

# **SOUTH AFRICAN MASTERS SWIMMING**

**(SAMS)**

## **CONSTITUTION**

**2013**

(As confirmed at SAMS' AGM held on the 13<sup>th</sup> March 2013 in Port Elizabeth.)



## **SOUTH AFRICAN MASTERS SWIMMING (SAMS)**

### **CONSTITUTION**

In this constitution, words importing the masculine gender shall include the feminine, words in the plural shall include the singular and words in the singular shall include the plural.

#### **1. TITLE AND BADGE/LOGO**

- 1.1. The national governing body for masters swimming in South Africa shall be known as SOUTH AFRICAN MASTERS SWIMMING (hereinafter referred to as SAMS).
- 1.2. The badge/logo of SAMS shall be a stylised swimmer in front crawl stroke with shadow accompanied by words "SOUTH AFRICAN MASTERS SWIMMING" and the current domain name for the SAMS internet web site. The basic shape of the badge is circular and in the colours of the SA flag on a white background as is illustrated on the front cover of this constitution.

#### **2. OBJECTS AND DEFINITIONS**

- 2.1. To encourage and promote Masters swimming, open water swimming, diving and synchronised swimming (hereinafter known as Masters swimming) in the Republic of South Africa and to ensure that Masters swimming is conducted without discrimination on the grounds of gender, race, religious or political affiliations.
- 2.2. Masters Swimmers, Open Water Swimmers, Synchronised Swimmers and Divers will be known as Masters Swimmers for the purposes of this constitution.
- 2.3. To advance Masters swimming whose participants may not be younger than nineteen years of age and the enjoyment of swimming amongst every community in South Africa, with particular emphasis on assisting and encouraging those categories of the population not generally exposed to the sport.
- 2.4. To promote and uphold uniformity of rules for the control and regulation of competition by Masters swimmers, which rules shall be those as promulgated, from time to time, by FINA, the international controlling body for swimming.
- 2.5. To enforce the observance of the constitution of SAMS and deal with any infringement thereof, which authority is to be delegated to the Executive of SAMS, as defined below.
- 2.6. To raise funds for the advancement of Masters swimming in the Republic of South Africa and, at its discretion as executed by its Executive, to assist with the expenses of tours by Masters swimmers outside South Africa.
- 2.7. To conduct competitions, notably an annual National Championship in age groups commencing at age 19 and progressing in 5-year age brackets.
- 2.8. To promote social and recreational amenities or facilities to the members of SAMS.

SAMS will achieve the abovementioned objects and carry out its activities in a non-profit manner and with an altruistic or philanthropic intent. None of the activities listed above, shall be intended to directly or indirectly promote the economic self interest of any member, employee or executive of SAMS.

### 3. MEMBERSHIP

- 3.1. Membership of SAMS is limited to Regions.
- 3.2. A Region is a geographical Province according to SSA Constitution and is represented by a regional body consisting of a committee made up of a president, vice-president, secretary, treasurer and one representative from each club in the region. The regional body will have an administrative function for the clubs affiliated to it. These regional bodies will be affiliated to SAMS as members.
- 3.3. The Regions are represented by one delegate, usually the President of the region. Together they will assist SAMS in implementing its objects and administering Masters swimming in South Africa.
- 3.4. Each region shall present a copy of its constitution to SAMS on application to become affiliated members and all changes to these constitutions are to be ratified by SAMS.
- 3.5. Regions, prior to the first General Meeting of SAMS (a meeting of all Regions together with the Executive) in each new Financial Year, will present their Annual Report and Financial Statements. These must reach the SAMS Executive not later than 31st May of each year.
- 3.6. Each Region, represented by one delegate, and SAMS' President or his delegate will have one vote at all General Meetings.
- 3.7. Masters swimmers must belong to a Club, which is affiliated to a Region in which it is geographically situated. Masters swimmers may join any club regardless of his residential address and, thereafter, participate in competition under the name of that Club for the current year of membership.
- 3.8. Before applying to form a Club, it must reserve a unique name, Club colours and a symbol, for approval from the Regional body. The Club must form a Committee comprising of Chairman, Vice-Chairman, Secretary and Treasurer, and nominate one delegate to represent it on the Regional body. Clubs may raise funds individually to be used in accordance or in the furtherance of their specific objectives.
- 3.9. Masters swimmers pay annual membership fees to a Club (determined by the Club at the AGM of the Club), annual affiliated fees to the region (determined by the Region at the AGM of the Region) and an annual affiliated fee to SAMS (as determined by SAMS at the AGM of SAMS).
- 3.10. The members are entitled to annual membership of SAMS.
- 3.11. The members of SAMS shall not be entitled to sell or otherwise dispose of their membership rights, or any entitlement in terms thereof.
- 3.12. All Masters members must pay a registration fee to SSA, unless they have already paid through another Aquatic discipline of SSA.
- 3.13. In order to accommodate the inception of new regions, the Executive may, in its discretion, deem a Club to be the representative body for that region and affiliate the Club on the same terms and conditions as Regions. Clubs admitted in this manner shall have the same rights at General Meetings as Regions.
- 3.14. Members of Clubs may attend General Meetings of SAMS and participate in the business

of SAMS but will not have voting rights.

3.15. Clubs must submit their Constitutions to their Regional body.

3.16. Clubs must submit annually their Financial Statements to their Regional body.

3.17. In the event of the Club also being the Regional body, Constitution and Financial Statements must be submitted to SAMS.

3.18. Masters Clubs may be part of Swimming Clubs of the same name.

3.19. All Masters Clubs must endeavour to enrol at least 8 (eight) members so relay teams can be formed. However, there is no limitation to the number of members in any one club.

#### **4. APPLICATION OF FEES AND OTHER FUNDS**

4.1. SAMS shall be entitled to receive membership fees or other funds for the purpose of carrying out its objectives and activities, provided that:

4.1.1. It shall not directly or indirectly distribute any surplus funds to any persons, other than the distribution of such funds on winding-up or dissolution, as provided for in clause 20 below;

4.1.2. It may not pay any remuneration to any person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the services rendered; and

4.1.3. It may not pay remuneration to any person which is determined as a percentage of any amounts received or accrued to SAMS.

4.1.4. It may not accept any donations which are revocable at the instance of the donor for reason other than a material failure to conform to the designated purposes and conditions of such donation

#### **5. EXECUTIVE & DELEGATES**

5.1. The affairs of SAMS will be conducted by an appointed Region elected at an Annual General Meeting, such appointed Region to serve for a minimum of 2 (two) years. The President will be elected at the Annual General Meeting of SAMS. The President will then appoint the rest of the Executive officers, namely the Vice-President, Secretary, Treasurer and Public Relations Officer. Such Executive officers must be individual members of a Club affiliated to a Region.

5.2. The Executive of SAMS will at all times be composed of individuals, at least 75% of whom are, at the time of their election, active members of a Club in South Africa. This clause may not be amended unless 80% of SAMS members (regions), in a General Meeting, vote in support and shall hold office for a period of at least two years.

5.3. Additional members may be co-opted to the Executive to assist in the execution of the affairs of the Executive.

5.4. The President shall act as Chairman of all SAMS meeting and in addition to his deliberate vote, have a casting vote in the event of an equality of votes on any resolution.

5.5. A quorum for meetings of the Executive shall consist of the President and not less than 2 other officers.

5.6. Should any executive officer absent himself from three consecutive meetings of the Executive after having received the customary notices and without special leave of absence, he shall have been deemed to have vacated his office.

5.7. Such vacancy will be filled at the discretion of the remaining Executive Officers.

## **6. ADMINISTRATION OF SAMS - DUTIES OF THE EXECUTIVE**

6.1. The administration of SAMS is to be exercised through the executive of SAMS.

6.2. The Executive will deal with all matters necessary for the proper conduct and management of the affairs of SAMS during the periods between General Meetings. Such matters include:

6.2.1. The leasing or hiring of movable and immovable property in the name of SAMS, where it shall appear to be in the best interest of SAMS and upon such terms as it may deem expedient.

6.2.2. To purchase such movable property as may be reasonably required for the purpose of carrying on the affairs of SAMS, eg. stationary and office equipment.

6.2.3. At all times control of registered swimmers to be exercised by SAMS through the Regions and Clubs where the swimmer is registered.

6.2.4. To arrange and conduct the National Championships and in doing so, award to a Region the right to host such championships.

6.2.5. To assist the host regions a set of "Guidelines to Nationals" must be supplied

6.3 Host region to provide Financial Statements relating to the national championships, which are , together with a report, to be presented at the next General meeting.

6.4 To act as holders in trust of all trophies, monies and other property of SAMS and to deal with the same as SAMS may decide. All trophies belonging to SAMS shall be insured by and at the expense of SAMS.

6.5 To compel, where advisable, any Affiliate or individual, before removing any trophy won by such Affiliate or individual, to provide adequate security against loss or damage to or non-return of such a trophy.

6.6 The engraving of Trophies to be the responsibility of the recipient, but payment for such engraving to be the responsibility of SAMS, through the Regions.

6.7 To ensure a smooth take over by the succeeding SAMS hosting region by:-

6.7.1 providing the successor region with an updated, new edition of SAMS' strategy document ( SAMS Integrated Handbook)

6.7.2 the president elect of the recipient region assisting in the affairs of SAMS for a period of at least 3 months prior to take over

6.7.3 after take over, the past president of SAMS assisting the new committee for a period of at least 3 months.

## **7. POWERS OF THE EXECUTIVE**

- 7.1. To enter into an agreement with a sponsor to finance SAMS including National Championships. Regions may enter into an individual sponsorship agreement provided that the Regional sponsor is not a competitor of the National Sponsor and subject to the approval of the Executive.
- 7.2. The power to fine, reprimand, suspend or expel any affiliated Regional Body or Club, member Club or any individual member thereof, which or who, in its opinion, has been guilty of any misconduct warranting such action. In this instance, these powers may be delegated to the Regions, where appropriate.
  - 7.2.1 Any decision so given by the executive, however, shall be subject to an appeal to SAMS at a General Meeting.
- 7.3 To conduct, institute or defend legal proceedings on behalf of SAMS and be empowered to take evidence on commission.
- 7.4 To appoint delegates to international and other congresses or meetings

## **8 CONDUCT OF MEETINGS**

- 8.1 A quorum at all General Meetings shall consist of not less than two members of the Executive and not less than half of the number of the Regions.
- 8.2 All General Meetings shall be open to individual members of Clubs and to the press, except when the meeting resolves itself into committee.
- 8.3 A full record of the minutes of the proceedings of all General (Special and Annual) and Executive and other meetings shall be kept. These minutes shall be forwarded to the Secretary of each Region. The minutes shall be read at the next General or Executive meeting, as the case may be, and after confirmation, are to be signed by the Chairman of the meeting.
- 8.4 Annual General Meetings shall be held as provided for in this constitution and additional General Meetings may be held whenever considered necessary by the Executive, and shall be held upon requisition signed by not less than half of the Regions.
- 8.5 Fourteen days clear notice of all General Meetings shall be sent to all Regions, together with the agenda to be dealt with at the meeting.
- 8.6 If within fifteen minutes from the time appointed for any General Meeting a quorum is not present, the members present shall be entitled to proceed with the business on the agenda only.
- 8.7 The President, or in his absence, the Vice-President shall be chairman of the meeting. In the absence of both, the meeting shall elect a chairman.
- 8.8 No resolution shall be rescinded at the same meeting unless a motion is carried by a two-thirds majority of the members present.
- 8.9 At least one General Meeting shall be held annually during the winter season.
- 8.10 Should any Region be more than three months in arrears with its Annual Report and Financial Statements, its delegates shall not have the right to attend any meeting of SAMS and all rights and privileges arising from its membership of SAMS shall be suspended

until the documentation due to SAMS has been received.

8.11 Notwithstanding anything herein contained, a Region which fails to comply with this condition shall ipso facto be removed from affiliation and may only be readmitted on making an application for reinstatement which shall not be considered until the applicant has the necessary documentation and an application fee of R25.00 (twenty-five Rand).

## **9 APPOINTMENT OF TEMPORARY SPECIAL EXECUTIVE**

9.1 A Special Executive Committee for championships will be appointed at the annual National Championships, which Committee will consist of those members of the Executive present, together with such other persons as may be nominated by the Executive prior to the commencement of the championships, but not exceeding a committee in all of five. The powers of such a committee shall be the same as the ordinary powers of the Executive, as in this constitution provided for and be subject at all times to review by SAMS.

9.2 A Championship Committee shall be appointed to act during the course of the annual national championships consisting of the Referee of the Championships (as Chairman), the Chairman of the Championships Committee, the Chief Judge, Chief timekeeper and Starter. This committee is empowered to deal with all matters arising out of or concerning the proper conduct and running of the Championships itself, during the Championship and for one month thereafter, but not such matters as are specifically provided for in this constitution to be dealt with by the Executive and Affiliates of SAMS. The President and Secretary of SAMS shall also be members of this Committee, ex officio, and have power to appoint alternates from the Executive to act for them in the case of their absence from the Championships.

## **10.0 ANNUAL GENERAL MEETING**

10.1 The Annual General Meeting of SAMS shall be held each year at the national championships, which should take place not later than 30th April. At this meeting the Executive shall submit its written report of the past year's work.

10.2 Because the national championship has a significant impact on the finances of SAMS, the Treasurer shall submit provisional Financial Statements at the championships, but the audited Financial Statements shall be presented at the next General Meeting.

10.3 The following order of business is to be adopted:

- Confirmation of minutes of previous Annual General Meeting
- Executive's Report
- Treasurer's Interim Report and Financial Statements
- Notices of Motion ( if any)
- Alterations and Additions to the Constitution
- Election of Executive (if two year period is completed)
- Election of an Auditor
- Masters Award.

## **11. NOTICES OF MOTION AND AGENDAS**

- 11.1 Notice of any motion to be moved at a Special General Meeting and Annual General Meeting shall be sent to the secretary of SAMS to reach him at least 30 days before the date of the meeting.
- 11.2 The agenda for a Special, General and Annual General Meeting shall be sent to the Secretary of each Affiliate to reach him at least 14 days before the Meeting.

Only matters on the Agenda may be discussed at Special General Meeting.

## **12. FINANCIAL MATTERS**

- 12.1 SAMS financial year shall extend from 1st May to 30th April.
- 12.2 SAMS may refund all necessary expenses incurred by any of its members while engaged in the work of SAMS. Approval for expenditure over R500 must be obtained beforehand.
- 12.3 The Treasurer shall keep proper books of accounts, which shall be audited annually by an auditor appointed by SAMS. After the end of the financial year, the Treasurer shall frame a Balance Sheet and Income and Expenditure Account and, after audit, a copy shall be forwarded, together with the Treasurer's Report, to the Secretary of each Region to reach him 14 days before such report is to be tabled at an Executive Meeting of SAMS.
- 12.4 SAMS shall open and maintain an account with a registered Financial Institution and the account shall be operated upon by any two of the following: the President, Vice President, Treasurer and Secretary.
- 12.5 On the appointment of a new SAMS Executive, Audited Financial Statements and all books and vouchers must be in the hands of such new Executive, 14 (fourteen) days prior to the Presidents' meeting.
- 12.6 The voting members of SAMS (see clauses 3.6 and 5.4) may award an amount as agreed by the majority of voting members to assist the host region with the duties of the Executive as defined in clause 6.

## **13. APPEALS**

- 13.1 Any Region may appeal against any decision of the Executive and any member of a Club associated with a Region may appeal against any decision of such Region. The appeal shall be accompanied by a sum of R20 (twenty Rand), which, in the event of a successful appeal, shall be refunded.
- 13.2 SAMS on receipt of an appeal against disciplinary action taken by a Region against any member of a Club associated with that Region, may at its discretion alter such decision by increasing or decreasing the penalty imposed.

## **14. SAMS COLOURS & AWARDS**

- 14.1 Competitors who achieve a time equal to, or better than, the qualifying time, as published annually by SAMS, will be awarded colours in the form of a badge or a scroll once they have attended three SAMS LC Nationals. The qualifying time for each event is arrived at by using the 10th time in that event from the latest annual FINA Top Ten listing. The latest FINA Top Ten 10th time will only replace the previous SAMS qualifying time if it is faster.



- 14.2 SAMS colours for open water swimming will be awarded to competitors, once they have attended three SAMS LC Nationals (pool or open water), on the basis of a swimmer equalling or bettering an age group based benchmark qualifying time, published annually by SAMS, in two SAMS approved 3km open water swim events (see note below). The two events must be swum in the same season. The age group benchmark qualifying time shall be derived, for each age group, by multiplying the colours qualifying time set for the 1500m pool event as per clause 14.1 above by an appropriate multiplying factor (typically between 2.1 and 2.3). The multiplying factor will be determined (and adjusted on an annual basis if deemed necessary) by SAMS. This factor shall ensure that a high, yet attainable standard for colours is maintained.

Note: SAMS' approval is subject to the event satisfying both the "Rules for Sanctioned Events" as published on the web by SSA as well as SAMS' checklist for open water swimming as published on the web by SAMS. It should be further noted that even if the open water swim is a FINA masters' event or an event sanctioned by SSA yet fails to meet SAMS' checklist criteria, the event shall be rejected as a qualifying event for colours.

- 14.3 Applications for colours must be made to the records clerk together with documentation reflecting the recording by three timekeepers or ETD. Such recording to be signed by the Referee and Chief Time-Keeper. In the case of open water swimming colours, a copy of the official, published results sheets, signed by the club chairman, must accompany the application.
- 14.4 To recognise meritorious service to SAMS, honorary life membership may be awarded to an individual - this membership will be non-voting.
- 14.5 The decision to make such an award will be taken at a General Meeting and with a unanimous vote.
- 14.6 SAMS in a General Meeting may acknowledge and reward the efforts made to promote masters swimming in South Africa by a person from a foreign country.

## 15 RECORDS

- 15.1 All application for ratification of national and world records shall be made to the records clerk on a prescribed form, not later than 21 days after the staging of the event in which the record was established.
- 15.2 The timing system and documentation shall be in accordance with the requirements laid down by FINA. In the case of an application for a world record, it must be accompanied by a certification of the pool length, as required by FINA. All time sheets must be signed by Referee and Chief Timekeeper.
- 15.3 SAMS shall have the power to decide which events shall qualify for national records.

## 16 LAWS AND BY-LAWS GOVERNING COMPETITIVE MASTERS SWIMMING

- 16.1 Where no provision is made in this constitution regarding the conduct of the sport, SAMS may be guided by and accept the laws and rulings of FINA

- 16.2 The technical laws as set out in the FINA handbook and in any of its bulletins, with regard to masters swimming, diving and synchronised swimming, shall guide all competitions held in South Africa and shall become operative immediately after receipt of FINA notification.

## **17 DISBANDING OF REGIONS AND CLUBS**

- 17.1 In the event of a Club being disbanded, the funds and assets owned by that Club will be returned to the Region to which the club is affiliated.
- 17.2 In the event of a Region being disbanded, the funds and assets owned by that Region will be returned to SAMS.

## **18. INTERPRETATION OF LAWS**

The interpretation of this Constitution or any other questions not provided for herein shall be referred to SAMS for decision in a General Meeting, which decision shall be binding.

## **19 AMENDMENTS OR ALTERATION OR AN ADDITION TO THE CONSTITUTION**

- 19.1 Any of the foregoing may be amended, altered or added to, at an Annual General Meeting or a Special General Meeting provided that:
- 19.1.1 Due and prior notice has been given and duly circulated 14 days before the meeting.
- 19.1.2 That the proposed amendment, alteration or addition is passed at the said meeting or any adjournment thereof by not less than two-thirds of the Regions present.
- 19.2 SAMS will submit any amendments to its constitution to the Commissioner of the South African Revenue Service

## **20. WINDING UP**

If upon winding up or dissolution of SAMS there remain, after satisfaction of all its debts and liabilities, any assets or funds whatsoever, the same shall not be paid out to or distributed among the members of SAMS. SAMS shall be required to transfer any such assets or funds to any public benefit organisation approved by the Commissioner of the South African Revenue Service, any institution, board or body which is exempt from income tax in terms of section 10(1)(cA)(i) of the Income Tax Act No 58 of 1962, which sole or principal object is the carrying on of any public benefit activity, or any department of state or administration in the national, provincial or local sphere of government. The entity to which such assets are transferred, is required to use those assets solely for the purposes of carrying on one or more public benefit activities.

## **SAMS BY-LAWS**

**(2013)**

By-laws may be added to or deleted from at Committee Meetings, but must be ratified at a General Meeting.

1. Regions and Clubs must submit Officials' names to SAMS not later than 31st August of each year. Contact numbers must also be included.
2. Registrations
  - 2.1 Regions must affiliate club members according to the procedures set out by SAMS
  - 2.2 New Members' registrations must be accompanied by a copy of his/her I.D. and SSA Capitation Form. This is required for SSA's records.
  - 2.3 All registration forms and lists must be accompanied by SSA and SAMS registration monies, as laid down by both bodies. Payments must be made to SAMS and not SSA.
  - 2.4 Members changing Clubs must re-submit copies of their I.D.'s.
- 3 Members are defined as Swimmers, Club Officials and Gala Officials.
- 4 Records and colours for pool swimming can only be claimed for those established at an official Masters gala or masters only heat in any other gala. Applicants for records and colours (pool and open water swimming) must be South African citizens or be permanent residents of South Africa. If a non-South African breaks a South African record, the record will be acknowledged with an astrix but not claimed/held. Records and colours for times established at masters' galas and colours for open water swimming may be claimed for events held outside the RSA provided the swimmer competes as a registered member of his/her South African Masters Club.
- 5 Time trials must be requested in writing 14 days before, and must be held in a properly surveyed pool with Referee, Starter, Judge + 3 (three) Timekeepers. No pace setters are permissible.
6. Members wishing to participate in meets outside R.S.A. must obtain permission from SAMS, who will, in turn, apply for clearance from SSA.
7. Only Members fully paid up and registered on the day of their competition will be eligible for competitions organised by SAMS.