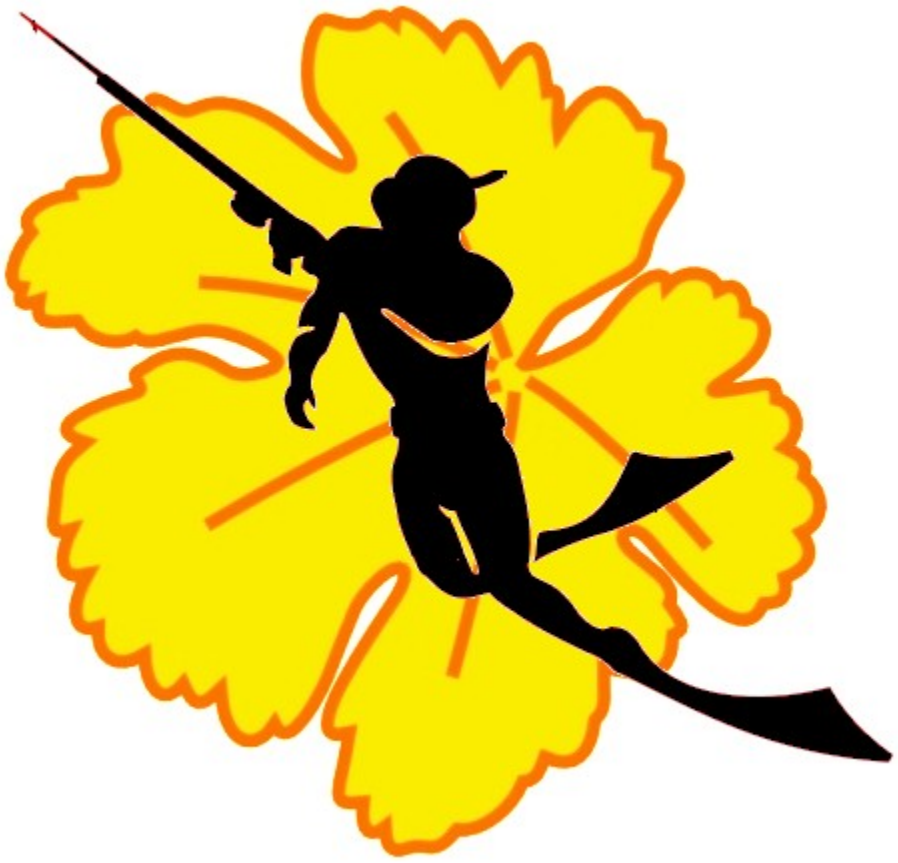
THE CONSTITUTION

OF THE

BOLAND UNDERWATER FISHING ASSOCIATION.



DEFINITIONS AND ABBREVIATIONS USED

BUFA	Boland Underwater Fishing Association, hereinafter referred to as "The Association"
SAUFF	South African Underwater Fishing Federation
CMAS	World Confederation of Underwater Activities
COMMITTEE	Executive plus Management Committees as nominated and selected at the AGM.
SASCOC	South African Sports Confederation and Olympic Committee
SAUSF	South African Underwater Sport Federation
MEMBERS	all existing Members referred to in clause 4.1 and all those clubs, and provinces that shall have made application and have been accepted as members of the Association by the Committee as well as paid associated membership fees.

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1 CONSTITUTION, NAME AND CORPORATE PERSONALITY

1.1 This is the constitution of the body known as Boland Underwater Fishing Association or BUFA which is affiliated to the Boland Sports Council / Association, the Western Cape Sports Confederation, or similar governing body for sport in the Western Cape, if required, and The South African Underwater Fishing Federation (SAUFF)

1.2 The BUFA is a voluntary body with an identity separate from the other codes within BUFA as well as existing in its own identity apart from its members and or office bearers. It is entitled to develop, manage and control all its own activities independent of the other sporting codes but in line with the rules and requirements as prescribed by SAUFF through its national federation, The South African Underwater Sport Federation (SAUSF)

2 OBJECTS OF THE ASSOCIATION

2.1 To be and to operate and to function as an autonomous controlling and administrative body of the sport of spearfishing within the Boland region.

2.2 To promote, foster and control the practice of spearfishing within Boland.

2.3 To select provincial teams and to apply through the Boland Sport Council / Association to award provincial colors to the players representing Boland.

2.4 To organize, promote and supervise the playing of tournaments and championships.

2.5 To uphold and enforce the rules of Underwater Fishing as prescribed by CMAS, and to promote the highest standard of sportsmanship in connection with the playing of the sport.

2.6 To uphold and enforce any code of conduct pertaining to the sport approved by CMAS, and or any other code of conduct as decided on by the Association.

2.7 To maintain membership of CMAS, and to co-operate with CMAS and any other international, national, provincial or regional association as approved by the Executive committee from time to time.

2.8 To raise funds whether by subscription, affiliation, levies or otherwise.

2.9 To encourage and provide assistance for the training of all spearfishermen, officials and administrators to improve their skills and qualifications.

3 POWERS OF ASSOCIATION TO CARRY OUT ITS OBJECTS

3.1 The Association has all such powers and authorities as shall be necessary or desirable or conducive to achieving any and all of the objects of the Association.

3.2 To acquire by purchase, exchange, hire, sub-lease, donation or otherwise, movable or immovable property of any kind.

3.3 To sell, let, mortgage, dispose of, give in exchange, turn to account or otherwise deal with all or any part of the property.

3.4 To enter into contracts of any and all kinds necessary to carry out, give effect to or secure the objects of the Association.

3.5 From time to time, in accordance with sound business and financial principles to invest funds of the Association in such property or assets or other security as may be deemed advisable from time to time.

3.6 To elect, appoint, suspend or dismiss members, assistants, and experts as deemed necessary.

3.7 To regulate relations between its Members, and between its members and the Association.

3.8 THE DRAWING OF CHEQUES / EFFECTING PAYMENT

3.8.1. Operating expenses

- All operating expenses entered into to carry on the business of the Association will be paid by either cheque or a bank transfer by the chairperson, vice chairperson or the treasurer.
- All payments should be effected timeously to avoid any penalties or interest.
- All documents, cheques, money transfers and bills of exchange which are required to be executed on behalf of the Association, shall be deemed to have been correctly and properly executed if authorized by two of the following persons: the Chairperson, the Treasurer and one other person nominated by the Executive committee.

3.8.2. Portfolio Expenses

- For all other expenses relating to portfolios within the Association e.g. Academy and Coaching, a budget will be allocated to each of the functions to cover all expenses relating to the various activities. All expenses must be pre-approved by the executive Committee.

Expenses may include:

- **Travel**

  In the event that a person has to travel to fulfill their function on one of the portfolio committees or executive committee which takes place in another city which is in excess of 300km from where the person is ordinarily resident, the BUFA will pay for the traveling expenses only if:

  i). Two quotations for airplane tickets had been obtained as proof that the ticket prices are reasonable.

  ii).In the event of a person choosing to fly business class, BUFA will only pay up to the amount an economy class ticket would have cost with the aforementioned person having to bear the rest of the expenses.

  iii) In the event that the committee member has to be reimbursed for a plane ticket bought, they will only be reimbursed once proof of payment had been received.

- **Accommodation and Refreshments**

  The following guidelines will apply:

  i). Accommodation to a maximum of R400.00 per night inclusive of VAT

  ii). Breakfast up to a maximum of R 50 per person

  iii). Lunch up to a maximum of R 100 per person

  iv). Dinner up to a maximum of R 150 per person and;

  v). Drinks to a maximum of R 100 per person.

  All proof of payment has to be signed by the chairman of the committee as proof that the expenses were incurred in the advancement and/or development of the game.

3.9 To institute, conduct, defend compound or abandon any legal proceedings by and against the Association or its officers or otherwise concerning the affairs of the Association, and also to compound and allow time for payment or satisfaction of any debts due or claims or demands made by or against the Association.

3.10 To spend or otherwise apply moneys to the advancement and/or development of the Association or its members or individual players. For any amount in excess of R40, 000 (Forty Thousand) needs at least a 75% approval of the entire committee.

3.11 To make and pass rules, by-laws or regulations and to add to, repeal or later such rules, by-laws or regulations for the carrying out, administration and implementation of this Constitution and the attainment of the objects of the Association.

3.12 To impose fines and/or any other disciplinary measures on its Members or club or Union or organizations connected or concerned with spearfishing arising out of or connected with any contravention or breach of the provisions of this Constitution or any rule, by-law or regulation passed by the Committee and recover by legal action or otherwise such fines or compulsory contributions or damages from its members or former members.

3.13 The financial year will run 1 July until 30 June, the end of June being the financial year end.

3.14 The organization may not give any of its money or property to its members of office bearers. The only time it can do this is when it pays for work that a member or office bearer has done for the organization. The payment must be a reasonable amount for the work that has been done.

4 MEMBERSHIP

4.1 All existing affiliated Members in good standing with the BUFA shall continue to be members of the Association.

4.2 Members of the Association shall be confined to any club, sub-club, section of a club, school, college, Technicon or University, who's Constitution, has been approved by the Association.

4.3 The Association shall have the right to call upon any applicant or current member to furnish it with copies of its Constitution as well as further information as the Executive may require.

4.4 The Executive Committee shall have the right to accept or reject any application to membership. On rejection of application, reasons of the rejection shall be given in writing to the club/organization applying for membership. Appeal to such rejection may be made within 30 calendar days of receiving such notice to the Executive committee in writing.

4.5 Individual members are liable to become affiliated to the Association through a club on payment of the annual affiliation fee accompanying the affiliation form.

5 DUTIES OF MEMBERSHIP

Upon being admitted to Membership, Members agree to abide by the provisions of this constitution and such roles and regulations as have been passed in terms hereof, and to pay all subscription and other levies payable in terms thereof.

6 TERMINATION OF MEMBERSHIP

The Committee may require, without assigning any reason thereof, the withdrawal from the Association of any Member upon a two thirds (2/3) majority vote of the Committee.

7 THE COMMITTEE

7.1 The Committee shall consist of an **Executive Committee,** consisting of the Chairperson, Vice Chairperson and Treasurer, and when needed, other depending on the area of interest, who shall be elected at the Annual General Meeting.

7.2 The existing Committee shall hold office for a period of two years (2) and then retire.

7.3 Retiring Members of the Committee shall be eligible for re-election without nomination.

7.3.1 A candidate for election to the Committee shall be nominated by at least one member of the Association and such nomination, together with the consent in writing or via Email, of the nominee, shall be sent to the Management not less than seven (7) days before the Annual General Meeting.

7.3.2 Any person who is nominated as a candidate for election to a particular office on the committee and who, upon vote, is not elected to that office may thereupon be nominated for another position without the twenty four-hour prior notice.

7.4 The Committee shall have the power to add to its number by co-opting Members from its members.

7.5 No person who does not reside within the borders of South Africa shall be eligible to hold office of any of the Committee portfolios.

7.6 The organization will continue to function within its set rules and regulations not with standing the changes in committee members and executive members.

7.7 Should there be any dispute between committee members; the Executive Committee will be approached to settle the matter. Should there be any dispute between any Executive members a meeting will be held following an official complaint written to the Chairperson, or be it against the

Chairperson written to Vice Chairperson. A meeting will be set up and an Exec member may be removed from office after such person is given the opportunity at the meeting to state his or her case, subject to a unanimous vote against by the remaining Exec committee and at least 3 members of the committee.

7.8 The Election of the committee members will take place during the General Assembly. However, with the implication and voting in, and as the initial start up of the new constitution, an election of Exec and Management will take place at the AGM, which will be held not later than 30 September each year.

8 POWERS OF THE EXECUTIVE

The **Executive Committee** shall have the power to do all things which in its discretion are necessary to further the objects of the Association, which powers shall include but not be limited by the following:-

8.1 to employ the funds of the Association in such a manner as it shall be deemed to be in the best interest of the sport and the Association.

8.2 to act as the final arbitrator in all disputes and in any other matters arising out of the sport of spearfishing consisting of a panel of the Exec as well as the relevant representative from the committee regarding the current issue.

8.3 To exclude any person, whether a Member or non-Member, and whether permanently or temporarily, from participation in any competition or league or position promoted by the Association whether directly or indirectly or as a result of outstanding fees.

8.4 subject to the rules of the sport as prescribed by CMAS or current governing body, to prescribe any further rules or regulations in which any league or competition prompted by it is to run.

8.5 to levy subscriptions, fees or other imposts as may be required and to review all levies and subscriptions yearly as required.

8.6 to set up policies, which must be carried out by the Committee their various portfolios as selected.

8.7 To open and operate banking accounts in the name of the Association

8.8 To permit any club or organization which is not a member to enter teams in the leagues subject to payment of such fees as the Committee may determine.

8.9 To apply, through Boland Sport Confederation, if required, for colors to provincial teams representing Boland.

8.10 hold the rights to govern and specify standards to all tournaments hosted in Boland and levy a fee per player at the tournament that can be used as needed for the advancement of Spearfishing in Boland.

8.11 To specify and set Annual budgets for the different portfolios.

9 MEETING OF THE COMMITTEE

9.1 The Executive Committee shall meet at least twice (2) a year at a date and time to be circulated to all concerned at least 21 days before the meeting to attend to the ordinary business of the Association.

9.2 Written notice of each ordinary meeting plus the agenda thereof shall be sent to each committee member by the appointed secretary not later than fourteen (14) days before the meeting.

9.3 Any Committee Member may call for an extraordinary meeting of the Committee whenever in their opinion; business of such an urgent nature has arisen.

9.4 The appointed secretary shall give not less than three 3 days notice of such an extraordinary meeting as well of the business to be attended there, to the Committee Members.

9.5 For extraordinary meetings, six (6) Members of the Committee shall constitute a quorum with at least three (3) members from the Executive Committee.

9.6 Meetings shall be convened by the Chairperson, or failing the Chairperson, the member of the Executive Committee designated by the Chairperson, provided the Chairperson has given his or her proxy in writing.

9.7 In the event of voting on any motion being equal for and against the Chairperson shall have a casting vote.

9.8 Meeting may be conducted by electronic means in part or in whole.

9.9 A quorum at the AGM will consist of paid up members.

10 SUB-COMMITTEES

10.1 The Executive Committee may appoint a sub-committee as it considers fit.

10.2 At least one of the Executive Committee shall be a member of such a sub-committee and will chair the meeting.

11 LIMITATION OF LIABILITY OF MEMBERS AND INDEMNITY

11.1 The patrons, the Chairperson, all Members of the Committee, all officials, servants agents and persons acting on behalf of the Association in term of this constitution, shall be and they are hereby indemnified and held harmless against any claim or demand by any third party as a result of any act or omission in the performance of their duties for and on behalf of the Association, from whatever cause arising, provided such person/s acted in good faith.

11.2 Being a member and or office bearer does not ensure right to any asset or property within the BUFA.

12 DISSOLUTION OR WINDING UP OF THE ASSOCIATION

12.1 The Association may be dissolved or wound-up, at any time, by the members of the General Assembly, upon a majority vote of not less than 80% of the total votes of Members whose representative are present and entitled to vote, provided that not less than 90 (ninety) days written notification of such a meeting aimed at dissolving or winding-up the Association shall have been given to all Members.

12.2 Upon the dissolution or winding-up of the Association, all properties and assets of the Association, after payment of all monies owing to any third parties shall be transferred free of compensation to the South African under Water Fishing Association.

13 INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

13.1 The decision of the Executive Committee as to the intention, meaning and effect of any provision in this Constitution or any rule or regulation passed in terms hereof shall be final and conclusive.

13.2 The provisions of this Constitution may be repeated, added to or amended only by the Members at a general meeting provided that:

13.2.1 due notice of all proposed additions or amendments be given in at least four (4) weeks ahead of the notice convening the general meeting at which such additions and alterations are to be discussed.

13.2.2 the same are passed by not less than seventy (70) % majority at a general meeting at which a quorum is present

14 SUB SECTION 1

The following policies will apply and will be added to, and altered from time to time as needed, during the AGM's by means of discussion and voting:

14.1 MANAGEMENT POLICIES
To be confirmed

14.2 COMPETITION POLICIES
To be confirmed

_____ _____

Chairperson **Treasurer** **Date:**