

**Constitution
of The
Provincial Bowls
Association
of Gauteng**

(Herein after referred to as Gauteng Bowls)

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CHAPTER 1 – INTERPRETATION

1 CONSTITUTION OF GAUTENG BOWLS

- 1.1 This is the Constitution of the body known as "**The Provincial Bowls Association of Gauteng**" (hereinafter referred to as "**Gauteng Bowls**").
- 1.2 Gauteng Bowls is a voluntary association having a corporate identity separate from that of its Members with legal personality and is entitled to own property, whether movable or immovable or otherwise, and is entitled to sue and to be sued in its own name and, notwithstanding any change in the composition of its Members and shall have perpetual succession.
- 1.3 The provisions of this Constitution are founded upon and shall be implemented and administered in the recognition of human dignity, equality and the advancement of human rights and freedoms, non-racialism, non-sexism and the right of freedom of association and the supremacy of the Constitution of the Republic of South Africa (1996), the rule of law and good corporate governance.

2 DEFINITIONS AND ABBREVIATIONS

For the purposes of this Constitution, the following words and expressions shall have the following meanings unless the subject or context indicates otherwise:

- 2.1 "**Act**" means the National Sport and Recreation Act, 1998 (Act No 110 of 1998 as amended).
- 2.2 "**Affiliated Member**" means the District Affiliate but excludes an Associate Member.
- 2.3 "**AGM.**" means the Annual General Meeting of Council Members held in accordance with the provisions of this Constitution.
- 2.4 "**Annual Financial Statements**" means the annual audited balance sheet, income and expenditure statement, Financial Administrator's and Auditor's report, collectively.
- 2.5 "**Appeal Board**" means an appeal body appointed by the Exco in writing, subject to the ratification of the Provincial Council in terms of this Constitution.
- 2.6 "**Associate Members**" means:
 - a. all those associations or organisations having the same or similar objects to Gauteng Bowls (e.g. the South African Defence Force, Correctional Services, etc.); and
 - b. having their domicile within the area of jurisdiction of Gauteng Bowls, which bodies have made application and have been accepted as Associate Members of Gauteng Bowls by the latter in writing in terms of the provisions of this Constitution, but that do not have any voting right.
- 2.7 "**Bowls**" means the game or sport of bowls, whether played indoors or outdoors, participated individually, in the presence of an opponent or any other manner whatsoever and includes the disciplines referred to in this Constitution as well as those defined by any IF.
- 2.8 "**Bowls SA**" means the Bowls Federation of South Africa.
- 2.9 "**Club**" means any Gauteng Bowls club which:
 - a. caters for any bowls in a local district or area.
 - b. is a member of a District Bowls Association or whose interests are represented by such District Bowls Association, if applicable.
 - c. must have the use of a bowling green as defined in the Laws in the Sport of Bowls.
- 2.10 "**Committee**" means a committee established in terms of clause 27.1.
- 2.11 "**Compliance**" means that any Council Member, District Bowls Association, Club or individual has fulfilled the necessary provisions of this Constitution in regard to specific requirements as contained herein, and as such is regarded as being in good standing with Gauteng Bowls.
- 2.12 "**Constitution**" means this Constitution.

- 2.13 **“Council Member”** means a District Bowls Association, the Players Representative (if appointed) and also any Associate Member.
- 2.14 **“Day”** means a calendar day whereas, **“working day”**, means a calendar day excluding Saturdays, Sundays and Public Holidays.
- 2.15 **“Disciplinary Committee”** means a body responsible for disciplinary proceedings appointed by the Exco in writing and subject to the ratification of the Provincial Council in terms of this Constitution.
- 2.16 **“District Bowls Association”** means a body established to attend to the development and administration of such an Association within the area of jurisdiction of Gauteng Bowls.
- 2.17 **“District Members”** are the District Bowls Associations as set out in 10.1.1.
- 2.18 **“Ethics Committee”** means a body with responsibilities as contained herein, appointed by the Exco in writing and subject to the ratification of the Provincial Council in terms of this Constitution.
- 2.19 **“Event”** means an event held in the Gauteng Province under the auspices of Gauteng Bowls or a relevant body to which Gauteng Bowls is affiliated;
- 2.20 **“Event organiser”** means a person or entity, duly authorised to manage an event on behalf of Gauteng Bowls either directly or indirectly through its members; inclusive of the hosting, managing, organising, planning, and supervision of such an event.
- 2.21 **“Exco”** means the Executive Board of Gauteng Bowls, as constituted in terms of this Constitution.
- 2.22 **“Head Coach”** means a person appointed as such by elected members of the Exco in writing;
- 2.23 **“Headquarters”** means the Headquarters of Gauteng Bowls which shall be at the place decided upon by the Exco in writing from time to time.
- 2.24 **“Honorary Life Members”** means all those persons bestowed with this honour by the Provincial Council.
- 2.25 **“IF”** means the International Federation/s to which Bowls SA is affiliated.
- 2.26 **“Levies”** means the monies levied and due to Gauteng Bowls, by virtue of a person’s membership of Gauteng Bowls, as approved in writing and agreed to at each AGM of Gauteng Bowls.
- 2.27 **“Management Committee”** means the committee referred to in clause 26 and **“Mancom”** shall have the same meaning **“provided”** that, in case where the Exco fulfils the role and function of the Mancom, the Exco shall be regarded as the Committee.
- 2.28 **“Member”** means a District Member and includes an Associate Member.
- 2.29 **“Month”** means a calendar month.
- 2.30 **“Person”** means a natural or legal person.
- 2.31 **“Player”** means any individual who is a member of a club affiliated to a District Member and as such affiliated and registered with Bowls SA.
- 2.32 **“Players representative”** shall mean a person, who is in good standing with Gauteng Bowls and Bowls SA, appointed by the Exco in writing to represent players competing in bowls under the auspices of Gauteng Bowls irrespective of the gender and age category.
- 2.33 **“President”** means the President of Gauteng Bowls, duly elected in terms of this Constitution.
- 2.34 **“Province”** means the geographical area of Gauteng as defined in section 103 of the Constitution of the Republic of South Africa, 1996 (as amended).
- 2.35 **“Provincial Council”** means the membership of Gauteng Bowls in general meetings
- 2.36 **“Registered individuals”** mean the players, technical officials, coaches, managers, administrators and friends or workers registered with Bowls SA as provided for in clause 10.
- 2.37 **“Rules”** means the rules, regulations, procedures, *modus operandi* and any by-laws in force from time to time, in accordance with which the affairs of Gauteng Bowls must be conducted.
- 2.38 **“SAIDS”** means the South African Institute for Drug-Free Sport.

- 2.39 **“SASCOC”** means the South African Sports Confederation and Olympic Committee duly recognized and approved by Sport and Recreation Republic of South Africa, as the macro governing body of sport in the Republic of South Africa.
- 2.40 **“Schools”** means Schools Sport in the Republic of South Africa.
- 2.41 **“SGM”** means a Special General Meeting of Council Members of Gauteng Bowls other than an Ordinary or Annual General Meeting convened for a special purpose in terms of this Constitution.
- 2.42 **“Special levy”** is a levy imposed on members, players, participants as may be decided by the Exco in writing and which is imposed for a specific purpose at which time such payment becomes due and payable to Gauteng Bowls.
- 2.43 **“Sport and Recreation Republic of South Africa”**, means the National Department of Sport and Recreation in the Republic of South Africa.
- 2.44 **“The Provincial Bowls Association of Gauteng”** and referred to as Gauteng Bowls, means the body constituted in terms of this Constitution and affiliated as such with Bowls SA.
- 2.45 **“Treasurer”** means the person elected by, or employed by the Exco in terms of the provisions of this Constitution: Provided that a finance administrator who has been duly appointed by the Exco in writing shall have the same meaning as the “Treasurer”.
- 2.46 **“WADA”** means the World Anti-Doping Agency.
- 2.47 **“Year”** means a calendar year.

3 INTERPRETATION

- 3.1 The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only and shall not be used in the interpretation hereof.
- 3.2 Unless the context indicates a contrasting intention, the singular shall include the plural and *vice versa*.
- 3.3 Any words importing one gender include the other.
- 3.4 Should any clause in this Constitution be found to be inconsistent with the purpose of this Constitution read with the Constitution of Bowls SA, Constitution of SASCOC and the Constitution of the Republic of South Africa, such clause shall be interpreted as *pro non scripto* and the remainder of this Constitution shall remain valid and enforceable.
- 3.5 Where the Exco deviates from the time in which to fulfil an obligation, relating to an enactment within a specified time, such deviation may be ratified by the Provincial Council at the Annual General Meeting or such alternative meeting as may be deemed appropriate by the Exco and no enactment shall be invalid or *ultra vires*, solely by virtue of such enactment being made outside of the specified time.
- 3.6 Where enactment was made in accordance with the previous Gauteng Bowls Constitution: resulting in an impediment of the constitution, such impediment shall not be deemed contrary to this constitution until such time and obligation of the enactment has been fulfilled in terms of the previous Gauteng Bowls Constitution and as such shall automatically be condoned when interpreting this Constitution.

CHAPTER 2 – GAUTENG BOWLS AS AN ORGANISATION

4 DOMICILE

The domicile and seat of management of **Gauteng Bowls** shall be deemed to be situated in the area as determined by the Exco in writing, with the *domicilium citandi et executandi*, being the registered address of the head office of Gauteng Bowls as published on its website, “**provided**” that, it shall always be at a place within the boundaries of the Province of Gauteng.

5 AREA OF JURISDICTION OF GAUTENG BOWLS

- 5.1 The geographical area of jurisdiction of Gauteng Bowls shall be the Province of Gauteng, “**provided**” that, Gauteng Bowls shall also have jurisdiction over any player, registered at Bowls SA as a member or Dual Member of a club affiliated to a District Member, who participates in the sport of bowls outside of the Province of Gauteng.
- 5.2 Players referred to in clause 5.1 who participate in any bowls event, outside of the boundaries of the Province of Gauteng, shall adhere to, comply with, and be bound by the provisions of this Constitution, any by-laws and Code of Conduct.

6 MAIN BUSINESS

The main business of Gauteng Bowls is to act as the Provincial controlling body of the Sport of Bowls in the Province of Gauteng.

- 6.1 Gauteng Bowls shall seek and hold membership of Bowls SA as a recognised provincial association. Save for such events as held under the auspices of Bowls SA, Gauteng Bowls shall be the only controlling body for Bowls in the Province of Gauteng and shall control and enforce the playing rules of Bowls SA for Bowls in the Province of Gauteng.
- 6.2 No District Member shall establish or maintain contact with the IF or any other International Federation body without the prior knowledge and approval of Bowls SA in writing.
- 6.3 Gauteng Bowls may, with the written approval of Bowls SA, affiliate with any other body or sporting code with compatible aims with a view to enhancing the interests and status of Gauteng Bowls.

7 ORGANISATIONAL STRUCTURE OF GAUTENG BOWLS

- 7.1 Gauteng Bowls, save for such events as held under the auspices of Bowls SA, is the Provincial controlling body of bowls in the Province of Gauteng governed by its Provincial Council in accordance with the provisions of this Constitution.
- 7.2 The Council Members of Gauteng Bowls (save for the Players representative and Associate Members who do not have any voting rights) are the District Members.
- 7.3 Each of the District Members may consist of one or more Bowls Clubs within its geographical area, or with the approval of Bowls SA, Gauteng Bowls, the other Provincial Bowls Association, and both Districts affected that, if a club in another district falls outside the geographical jurisdiction of Gauteng Bowls, the other Provincial Association of such club residing within its geographical boundaries may grant approval for such club to fall under the jurisdiction of another geographical District, as its members.
- 7.4 Gauteng Bowls players shall have freedom of association to belong to any Bowling Club of their choice.

8 OBJECTIVES OF GAUTENG BOWLS

The objectives of Gauteng Bowls are:

- 8.1 To operate and function as the autonomous controlling and administrative body of the sport of bowls within the Gauteng Province.
- 8.2 To direct, develop, and administer the Sport of Bowls within the area of its jurisdiction in accordance with the principles of good corporate governance and sound financial management.
- 8.3 To actively market, and promote bowls as a sport and a recreational activity in the Province of Gauteng and the Republic of South Africa.
- 8.4 To foster a spirit of healthy competition, sportsmanship and fair play among players of all races, genders and ages.
- 8.5 To uphold and enforce the rules of Bowls SA as prescribed by the IF from time to time and to encourage and promote the highest standard of sporting behaviour in connection with the playing/ participating of the Sport of Bowls.
- 8.6 To assist at all levels with the organisation and administration of the Sport of Bowls.
- 8.7 To organise or facilitate championships Inter-Provincial and inter-district levels for Veterans, Open, Junior and Physically Challenged players of all genders.
- 8.8 To facilitate, in conjunction with the relevant District members, the involvement of Gauteng players and teams in District, Provincial and international tournaments and championships
- 8.9 To develop the Province of Gauteng as the foremost bowls playing province and to assist the District Members to become the leading playing districts in South Africa.
- 8.10 To create, build and maintain communities of bowls players in the form of Bowls SA's and Gauteng Bowls Clubs, District Bowls Association's and to encourage the active involvement of volunteers in the administration and management of the sport.
- 8.11 To increase the number of individuals registered within the sport, particularly among schools and previously disadvantaged communities.
- 8.12 To actively develop the sport and build human capacity in accordance with the Long Term Participant Development (LTPD) plan adopted by Bowls SA.
- 8.13 To encourage the qualification of individuals as technical officials, greenkeepers, coaches and event organisers.
- 8.14 To encourage the appointment of coaches at all levels within the private and public spheres in the Province of Gauteng.
- 8.15 To further Gauteng Bowls' sport education in the Republic of South Africa and, where possible and subject to the availability of funds, make funds available for the sport's literature and studies.
- 8.16 To represent, promote and advance the interests of its Members.
- 8.17 To uphold and enforce any Code of Conduct pertaining to the sport as approved by Bowls SA and/or any other Code of Conduct decided upon in relation to bowls.
- 8.18 To decide disciplinary matters and grievances and to resolve disputes between anyone involved in the Sport of Bowls in the Province of Gauteng.
- 8.19 To select representative players at all levels for participation in any tournaments whether local, inter-Provincial or International.
- 8.20 To award Provincial colours in terms of the applicable criteria.
- 8.21 To advance the objectives of Gauteng Bowls and to associate itself with all such other lawfully constituted Associations and Organisations as shall be decided by the Exco in writing, whether within or beyond the area of jurisdiction of Gauteng Bowls and irrespective of whether or not such other Associations or Organisations are connected with the Sport of Bowls.

- 8.22 To recognise, accept and enforce the jurisdiction, rules and regulations of SAIDS, as well as the code of WADA, relating to anti-doping and the promotion of drug-free sport.
- 8.23 To perform its functions in a non-discriminatory and democratic way, striving at all times to provide equal rights and fair opportunities to all Gauteng Bowls' players, administrators, managers, technical officials, coaches and event organisers throughout the Province of Gauteng.
- 8.24 To ensure that the encouragement, promotion, development and administration of the Sport of Bowls, whether at provincial, district or local level, is carried out in accordance with the principles of non-racism, non-sexism, by which it is meant that race, ethnicity and nationality shall not be a basis for discriminating against or of affording privileges to any one person or group of persons. Such principles are more fully set out in Schedule One of the Rules and Regulations of Gauteng Bowls attached to and forming part of this constitution
- 8.25 To enforce the provisions of this Constitution as well as any by-laws, operating procedures, regulations, Rules/Laws of Bowls, Code of Conduct or any other regulatory instrument, through the appointed Disciplinary, Appeal and Ethics Committees.
- 8.26 To accept or refuse application or affiliation from any association or body, which controls any form of bowls, on such terms and conditions as may be considered as appropriate, with the written approval of Bowls SA,.
- 8.27 To adhere to the requirements of SASCOC and/or the Department of Sports, Arts and Culture with regard to annual data submissions.

9 POWERS OF GAUTENG BOWLS TO CARRY OUT ITS OBJECTIVES

- 9.1 Except where otherwise stated herein and subject to the provisions of this Constitution, the Exco shall be vested generally with all such powers and authorities as are necessary to perform its functions as stated herein and to promote and attain the objects of Bowls SA and Gauteng Bowls and, without in any way limiting the generality of the foregoing, the Exco shall have all such powers and authorities specifically mentioned hereunder.
- 9.2 These powers and authorities shall be exercised by the Provincial Council and/or the Exco in accordance with and subject to the provisions of this Constitution and the Act.
- 9.3 Any of these powers and authorities may be delegated to an Exco member or committee, whether a sub-committee of the Exco or a standing committee in terms of this Constitution, for a specific purpose.
- 9.4 Without in any way limiting the generality of the foregoing, the powers and authorities of Gauteng Bowls shall include those set out hereinafter, including:
 - 9.4.1 To acquire by purchase, exchange, lease, sub-lease, donation or otherwise movable and/or immovable property of any kind;
 - 9.4.2 To sell, let, mortgage, dispose of, give in exchange, turn to account or otherwise deal with all or any part of the property or rights of the sport;
 - 9.4.3 To enter into lawful contracts of any and all kinds necessary to carry out, give effect to, or secure the objects of the sport;
 - 9.4.4 From time to time, in accordance with sound business and financial principles to, invest the funds of Gauteng Bowls in such property, assets or other security as may be deemed advisable;
 - 9.4.5 To employ, suspend or dismiss and remunerate employees, professional assistants and experts;
 - 9.4.6 Subject to the availability of funds, to arrange any allowances, gratuities and bonuses to employees or ex-employees of Gauteng Bowls, or the dependants of such persons;
 - 9.4.7 To support, subscribe or make donations to any charities or other institutions, clubs, societies and funds;

- 9.4.8 To pay all or any expenses incurred in connection with the promotion and functioning of Gauteng Bowls;
- 9.4.9 To invite the patronage of any person or persons as it may consider advisable;
- 9.4.10 To insure against losses, damage, risk and liability of all kinds;
- 9.4.11 To draw, make, accept, endorse, execute, negotiate and issue cheques, promissory notes, bills of exchange, warrants and other negotiable or transferable instruments and to make electronic fund transfers with the proviso that no cheque or promissory note drawn on behalf of Gauteng Bowls shall be valid unless signed in accordance with the mandate as provided by the Exco. The same restriction applies *mutatis mutandis* to electronic/Internet payments;
- 9.4.12 To promote and hold an interest in any trust, company or concern, for the purpose of acquiring all or any of the property and/or undertaking any of the liabilities of Gauteng Bowls;
- 9.4.13 To institute, conduct, defend, compound or abandon any legal proceedings by and against Gauteng Bowls, its officers, the Exco or otherwise, concerning the affairs of Gauteng Bowls, or the action of its Members, including the employment of attorneys and/or advocates and also compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against Gauteng Bowls;
- 9.4.14 To finance litigation and other legal costs, either in the name of Gauteng Bowls or by way of the imposition of a special levy on its Members;
- 9.4.15 To lawfully raise money to fund its ordinary operations, whether by subscription or levies, which are to be paid to Gauteng Bowls by the 1st day of February each year, based on the number of registered *bona fide* members registered on the 31st December. Such levies to be collected from its District Members, and/or any other associations or organisations which are affiliated directly or indirectly to Gauteng Bowls on behalf of Gauteng Bowls players, who are members of the bodies referred to above, as well as to obtain lawful funding from any other source, and to recover by legal process monies due by any of the above;
- 9.4.16 To solicit and accept donations, sponsorships, bequests, grants and contributions for the benefit of Gauteng Bowls from within as well as outside the borders of the Republic of South Africa;
- 9.4.17 To contribute or subscribe to bodies with aims similar to the aims of Gauteng Bowls;
- 9.4.18 To borrow or raise money and guarantee or otherwise secure the repayment thereof, including by means of a pledge or lien of its assets, and to invest monies upon security, both in such manner and upon such terms as it may think fit;
- 9.4.19 To make and pass rules, regulations, operating procedures, *modus operandi* and by-laws and to add to, repeal or alter such rules, regulations and by-laws, with or without penalties, for the carrying out, administration and implementation of this Constitution and the attainment of the objects of Gauteng Bowls provided always that such rules, regulations and by-laws are not in conflict with the rules, regulations, by-laws and strategic plans of Bowls SA;
- 9.4.20 To take such action as may be required to enforce, fully, sufficiently and effectively, all obligations of whatsoever nature and howsoever arising which may be owed to Gauteng Bowls by its District Members, former District Members or any other persons or body;
- 9.4.21 To associate, upon written approval from Bowls SA, with any State authority or any other foundation, institution, society, trust, entity or person having the same or similar objects to those of Bowls SA and/or Gauteng Bowls and to enter into any arrangements that may be conducive to the objects of Gauteng Bowls.
- 9.4.22 To, notwithstanding anything herein contained, record that:

- 9.4.22.1 Gauteng Bowls' income and property are not distributable to its Members or office bearers except as reasonable compensation for services rendered or upon dissolution in terms of this Constitution;
 - 9.4.22.2 Members or office bearers have no rights in the property or other assets of Gauteng Bowls solely by virtue of their being members or office bearers;
 - 9.4.22.3 Gauteng Bowls is a non-profit and public benefit organisation and shall not carry on any business, undertaking or trading activity, save to the extent permitted in terms of section 30 the Income Tax Act, 1962 as amended
 - 9.4.22.4 Gauteng Bowls shall not have any authority to contract or bind itself, on behalf of any District Member or individual;
 - 9.4.22.5 Gauteng Bowls shall not be liable for any debts or other liabilities, whether of a contractual or delictual basis, incurred by any District Member or individual;
 - 9.4.22.6 Gauteng Bowls' financial transactions shall be conducted by means of a banking account or banking accounts opened and maintained by the Treasurer at the direction of the Exco in writing and subject to audit by the appointed auditor(s) from time to time.
- 9.5 The Exco shall control all expenditure of the funds of Gauteng Bowls and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of Gauteng Bowls.
- 9.6 The Exco shall be entitled to make any and all by-laws or regulations necessary to promote the aims and objects of Gauteng Bowls and such by-laws and/or regulations shall be binding upon District Members.
- 9.7 In addition to the foregoing, the Exco shall:
- 9.7.1 Undertake and perform all such duties and functions as shall be decided by the Provincial Council in writing;
 - 9.7.2 Formulate written recommendations and resolutions for the consideration of the Provincial Council and prepare the agenda for Provincial Council meetings;
 - 9.7.3 Refer matters to the Judicial Bodies (e.g. the Disciplinary Committee, Appeal Committee, etc.) for investigation and arrange the convening of a disciplinary committee to conduct disciplinary proceedings in respect of:
 - 9.7.3.1 any infringement of this Constitution or the by-laws, rules or regulations, including the Code of Conduct of Bowls SA and/or Gauteng Bowls in force from time to time;
 - 9.7.3.2 the breach of any agreement between Gauteng Bowls and another contracting party falling under the jurisdiction of Gauteng Bowls;
 - 9.7.3.3 the violation of the Rules of the Game of Bowls;
 - 9.7.3.4 the enforcement of any sanctions imposed by the Disciplinary Committee.
- [For the purposes of this Constitution, all events and championships of whatsoever nature organised and/or run by Members Districts on behalf of Gauteng Bowls shall be deemed to be under the auspices of Gauteng Bowls.]
- 9.7.4 decide upon and resolve any dispute between any Members, bodies and/or clubs or persons who are members of such clubs;
 - 9.7.5 co-opt any person to the Exco as may be required to achieve the objects of Gauteng Bowls or fulfil any purpose incidental thereto;
 - 9.7.6 form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of Gauteng Bowls and, subject to this Constitution, by-laws, rules and regulations, delegate such of its powers to such sub-committees in writing as may be required;
 - 9.7.7 appoint special advisers and consultants, for any purposes, and terminate such appointment/s;

- 9.7.8 consider and make recommendations in writing to the Provincial Council in regard to any application for membership of Gauteng Bowls;
 - 9.7.9 decide upon the criteria for the award of Provincial Colours and appoint Provincial Selectors in writing for the selecting of teams to whom Colours may be awarded;
 - 9.7.10 ensure that full and proper books of accounts are kept in accordance with sound accounting principles;
 - 9.7.11 ensure that the said books of account and all records of Gauteng Bowl's finances and assets are duly audited each year as soon as is practicable after the financial year end of Gauteng Bowls which shall be 31 August of each year and ensure that annual financial statements are prepared for approval at the AGM;
 - 9.7.12 deal with any question or issue arising out of, relating to or incidental to, non-racism or racism, as described in Schedule One of Part One of the Rules and Regulations of Gauteng Bowls
 - 9.7.13 deal with any question or issue arising out of, relating to or incidental to non-sexism or discrimination on any grounds as referred to in this Constitution;
 - 9.7.14 address any question or issue or matter concerning or incidental to development including budgeting for and expenditure on development;
 - 9.7.15 decide any question, issue or matter relating to emblems or colours of Gauteng Bowls;
 - 9.7.16 decide any question or issue relating to the use of Gauteng Bowl's facilities and/or other facilities incidental thereto and/or the standard thereof;
 - 9.7.17 The Exco's jurisdiction shall not be limited to dealing with such matters as are referred to it but shall include the power and capacity to be pro-active and initiate; through its appointed bodies; such enquiries and/or take such steps as it may be deemed fit.
- 9.8 the Exco shall have the right and power to be pro-active and to take such steps as it may, to facilitate unity in the Province as the Exco may deem fit, to ensure that any difficulties or problems in the way of unity in any District Member shall be overcome.
 - 9.9 The Exco shall appoint in writing the Provincial Selectors for both the Men and the Women's Provincial teams when necessary.
 - 9.10 District Members and the players representative may submit nominations for the Men's and Women's Selection Committees, no later than 7 (Seven) days after the Annual General Meeting; which nomination must include a *curriculum vitae* of the nominee as well as the nominees' written confirmation of their availability for the Selection Committee, "**provided**" that, such nominees are not automatically appointed. It is recorded that as a function of the Exco, it must elect the most suitable persons to serve on the Selection Committees and therefore may request any other person to submit a *curriculum vitae* for consideration by the Exco, after which the Exco shall make the appointment in writing.

CHAPTER 3 – MEMBERSHIP OF GAUTENG BOWLS

10 CLASSIFICATION OF MEMBERSHIP

- 10.1 Gauteng Bowls consists of two categories of members, namely:
- 10.1.1 **District Bowls Associations** shall be the five District Members, namely Bowls Gauteng North, Ekurhuleni Bowls, Johannesburg Bowling Association, Sables Bowling Association and Sedibeng Bowls.
- 10.1.2 **Associate Member(s)** shall comprise those sport bodies of Gauteng Bowls and/or Bowls SA who:
- a. have made application and been accepted as Associate Members of Gauteng Bowls in writing;
 - b. are recognised as bodies specifically catering for their respective membership within a confined organisation and/or area, such as the South African Defence Force, Police Service, Tertiary Institutions and any other body duly accepted, **“provided”** that, these sport bodies shall not have any voting rights.
- 10.2 The right of each Member District to have one or more representative teams participate in the various events and championships which are held or staged under the auspices of Gauteng Bowls shall be determined by the Exco, which may vary such rights from time to time.
- 10.3 In matters of mutual interest, Gauteng Bowls and any of its Member’s Districts may, if the need arises, enter into a written agreement covering specific issues for the benefit of the sport and its participants.
- 10.4 The Provincial Council shall fix the subscriptions and levies payable by any of the Member Districts from time to time, including any special levy.
- 10.5 The jurisdiction of Gauteng Bowls shall be limited to the boundaries of the Province of Gauteng and such clubs as defined according to par. 7.3 above.
- 10.6 The Member Districts shall annually submit in writing to the Executive Council of Gauteng Bowls not less than 35 days before the Gauteng Bowls AGM
- 10.6.1 Proof of the democratic election of its own office bearers;
 - 10.6.2 A copy of its current Constitution (if changed);
 - 10.6.3 Audited financial statements for the previous year; and
 - 10.6.4 Plans and progress of an approved transformation policy.
- 10.7 All District Members must adopt and maintain a valid constitution that is fully aligned with this Constitution and the Constitution of Bowls SA.

11 PLAYERS’ REPRESENTATIVE

- 11.1 The Exco may, if they deem it necessary, appoint in writing a players representative/s who shall represent the interests of all active players. Such person/s shall be a fully affiliated member in good standing with Bowls SA and Gauteng Bowls.
- 11.2 The players representative/s shall annually submit, in writing, to the Secretary no less than 35 (Thirty Five) days before the Gauteng Bowl’s AGM written minutes of all previous meetings held by the players representative/s with players during the course of that particular year together with a list of participants at such meetings.

12 HONORARY LIFE MEMBERS

- 12.1 The Exco and District Members may, from time to time, nominate any individual who has rendered exceptionally meritorious service or outstanding and notable service over a long period of time, to Gauteng Bowls and/or in the promotion of the sport and whom it wishes to recognise and honour as an Honorary Life Member of Gauteng Bowls
- 12.2 Such nominations shall be circulated to Member Districts for approval. Member Districts shall indicate their acceptance or otherwise of such nominations. Subject to 80% (Eighty percent) acceptance, such nomination shall be presented to the Provincial Council for adoption at the next AGM. If adopted by the Provincial Council, such person shall become an Honorary Life Member and shall enjoy the rights and privileges namely to attend the AGM with the right to speak if invited to do so by the President, but with no right of vote, and to be a special guest of Gauteng Bowls or the organisers of any event or championship held under the auspices of Gauteng Bowls.
- 12.3 The names of all Honorary Life Members of Gauteng Bowls shall be continuously displayed on the website of Gauteng Bowls.

13 PATRONS

- 13.1 The Exco may from time to time nominate, for a period not exceeding 4 (Four) years, any person whom Exco considers to be fit and desirable to be a Patron of Gauteng Bowls, which nomination shall be presented for acceptance at the next AGM and, if appointed by the Provincial Council, such person shall become a Patron of Gauteng Bowls for the time period nominated.
- 13.2 A person may be considered fit and desirable if he or she is a person of distinction or high profile with undeniable integrity and one who may lend his or her influential support to protect the interests and champion the cause of bowls in the Province of Gauteng.
- 13.3 Patrons shall enjoy the same rights and privileges as are enjoyed by Honorary Life Members together with such further rights and privileges as are decided upon by Exco from time to time.

14 PRESIDENT'S AWARD

- 14.1 The President of Gauteng Bowls will have the right and sole discretion, after consultation with the Exco, to present any member/player/participant/service provider with an appropriate award of recognition.
- 14.2 The award of recognition will be presented to any person or entity that has rendered exceptional service to Gauteng Bowls or the sport of Bowls in Gauteng, in any field, in the interests of and championing bowls in the Province of Gauteng or the Republic of South Africa.

15 LIMITATION OF LIABILITY AND INDEMNITY

- 15.1 Every Member District shall be jointly liable with all the other Members Districts for all expenditure incurred in connection with Gauteng Bowls, insofar as third parties are concerned, provided that such liability shall be limited to the sum of any monies then due and payable by such Member District to Gauteng Bowls, by way of subscription or otherwise, and any special levy imposed by the Exco, from time to time in writing.
- 15.2 The Patrons, the President, the Treasurer, all other members of the Exco, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of Gauteng Bowls, or on behalf of a Commission or Committee of Gauteng Bowls or Sub-Committee of the Exco, in terms of this Constitution and under original or delegated powers, shall be, and 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 Gauteng Bowls, from whatever cause arising, provided such person/s acted in good faith.

16 SUSPENSION AND TERMINATION OF MEMBERSHIP

- 16.1 Any Member of any classification which ceases to operate a viable structure as contemplated in this Constitution may be suspended from membership by the Exco. The Provincial Council shall decide at its next meeting or by means of postal vote whether the membership of such Member District should be terminated, further suspended for a fixed or an indefinite period of time or restored.
- 16.2 The Provincial Council shall take its decision by at least a two-third majority of its Members, excluding the representatives of the Member District concerned. The representatives of the Member concerned shall be entitled to make full representations to the Provincial Council prior to the voting on the resolution. For purposes of clarity, such Member may not be represented by an attorney or advocate except if such attorney or advocate is an active player from that Member District and in good standing with the Member.
- 16.3 A decision to suspend or terminate a Member's membership shall *inter alia* consider whether:
- 16.3.1 whether the structures of the Member concerned are viable;
 - 16.3.2 whether it meets its obligations in terms of its own constitution and this Constitution;
 - 16.3.3 whether it has failed to pay its required fees;
 - 16.3.4 whether it refuses to comply with the decisions of the Provincial Council;
 - 16.3.5 whether it has sufficient resolve for the development of the sport in its area;
 - 16.3.6 whether its office bearers are individually registered with Bowls SA;
 - 16.3.7 whether the Member concerned works harmoniously with Gauteng Bowls and/or Bowls SA and other Members towards the expansion of the sport in South Africa.
- 16.4 Any Member District may, at any time, tender their resignation from Gauteng Bowls. Such member must give written notice by not later than 31 August of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to Gauteng Bowls as at the date of their resignation.

17 REGISTRATION OF PLAYERS/PARTICIPANTS AND OTHER INDIVIDUALS

- 17.1 Players in any event held under the auspices of Gauteng Bowls must be registered at Bowls SA as prescribed by Bowls SA from time to time.
- 17.2 The Exco may, subject to written permission from Bowls SA, allow foreign based players to participate in such events, provided that such foreign based players are registered members of a body affiliated to the IF.

CHAPTER 4 – PROVINCIAL COUNCIL

18 PROVINCIAL COUNCIL

- 18.1 Subject to the terms of this Constitution, the Provincial Council shall be the highest authority of Gauteng Bowls and shall approve the policies and budgets of the Exco and give directives as they deem appropriate, to the Exco.
- 18.2 The Provincial Council shall meet annually during October which will constitute as the AGM.
- 18.3 The AGM of the Provincial Council shall be held on such date and time and at such place as the Exco shall determine.
- 18.4 Without limiting the generality of the above, the Provincial Council shall have the following specific functions and powers:
 - 18.4.1 To ratify or amend the rules, policies, by-laws and regulations as formulated by the Exco;
 - 18.4.2 To fix conditions and fees for membership of Gauteng Bowls;
 - 18.4.3 To consider and approve or reject applications for membership of Gauteng Bowls and to deal with the conduct of Members Districts and registered individuals at all levels, including expulsion from membership and cancellation of registration;

19 ANNUAL GENERAL MEETING ("AGM")

- 19.1 An AGM shall be held once in every year.
- 19.2 Subject to the provisions of clause 18.2 and 19.1 the Exco shall decide the date, time and place on which each AGM shall be held.
- 19.3 The following persons shall be entitled to attend and be allowed to speak at the AGM:
 - 19.3.1 Not more than 2 (Two) representatives of each of the Districts, the Players Representative and 1 (One) representative of each Associate Member;
 - 19.3.2 Patrons;
 - 19.3.3 Honorary Life Members;
 - 19.3.4 A representative of the Auditors of Gauteng Bowls;
 - 19.3.5 A representative of any Technical Committee(s) of Gauteng Bowls;
 - 19.3.6 Any other person who may be invited to do so;
 - 19.3.7 A representative of Bowls SA;
 - 19.3.8 Players and other individuals on invitation from the Chairperson.
- 19.4 The business to be transacted at an AGM shall be to:
 - 19.4.1 Read the notice convening the Meeting;
 - 19.4.2 Read and confirm the Minutes of the previous AGM and SGM and to consider any matters arising there from;
 - 19.4.3 Receive, and consider, the Annual Report of the President, for the period since the date of the previous AGM;
 - 19.4.4 Receive, and consider, the Financial report and to adopt with or without modification, the audited Annual Financial Statements for the period since the date of the previous AGM, provided that if not so adopted the Annual Financial Statements shall stand for consideration and adoption, with or without modification, or rejection by the Provincial Council at its following meeting or by the Exco in terms of the decision of the AGM;
 - 19.4.5 Appoint the auditors of Gauteng Bowls to hold office until the next AGM;
 - 19.4.6 Receive, and consider, the Annual Report;
 - 19.4.7 Receive, and consider and to adopt with or without modification, or to reject any recommendations of the Exco;

- 19.4.8 Consider all nominations by the Exco of persons to be Patrons or Honorary Life Members and to accept or to reject any such nomination;
 - 19.4.9 Discuss and consider any further matters of which notice has been given;
 - 19.4.10 Ratify the appointment of such bodies, as determined by the Exco in terms of this Constitution, for the period under review;
 - 19.4.11 Consider and adopt, with or without modification, or reject, the budget for the ensuing year which shall have been prepared and recommended by the Exco;
 - 19.4.12 Consider and adopt, with or without modification, the proposed event calendar for the next calendar year.
- 19.5 Written notice of the AGM, together with copies of the Agenda for that AGM, the Annual Financial Statements for the financial year preceding the date of the AGM, shall be sent to all the Member Districts, Exco members, Patrons and Honorary Life Members not less than 14 (Fourteen) days prior to the date of the AGM and shall include the agenda for the meeting; provided that the Financial Statements may be distributed at a later date closer to the AGM with permission of the Exco.
- 19.6 Not less than 30 (Thirty) days or an alternative time line as determined by Gauteng Bowls in writing, prior to the date of any AGM, any Member District may submit written notice of any motion which it requires the Provincial Council to vote on, and/or written notice of any person it requests to address the Provincial Council.
- 19.7 No business shall be discussed at the AGM that is not included in the Agenda.

20 SPECIAL GENERAL MEETING ("SGM")

- 20.1 An SGM of Members shall be convened:
- 20.1.1 By resolution of the Exco;
 - 20.1.2 Upon the written requisition of not less than 2 (two) District Members, addressed and sent to the Secretary, which written requisition shall state the exclusive purpose for which the SGM is to be called and the text of the motion to be put to the meeting.
- 20.2 Within 14 (Fourteen) days after receipt of the resolution or requisition, the Executive shall send written notification to all Members, which notice shall specify the date, time and place of the SGM, (which date, time and place shall have been determined by the Exco in writing) provided that the date shall not be more than 21 (Twenty-one) days and not less than 7 (Seven) days after the date of sending of the notice, together with written notification of the purpose of and measures to be transacted at the SGM and the text of the motions to be put to and considered by the meeting.
- 20.3 No business other than that stated in the notification shall be transacted at the SGM.
- 20.4 Only the persons referred to in clause 19.3.1 and such other persons invited by the Chairperson shall be entitled to attend and speak at SGM's.

21 REPRESENTATION AND VOTING RIGHTS

- 21.1 Each District Member shall be entitled to nominate a maximum of 2 (Two) representatives, the Players representative 1 (One), whilst an Associate Member will be entitled to nominate 1 (One) representative to attend at any general meeting of the Provincial Council.
- 21.2 Council Members shall have the following voting rights in respect of any and all meetings of the Provincial Council:

- 21.2.1 District Bowls Associations shall have one vote plus one additional vote for each complete five hundred of its registered affiliated members **(excluding scholars)**. Such determination of membership numbers and hence voting strength will be as per those recorded on the database as administered by Bowls South Africa as at 31st August (Financial Year end);
- 21.2.2 The Exco shall, 30 (Thirty) days prior to any meeting, publish details of voting rights. Member Districts who wish to challenge the validity of such numbers shall have 15 (Fifteen) days within the publication of such details to lodge an objection in writing.
- 21.3 Only representatives of District Members who are personally present at the meeting concerned shall be allowed to exercise the right to vote, **“provided”** that, such member shall have the right to the number of votes as determined under paragraph 21.2.1
- 21.4 No proxy votes will be allowed.
- 21.5 In all matters subject to voting, determination of the outcome shall be based on the total votes available as set out in paragraph 21.2.1 and not on the number of members of the Provincial council present at such meeting.

22 GENERAL PROVISIONS RELATING TO COUNCIL MEETINGS

- 22.1 AGM's and SGM's shall, subject to the terms of this Constitution, be held at such date, time and place as shall be decided by the Exco.
- 22.2 The chairperson of any AGM or SGM shall be the President, or, in his or her absence such other person as shall be elected for that purpose by the representatives of District Members present at the Meeting, who are entitled to vote.
- 22.3 A quorum shall consist of 50% (Fifty per centum) plus 1 (One) of the total number of District Members entitled to vote.
- 22.4 If a quorum shall not be present at the place of the meeting within 30 (Thirty) minutes after the time set for commencement of the meeting, or if sufficient representatives of Members do not remain present to constitute a quorum until the proceedings have been duly declared to have been concluded by the President, the meeting, if convened upon the requisition of District Members, shall be dissolved.
- 22.5 In any other case, where a quorum is not present, it shall stand adjourned to a date not earlier than 5 (Five) working days and not later than 15 (Fifteen) working days after the date of that meeting, and, at such adjourned meeting, the representatives of District Members present and entitled to vote, shall constitute a quorum and may transact the business of that meeting.
- 22.6 Where a meeting has been adjourned as aforesaid, the Secretary shall, upon a date not later than 3 (Three) working days after the adjournment, disseminate a written notice to each Member, which notice shall have been settled by the Exco, stating:
- 22.6.1 the date, time and place to which the meeting is adjourned;
- 22.6.2 the matter before the meeting, when it was adjourned;
- 22.6.3 the ground for the adjournment.
- 22.7 Voting shall be on a show of hands unless a poll is demanded by representatives of not less than 40% (Forty per centum) of the votes available to District Members represented and entitled to vote.
- 22.8 Where a poll has been requested, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.

CHAPTER 5: EXECUTIVE COMMITTEE

23 THE EXCO

- 23.1 The Executive Committee of Gauteng Bowls ("Exco") shall consist of two representatives from each of the Member Districts as nominated by the Member Districts. In accordance with 23.7 below the Exco may co-opt such additional members as may be required from time to time. The period of co-option shall not extend beyond the AGM immediately following the co-option.
- 23.2 The Exco shall, subject to the provisions of para. 23.3, at its first meeting elect the following office bearers from the members of the Exco:
- 23.2.1 The President;
 - 23.2.2 The Secretary; and
 - 23.2.3 The Treasurer.
- 23.3 The Exco may, in its own discretion, decide to appoint a secretary and/or treasurer who are not members of the Exco, provided that such appointees will have no vote.
- 23.4 The District Members will seek to enforce the principles of gender and racial equality when nominating the members of the Exco; who will as a minimum requirement, consist of at least 1 (One) member of the opposite gender and race. Non-compliance with this provision will only be accepted and enforced where no member of the opposite gender or race has been nominated for any position on the Exco.
- 23.5 The term of office for a President shall be no longer than 3 (Three) consecutive years. Exco can prevail upon the incumbents to remain for a further period of 1 (One) year at a time. Such period shall be based on the date on which such person commenced service in such office irrespective of the date upon which this Constitution is adopted.
- 23.6 No person may serve on the Exco for more than a total of 12 (Twelve) years, which total will be calculated from the date the person commenced with office, from the date upon which this Constitution is adopted.
- 23.7 The Exco may co-opt other individuals as members for short-term and project-orientated appointments in order to discharge specific functions "**provided**" that, no co-opted member shall have a vote and provided further that although the predominant criterion for co-option shall always be merit, the Exco shall, as far as possible, seek to preserve a balance of gender representation.
- 23.8 The Exco shall be responsible *inter alia* the following duties:
- 23.8.1 The administrative and financial functions of Gauteng Bowls;
 - 23.8.2 Deal with any matters referred to it by the Provincial Council and shall report the outcomes thereof to the Provincial Council;
 - 23.8.3 Decide on the executive structures and administrative procedures of Gauteng Bowls as may be required from time to time;
 - 23.8.4 Control and oversee the work of its own management committee, as well as the work of all Commissions and Technical Committees and to ratify all their decisions of a major nature;
 - 23.8.5 Abide by the Constitution at all times;
 - 23.8.6 Manage the financial affairs of Gauteng Bowls within the parameters of the financial budget as approved by the Provincial Council;
 - 23.8.7 Consider, deal with and adjudicate upon all matters, which may be submitted to Gauteng Bowls by its Members or affiliates.

23.8.8 The Exco may appoint an independent Ethics Committee and the Exco shall delegate to it the power to deal with all disciplinary matters relating to the Membership and/or their individual members. The Ethics Committee may receive complaints for investigation and disciplinary action on referral from the Exco. Complaints must be directed directly to the convener of the Ethics Committee, from any Exco member, District Member, Club, Commission or Committee.

23.9 No member of the Exco shall be entitled to any remuneration, but all members of the Exco shall be entitled to be refunded any disbursement or expense incurred by any such member in fulfilling any duties or functions as required of them.

24 MEETINGS

24.1 Members of the Exco shall vote on all resolutions by a show of hands.

24.2 Members of the Exco shall, other than stipulated to the contrary herein, decide on all matters by a simple majority vote.

24.3 The members of the Exco shall have 1 (One) vote per district represented, and the Chairperson of any meeting of the Exco shall have a casting vote, in the event of an equality of votes.

24.4 The chairperson of any meeting of the Exco shall be the President, or in the president's absence such other Member of the Exco as shall have been appointed at that meeting by the Members of the Exco present and entitled to vote.

24.5 The Exco shall meet not less than 4 (Four) times per annum.

24.6 A quorum of members of the Exco shall consist of nominees of not less than 3 (three) District Members. If there is not a quorum present at the appointed time and place for any meeting of the Exco or if there is not a quorum present during the whole of the meeting until proceedings have been duly concluded and declared by the chairperson of that meeting to have been concluded, such meeting shall stand adjourned until a date, time and place to be determined by those members of the Exco who are present at that meeting provided that such date shall not be more than 10 (Ten) working days after such meeting, and, at such adjourned meeting, those members of the Exco present shall constitute a quorum and may transact the business of that meeting.

24.7 The Exco shall, by such means as is most expedient and by such means as appears most appropriate in the circumstances, inform those members of the Exco who were not present at the meeting of the date, time and place to which the meeting has been adjourned.

24.8 The Secretary shall send to all District Members and to all members of the Exco:

24.8.1 Written notification of all meetings of the Exco and the proposed Agenda at least 14 (Fourteen) days prior to the date of the proposed meeting;

24.8.2 Copies of the minutes and resolutions of all meetings of the Exco, within 14 (Fourteen) days after the date of the relevant meeting;

24.8.3 Minutes of Executive meetings, excluding confidential matters, shall contain sufficient material information so as to inform the District Members of issues discussed and decisions made. In the event of any uncertainty or lack of clarity over matters contained in the minutes, District Members may seek written explanation thereof within 14 (Fourteen) days of receipt of such minutes;

24.8.4 Written notification of all meetings of the Provincial Council and the Agenda, in the stipulated time period prior to the date of the proposed meeting;

24.8.5 Copies of the minutes and resolutions of all meetings of the Provincial Council (AGM's and SGM's), within 15 (Fifteen) working days after the date of the relevant meeting.

24.9 The Exco may, at their discretion, invite such parties as they consider appropriate to attend Exco meetings.

25 APPOINTMENT OF OFFICIALS

- 25.1 The Players representative shall be appointed by the Exco if Exco decides it appropriate.
- 25.2 The Head Coach shall be appointed by Exco when they deem such appointment prudent. The Exco may terminate the appointment of Head Coach upon approval by simple majority of the members of the Exco. This appointee shall be afforded a reasonable opportunity to make representations to the Exco before the Exco makes its decision, provided that such representations will be made personally.
- 25.3 If sufficient cause exists, decided by the Exco by at least a simple majority vote, a formal request for the replacement of the Players representative may be presented to the Exco for consideration.
- 25.4 The Exco shall attend to fill any vacancy which may occur during the terms of any of the Head Coach, Selectors or members of any Standing committee.

CHAPTER 6 – COMMITTEES

26 MANAGEMENT COMMITTEE

- 26.1 The Exco may appoint a Management Committee (“Mancom”), comprising of the President and up to four Exco members. Not more than one representative of any District Member may serve on the Mancom. The Mancom shall meet as often as is necessary, in the view of the President, to effectively discharge its duties. These meetings may take place in person or by any electronic means.
- 26.2 The President shall chair any Mancom meeting.
- 26.3 The Mancom will function as the decision-making body around urgent matters, shall be empowered to take decisions and to immediately undertake any action required by given events
- 26.4 The President may call on any member of Exco to attend a Mancom meeting.
- 26.5 The minutes of the Mancom meetings must be distributed to all members of the Exco within 10 (Ten) working days after the date of the relevant meeting by the Secretary.

27 TECHNICAL COMMITTEES

- 27.1 In recognition thereof that various aspects of the duties performed by Gauteng Bowls require specific expertise or experience for the most effective discharge of those duties, the following standing committees may be established:
 - 27.1.1 Judicial Committee;
 - 27.1.2 Provincial Selections Committee;
 - 27.1.3 Provincial Academy;
 - 27.1.4 Provincial Standing Committee for Coaches;
 - 27.1.5 Provincial Standing Committee for Technical Officials;
 - 27.1.6 Provincial Standing Committee for Green keepers;
 - 27.1.7 Provincial Standing Committee for Disabled Participants;
 - 27.1.8 Provincial Standing Committee for Transformation and Women in Sport;
 - 27.1.9 Provincial Standing Committee for Membership and Marketing;
 - 27.1.10 Ad hoc sub-committee, for a specific purpose and period, to be so decided, to facilitate in discharging its duties as contained herein, which may include but not limited to grievance committees and event organisers.
- 27.2 The Exco shall determine the terms of reference for all such committee appointments.
- 27.3 The convenors and membership of each Committee (if established) shall be decided by the Exco at the first meeting subsequent to the appointment of such committee.
- 27.4 The Provincial Selectors Committees report to the Exco.
- 27.5 The Disciplinary, Ethics and Appeals Committees shall ideally be appointed from independent service providers and in accordance with specific needs as determined from time to time.
- 27.6 The roles and responsibilities of Committee Members for each committee, shall be defined in **Part 2 of the Rules and Regulations** of Gauteng Bowls
- 27.7 Each Committee shall, subject to the provisions of this Constitution the by-laws, operating procedures and rules and regulations of Gauteng Bowls, perform such duties and functions as are delegated to it by the Exco in writing.
- 27.8 Except for the Disciplinary and Appeals committees, the powers and functions of all other Committees shall be as set out in the by-laws, operating procedures, rules and regulations of Gauteng Bowls, provided that the Exco may, by resolution, add to or subtract there from.

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- 27.9 Each District Member may nominate individuals to serve on the various Technical Committees. Notification calling for such nominations shall be submitted in writing to District Members 30 (Thirty) days prior to the intended appointment.
- 27.10 It shall remain competent for the Exco to seek candidates outside of those submitted under clause 27.9 and these candidates shall be part of final adjudication on appointment.
- 27.11 Persons so appointed shall remain in their positions until such time as the Exco or individual determines otherwise. Such person shall confirm in writing annually their acceptance of such position.
- 27.12 The Exco may, for a specific purpose and period, to be so decided, form an *ad hoc* committee to facilitate in discharging its duties as contained herein, which may include a grievance committee.

CHAPTER 7 – GENERAL

28 RULES, REGULATIONS, PROCEDUES AND BY-LAWS

- 28.1 The Exco shall formulate and publish the rules, regulations, operating procedures, *modus operandi* and by-laws (“the Rules”) in force from time to time in accordance with which the affairs of Gauteng Bowls will be conducted. A copy of the Rules in force at any time shall be kept by the Secretary and made available, upon request, to any District Member, player or other individual.
- 28.2 The Rules shall include, but not be limited to, the following:
- 28.2.1 Gauteng Bowls selection criteria;
 - 28.2.2 Gauteng Bowls code of conduct for office bearers (including a disciplinary procedure);
 - 28.2.3 Gauteng Bowls code of conduct for players and other registered individuals (including a disciplinary procedure);
 - 28.2.4 Gauteng Bowls grievance procedure;
 - 28.2.5 The Ethics Code;
 - 28.2.6 The Disciplinary and Appeal Procedures.
- 28.3 Substitution and amendment of the Rules will be affected by the Exco upon approval by at least a two-thirds majority of the members of the Exco.
- 28.4 The Rules and Regulations, although attached to this Constitution for ease of reference, are not a provision of this Constitution and are to be updated/confirmed each year by the Executive.

29 COLOURS OF GAUTENG BOWLS

- 29.1 The Exco may from time to time determine the conditions pertaining to the granting and wearing of official colours and blazers by players or officials, having due regard for the Rules and Procedures applicable to the Award of Provincial Colours issued by the authorities from time to time. Only players selected to represent the Province of Gauteng in any fixtures and the appointed coach/manager shall be entitled to wear official colours.
- 29.2 Such conditions and colours will be lodged with Bowls SA and subject to their written approval.

30 EMBLEM

The emblem shall be in accordance with the registered design.

31 BADGE

The Badge shall be in accordance with the registered design as approved

32 AWARD OF COLOURS

Guidelines and criteria for the awarding of colours shall be stipulated in the by-laws of Gauteng Bowls.

33 FINANCE

- 33.1 The financial year of Gauteng Bowls is the 12 (Twelve) month period commencing on 1 September in one year and ending on 31 August of the following year.
- 33.2 The Finance Committee shall be chaired by the Executive member responsible for finance.
- 33.3 The Finance Committee shall prepare an annual budget for the ensuing year to be presented and approved at the first general meeting of the Provincial Council each year.
- 33.4 The Exco shall be responsible for monitoring the financial accounts of tournaments organised by District Members on behalf of Gauteng Bowls.
- 33.5 The Exco shall act as a trustee of the trust funds received by or allocated to Gauteng Bowls.

34 JUDICIAL COMMITTEES

- 34.1 The Executive shall appoint members of the Legal Committee, Disciplinary Committee, Ethics Committee and the Appeals Committee as is required from time to time and delegate such powers to these committees as contained herein.
- 34.2 The powers of the Legal Committee will include the following:
 - 34.2.1 To assist Gauteng Bowls with legal advice;
 - 34.2.2 To set up and continuously update a Code of Conduct for both participants and management, adopted by Provincial Council;
 - 34.2.3 To set up and continuously update the Grievances Procedures, adopted by Provincial Council;
 - 34.2.4 To advise Gauteng Bowls on any internal appeals against any decision of the Ethics Committee;
 - 34.2.5 To advise Gauteng Bowls on any internal appeals against any decision of the Grievances Committee;
 - 34.2.6 To advise Gauteng Bowls on any internal appeals against any decision of the Provincial Selection Committee;
 - 34.2.7 To advise Gauteng Bowls on any decision of a District Member which concerns an Ethics, Grievances or Selections matter;
 - 34.2.8 To adjudicate, mediate and arbitrate upon other legal matters in so far as the hearing thereof conforms to the application of the Rules of Natural Justice.
- 34.3 The duties of the Disciplinary Committee will be to attend to disciplinary hearings in matters referred to it by the Ethics Committee. The powers of the Disciplinary Committee are stipulated in **Part 2 of the Rules and Regulations**; attached hereto.
- 34.4 The Appeals Committee shall comprise of 3 (Three) members of which at least one should ideally have a legal background.
 - 34.4.1 The Appeals Committee will be responsible for attending to appeals lodged by any party to a disciplinary procedure and who remains unsatisfied by the Disciplinary Committee's recommendations.
 - 34.4.2 The Appeals Committee may confirm, vary or dismiss a finding of the Disciplinary Committee, but only to the extent contained in **Part 2 of the Rules and Regulations**.
- 34.5 Every member of the Appeals Committee shall have 1 (One) vote each at their meetings and hearings.
- 34.6 Any party aggrieved by a decision of the Appeals Committee may refer the matter to Gauteng Bowls for its final determination provided the leave of the Appeals Committee is first sought and obtained within a period of 21 (Twenty-one) days. The Appeals Committee shall grant the necessary discretionary leave if the matter is of great importance to the parties concerned and the referral sought is not judged frivolous or vexatious.

- 34.7 In the absence of a referral to Gauteng Bowls the decision of the Appeals Committee shall be final and binding.
- 34.8 No matter may be referred to Gauteng Bowls until such time as all internal grievance procedures within Gauteng Bowls, have been exhausted.

35 DISPUTE RESOLUTION

- 35.1 Any dispute arising out of, or, in connection with, the enforceability of this Constitution, the application and interpretation of the provisions thereof, any dispute between members of the Exco, between the Exco and a District Member, or between the Exco or an Exco member and an individual (but excluding disputes concerning an Ethics, Grievances or Selection matter) shall be referred to Bowls SA or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration in terms of the procedure for the resolution of disputes in sport.
- 35.2 In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute inclusive of any monetary dispute or costs to be paid by any of the parties as determined by the arbitrator.
- 35.3 In recognition of the desire to resolve all disputes in the sporting fraternity as amicably and effectively as possible, it is required of all District Members of Gauteng Bowls to incorporate in their constitutions (and to include in any agreements they may enter into) a dispute resolution clause in terms substantially the same as the above provisions of this Constitution, specifically providing for the resolution of disputes through the mechanisms provided.
- 35.4 Recourse to any Civil Court with the necessary jurisdiction shall be limited to purposes of obtaining urgent interdictory relief or the disregard for the laws of natural justice. In all other instances any disputes to be decided according to the dispute resolution processes provided for in this Constitution and no party will have the right to approach a Court, except for the relief stipulated herein.
- 35.5 In the event of any dispute between a registered player and a Club or District Member, which within a period of 30 (Thirty) days after having been requested in writing to reply to such query, the Club or District Member have provided no resolution, the individual has the right to refer such matter to the Exco who shall refer such matter to the Ethics Committee. The Exco reserves the right to charge such fee as considered appropriate to deal with the matter.

36 NOTIFICATION

For the purposes of this Constitution, all notifications by Gauteng Bowls to any person or any District Member, Honorary Life Member or Patron shall, unless delivered by hand, be effective from the date of sending by post, and/or by fax, and/or by electronic mail to the last known postal or fax or e-mail address, or delivery by hand, as the case may be, of the addressee, by any official of Gauteng Bowls. All notifications to Gauteng Bowls by any person (natural, corporate or otherwise) or any District Member, Honorary Life Member or Patron shall only be effective from the date of receipt thereof by the Secretary. In no respects shall any postal authority be, or be deemed to be, the agent of Gauteng Bowls.

37 ALTERATION OR VARIATION OF THIS CONSTITUTION

This Constitution may be altered or varied, at any time, by the District Members in General Meeting, upon a majority vote of not less than two-thirds of the total votes available to all Members at that time, regardless if the Members are represented at such Meeting or not, **“provided”** that, not less than 90 (Ninety) days written notification of such Meeting, together with a copy of a proposed resolution/s shall have been given to all Members.

38 DISSOLUTION OR WINDING UP OF GAUTENG BOWLS

- 38.1 Gauteng Bowls may be dissolved or wound-up at any time by the District Members in a General Meeting, upon a majority vote of not less than 75% (Seventy-five per centum) of the total votes available to all District Members at that time, regardless if the District Members are represented at such Meeting or not, provided that not less than 45 (Forty-five) working days written notification of such Meeting and of any resolution aimed at dissolving or winding-up Gauteng Bowls shall have been given to all District Members.
- 38.2 Upon dissolution or winding up of Gauteng Bowls, all the property and assets of Gauteng Bowls, after payment of all monies owing to any third parties, shall be transferred free of compensation to any other Association/s or Organisation/s having objects similar to Gauteng Bowls, at the discretion of the Members.
- 38.3 In case of doubt of the strict meaning of any article of the Constitution, By-Laws, Modus Operandi, Conditions of Play or Laws of Bowls, the interpretation of the Exco shall be binding on all concerned, until the next AGM, when, if so desired, the matter may be referred to the Provincial Council.
- 38.4 Where there is a requirement in this Constitution that a fraction or percentage of votes is required, any resultant fractions or decimals shall be rounded up to the next whole number.

This Constitution was unanimously adopted by the Membership present at a Meeting held via ZOOM on the 30th day of May 2020



PRESIDENT



SECRETARY

GAUTENG BOWLS– RULES AND REGULATIONS

PART ONE

SCHEDULE ONE – NON-RACIALISM

1. The principle of non-racialism is recognised and accepted by Gauteng Bowls. By this it is meant, broadly, that race should not be, and may not be, a basis of discriminating against or affording privilege to any person or group of persons. (Note: In this document all references to "race" must be taken to include a reference to ethnicity and nationality).
2. It follows from this that no Member District may have any provision in its constitution which has the effect of barring membership on the grounds of race.
3. A provision in a constitution which though not worded in racial terms none the less is calculated to discriminate on grounds of race and which would have the effect of discriminating on grounds of race shall be regarded as an infringement of para.2 above.
4. The principle of non-racialism also demands that all clubs, affiliated to Member Districts and Member Districts shall, when the situation legitimately requires it, make all their facilities available to persons other than their members on an equal basis irrespective of the race, ethnicity or nationality of such persons. (e.g. when hosting an event and such non-members are legitimately at the premises of the club or other body in connection therewith).
5. The fundamental rights of freedom of association and freedom of disassociation are recognised by Gauteng Bowls. It is also recognised that these rights are fundamental to the formation of and existence of the private club which is the basic building block of a national or provincial sports controlling body.
6. There is inherently a potential conflict between the rights referred to in para. 5 above, and the principle of non-racialism referred to in para. 1, and it is considered desirable to indicate how such potential conflicts are to be resolved.
7. The following are suggested guidelines as to how to reconcile these principles in practice:
 - 7.1 A constitution which admits any person to membership except persons of any particular racial or ethnic group shall be regarded as infringing the principles of non-racialism and shall not be regarded as a valid exercise of the rights of freedom of association/disassociation (Cf. para. 2 above).
 - 7.2 A constitution may limit its membership to persons who fulfil certain criteria notwithstanding that the result thereof is that its members in fact consist only of one or more racial groups: Provided that those criteria are not racist in their terms or in their intended effect, e.g. a club which restricts its membership to persons who attend a certain school shall not be regarded as infringing the principle of non-racialism even though *de facto* its members may, as a result, come from a certain racial group only. Other examples of the application of this principle are clubs whose membership is limited to persons of a particular vocation or of a particular religious movement.
8. Under no circumstances shall an infringement of para. 4 above be tolerated or permitted on the grounds that it constitutes an exercise by the club or affiliated body concerned of its rights of freedom of association and/or disassociation.
9. The existence of the so-called "ethnic" clubs are perceived to be problematical and require deeper analysis:
 - 9.1. Various such clubs exist at the moment e.g. the Greek Club, the Italian Club, the German Club and so on. The existence of such clubs is a well-established and recognised phenomenon in the countries of the United Kingdom, Western Europe and the U.S.A. It is clear that such clubs are not the result of the policy of apartheid, but arise from the desire of peoples of different origins and cultures to group together to enjoy and foster their own cultural traditions.

- 9.2. What is said below is a discussion in general terms and is not a reference to any one or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the **bona fide** purpose of catering for the cultural needs, aspirations or interests of the particular ethnic group which it serves. There does not appear to be any ulterior racial motive.
- 9.3. If the constitution of such a club were to restrict its membership to persons of a particular ethnic group (or race or nationality), it would by implication, be excluding persons from all other ethnic groups/races/nationalities from membership.
Prima facie this would be an infringement of para. 2 above. The question which has to be decided is whether, in these circumstances, this constitutes a valid exercise of the rights of freedom of association and disassociation, notwithstanding that it amounts to an infringement of para. 2, above also para. 7.1 above. It is considered that this would not be acceptable and that any club having a constitution along those lines would not be eligible for membership of the national body or any provincial body.
- 9.4. By contrast, however, a club which had as its main object the promotion, advancement, propagation etc. of the culture, traditions etc. of any particular race or nationality, but which did not seek to exclude or limit membership on those grounds would be regarded as legitimate and would be eligible for membership.
10. The principles and guidelines set out above with regard to non-racialism shall apply equally in respect of religion and discrimination on the grounds of a person's religious beliefs.

SCHEDULE TWO – AFFILIATES TO GAUTENG BOWLS

Eligibility requirements for District Bowls Associations to be recognised District Members of Gauteng Bowls

1. The objectives clause of the constitution of a District Bowls Association and Associate Members of Gauteng Bowls, seeking membership, must include provisions that are identical to or substantially the same as clause Eight (as may be applicable) of the Constitution of Gauteng Bowls and shall provide that such Association and Associate Member shall encourage, promote, develop and administer the Sport of Bowls within the area of its jurisdiction in accordance with sound business principles.
2. There must be provisions in the constitution of each District Association seeking membership as a District Member and of each Associate Member of Gauteng Bowls, stipulating that:
 - 2.1. the Association recognises and adopts Schedule One – Non-racialism of this Constitution.
 - 2.2. the Association recognises and adopts the Gauteng Bowls Code of Conduct and all such Policies as deemed necessary from time to time.
 - 2.3. the Association may not become a member or affiliate to any other body without the prior written consent of the Exco of Gauteng Bowls; and
 - 2.4. the Association may not authorise, send or sanction any team to go on a tour outside the boundaries of the Republic of South Africa, or invite international players to participate in any Provincial, District or Club tournaments within their jurisdiction, without having first obtained the written consent of the Exco of Bowls SA.
3. Any dispute as to whether the foregoing requirements have been complied with shall be referred to the Ethics Committee whose decision shall be final and binding.

SCHEDULE THREE – APPLICATION OF PROVISIONS OF SECTION 30 (1) OF THE INCOME TAX ACT, 1962 (HEREINAFTER REFERRED TO AS ‘THE ACT’)

The following provisions contained in section 30 (1) of the Act shall at all times apply and be adhered to while this Constitution is in operation.

1. The sole object of the Association is to carry on a public benefit activity which qualifies for purposes of Section 18A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner.
2. At least 85% of the Association’s activities shall be carried out in the Republic of South Africa.
3. At least 3 members who will accept fiduciary responsibilities and shall also not be connected persons to each other and no single person directly or indirectly controls the decision-making powers relating to the Association.
4. No funds shall be distributed to any person (other than in the course of an undertaking to contribute to any public benefit activity).
5. The Association’s funds shall be used solely for the objects for which it was established or shall be invested with registered financial institutions as defined in Section 1 of the Financial Institutions (Investment of Funds) Act, 1984, (Act No.39 of 1984) or in securities listed on a stock exchange as defined in the Stock Exchanges Control Act.
6. The Association shall not carry on any business undertaking or trading activities other than to the extent that:
 - 6.1 The gross income derived from such business undertaking or trading activity does not exceed the greater of R25,000 or 15% of the gross receipts of the Association;
 - 6.2 The undertaking or trading activity is:
 - 6.2.1 integral and directly related to the sole object of the Association;
 - 6.2.2 carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost, and
 - 6.2.3 which would not result in unfair competition in relation to taxable entities.
 - 6.3 The undertaking or trading activity, if not integral and directly related to the sole object of the Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation;
 - 6.4 The undertaking or trading activity is approved by the Minister by notice in the Gazette, having regard to:
 - 6.4.1 the scope and benevolent nature of the undertaking or trading activity;
 - 6.4.2 the direct connection and inter-relationship of the undertaking or trading activity with the sole purpose of the Association;
 - 6.4.3 the profitability of the undertaking or trading activity,
 - 6.4.4 the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or trading activity.
 - 6.5 any business undertaking, trading activity, or assets used in such undertaking or activity, acquired by the Association before 1 January 2001, shall be retained or continued as the case may be, in the form so acquired for a period of five years as the date on which it was acquired.
7. On the dissolution of the Association, the remaining assets shall be transferred to any similar public benefit organization, within the Republic of South Africa which has been approved in terms of Section 30 of the Act for the purposes as contemplated in Section 18A of the Act.

8. No donation shall be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in term of Section 18A of the Act; Provided that a donor (other than a donor which is an approved public benefit organization or an institution board or body which is exempt from tax in terms of section 10(1)(cA)(i), which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
9. A copy of all amendments to the Constitution must be submitted to the Commissioner for the South African Revenue Service.
10. No remuneration shall be paid to any employee, office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered.
11. The Association must submit the required Income Tax Returns annually together with the relevant supporting documents as required.
12. The Association must, within such period as the Commissioner may determine, register itself in terms of section 13(5) of the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997), and comply with any other requirements imposed in terms of the said Act, and
13. The Association shall not use its resources directly or indirectly to support, advance or oppose any political party.

PART TWO

Roles & Responsibilities of Disciplinary Committees

1. Disciplinary Committee:

1.1 The Disciplinary committee may impose the following penalties insofar as any present or former Member District, Club presently or formerly affiliated to a District Member, current bowls player, technical official, committee member, coach, team manager and event organiser are, amongst others, concerned:

- 1.1.1. A fine; up to a maximum of R5000.00;
- 1.1.2. Suspension up to maximum of 2 years;
- 1.1.3. A ban up to a maximum of a life time;
- 1.1.4. Forfeiture of any Provincial Colours;
- 1.1.5. A warning on such terms and conditions as it deems fit;
- 1.1.6. A reprimand in writing or orally;
- 1.1.7. A suspended sentence of any of the above.

1.2 The Disciplinary Committee must

- 1.2.1 ensure that all penalties which it has imposed in terms of **Part 2 of the Rules and Regulations** are properly, to its satisfaction, sufficiently and effectively executed, monitored and administered
- 1.2.2 implement at the written request of the Ethics Committee, any other disciplinary measures on any of the parties referred to in para.1.1 above that are:
 - a. connected or concerned with the sport of bowls
 - b. arising out of the contravention or breach of the provisions of this Constitution or any rule, regulation or by-law including the Code of Conduct of Gauteng Bowls in force at the relevant time, including any relevant and applicable provisions of SASCOC, SAIDS and the WADA and recover such by legal action or otherwise such fines or compulsory contributions or damages from the body or person concerned.