

ROWING SOUTH AFRICA



**The Constitution
25 July 2009**

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Constitution of Rowing South Africa, which shall be deemed to include the Rules of Racing and the Racing Bye-Laws as agreed to from time to time:

1. Name

The body established by this constitution will be called ROWING SOUTH AFRICA (RowSA)

2. Constituent Members:

- 2.1 RowSA is a non-profit Union of Rowing, Sculling and Boating Associations, which shall include Provincial Associations representing Clubs in South Africa (Associations), the South African Schools Rowing Union (SASRU) and the University Sport South Africa, Rowing (USSA-R) . In centres where there is no Provincial Association affiliated to RowSA it shall be competent to elect one individual club to membership, and such a club shall for the purposes hereof be included in the term "Associations" wherever hereafter used. Such a club shall cease to be a member of RowSA when a Provincial Association is formed in that centre and becomes a member of RowSA.
- 2.2 Rowing South Africa shall exist in its own right, separately from its members, be able to own properties and other possessions
- 2.3 Rowing South Africa shall be able to sue and be sued in its own name
- 2.4 Save as provided in 2.1 only Provincial Associations, SASRU and USSA-R, and not individual clubs, schools or universities shall be members of RowSA.
- 2.5 Provincial Associations are determined by national boundaries of the second sphere of government. Provincial Associations may designate regions within provinces for provincial administration or competition purposes. Such regions shall not be members of RowSA in terms of this Constitution.
- 2.6 The Associations, SASRU and USSA-R are hereinafter referred to as the "Constituent Members".

3. RowSA Mission

3.1 Purpose

RowSA is the body established by the Constituent Members to promote and develop the sport of rowing in all forms in South Africa, and to that end, to establish the policy and standards for, and co-ordination of rowing nationally, and to manage, control, discipline and plans the future development of the sport at the national level.

Neither RowSA nor any of the Constituent Members shall discriminate on the basis of race, gender, religion or political affiliation. RowSA shall be bound by the Constitution of the Republic of South Africa and the macro sports organisations to which it is affiliated.

RowSA shall be the representative body to the international rowing community; International Rowing Federation (FISA), Commonwealth Rowing Association (CRA), African Rowing Federation (FASA), South African Sports Confederation and Olympic Committee (SASCOC), Sport and Recreation (SRSA), and such other sporting bodies as may be considered appropriate by the Executive Committee.

3.2 Goals

Develop the sport of rowing among all communities and broaden the base to encourage participation by both genders of all ages in as many areas as possible to:

- 3.2.1 Promote the development of rowing facilities at venues suitable for rowing throughout the country;
- 3.2.2 Provide efficient, progressive management of the sport at the national level;
- 3.2.3 Raise the standard of rowing in South Africa;
- 3.2.4 Promote the development of regatta management to international standards;
- 3.2.5 Ensure that regatta officials are competent, objective and consistent in their application of the Rules of Racing and the racing bye-laws of RowSA;
- 3.2.6 Encourage local development of equipment at affordable prices;
- 3.2.7 Provide the highest possible standard of coaching and infrastructure to enable South Africa to produce teams capable of winning medals in the World Championships, Olympic and Paralympic Games
- 3.2.8 Keep the sport on a financially sound footing by encouraging sponsors as a result of publicising the sport on the broadest base possible;
- 3.2.9 Enrich the quality of community life through development in rowing; and to encourage the sport to become known for: fairness, honesty, sportsmanship, and being drug free.
- 3.2.10 Ensure that there is good timeous communication to all interested parties of the activities of RowSA, FISA, SASCOC and other bodies.
- 3.2.11 Ensure that the various structures/bodies of RowSA are representative of the demography of the rowing community.

4. The Council

- 4.1 The representatives of the Constituent Members and the members of the Executive Committee shall make up the Council.
- 4.2 The governing body of each Constituent member shall, from time to time by notice in writing to the secretary, nominate its representatives to the Council as follows:- Associations - two (2) representatives and two (2) alternates per each affiliated association; SASRU - three (3) representatives and three (3) alternates; and USSA-R - two (2) representatives and two (2) alternates to the Council.
- 4.3 The President shall be the Chair of the Council.
- 4.4 The role of the Council shall be to:
 - 4.4.1 Formulate and adopt the overall policy and standards of RowSA;
 - 4.4.2 Elect the Executive Committee, (save that for this purpose the elected members of the Executive Committee shall not have a vote);
 - 4.4.3 Review the activities of the Executive Committee and to give the Executive Committee guidance as to how the policy formulated by the Council should be implemented;
 - 4.4.4 Review the activities of the provincial efforts to maintain the use of existing rowing water and intervene where rowing rights are threatened.
 - 4.4.5 Consider, and decide on, any nominations by the Executive Committee of any person(s) as Life Patrons of RowSA in recognition of their contribution to the sport of Rowing, and who shall be entitled to attend, but not vote at, meetings of the Council; and
 - 4.4.6 Consider, and if thought fit, pass all resolutions, which are reserved for decision at a General Meeting of the Council.

5. Executive Committee

5.1 RowSA shall be managed by an Executive Committee which shall consist of the

President;

Administrator

Treasurer;

Chair International Commission, who where ever possible should have been an international rower;

Chair Athletes Commission, who where ever possible should be or have been an active rower;

Chair, South African Rowing Officials Commission (SAROC);

A single representative of the provincial rowing associations elected by the provincial associations;

A single representative of SASRU;

A single representative of USSA-R; and

The Chair, Facilities Commission

A maximum of two (2) members co-opted

The administrator is a non-voting member of the Executive Committee

5.2 The elected or co-opted members of the Executive Committee must be representative of the demography of the rowing community.

5.3 RowSA will continue to exist even when its membership changes and there are different office bearers

5.4 The term of office shall be two years.

5.5 No Executive Committee member shall be eligible for re-election to the same position for more than four consecutive terms, namely a maximum of eight consecutive years in office. Periods of office held under prior versions of the RowSA constitution will be taken into account in determining the period in office.

5.6 At the AGM the following Executive Committee members shall retire and if eligible, may be re-elected by vote at the AGM, to fill the vacancies of the:

5.6.1 President, Chair of the South African Rowing Officials Commission, Chair International Commission in even numbered years; and

- 5.6.2 Treasurer, Chair of Facilities Commission and Chair of the Athletes Commission in uneven numbered years.
 - 5.6.3 The Administrator is a permanent position and appointed by the Executive Committee
- 5.7 The representatives of SASRU and USSA-R and the provincial Associations shall be nominated annually.
- 5.8 Written nominations for the vacant positions together with a written consent to the nomination by the person nominated must be received by the Administrator not later than seven (7) days before the AGM. If insufficient nominations are received prior to the meeting then suitably qualified persons may be nominated from the floor. The President has the right to nominate candidates for election to the Executive Committee subject to those nominations being proposed and seconded by Constituent members.
- 5.9 Casual vacancies of elected offices will be filled by the Executive Committee by co-option subject to ratification at the next Council meeting. In the case of a vacancy of a President, a Special General Meeting is to be called for the purpose of electing a new President. The replacement in each case, will serve out the period remaining to be served by the member whose place is being filled.
- 5.10 The first meeting of the Executive Committee shall be held within one month of the AGM. At that meeting the Chairs of the Commissions shall name the members of their Commissions and their functions for approval by the Executive Committee.
- 5.11 Each Commission shall have a:
- 5.11.1 Representative of SASRU;
 - 5.11.2 Representative of USSA-R;
 - 5.11.3 Representative of each Province
 - 5.11.4 Such other persons as the Chair shall nominate.
 - 5.11.5 In addition to the above the Athletes Commission should have representatives for Transformation, Adaptive, Masters and Indoor Rowing
- 5.12 The Executive Committee shall have the power to:
- 5.12.1 Implement policies formulated by Council and formulate standards, regulations and bye-laws to promote the goals of RowSA;
 - 5.12.2 Elect further Associations or clubs to membership as hereafter provided;
 - 5.12.3 Allocate funds to its Commissions, Constituent Members, Clubs, Office Bearers or Employees in pursuance of the objectives of RowSA;
 - 5.12.4 Ratify important decisions of the Commissions by the acceptance and ratification of the minutes of the Commissions; and
 - 5.12.5 Establish such committees as it deems appropriate and to delegate to those committees such powers and functions as it may determine.

- 5.12.6 Co-opt such members as it deems appropriate, who shall be co-opted until the following AGM, and to delegate such powers and functions as it may determine. Co-opted members shall be confirmed by Council if Council meets before the next AGM.

6. Office Bearers

6.1 The President

Unless otherwise re-allocated by the Executive Committee, the President shall be responsible for:

- 6.1.1 Developing and communicating the vision and the plan of RowSA with the Executive Committee for the promotion and development of the sport in South Africa;
- 6.1.2 Holding the members of the Executive Committee accountable for the performance of their duties in terms of this Constitution;
- 6.1.3 Supporting the fund-raising campaign necessary to finance the various activities and the salaries of the officers of RowSA;
- 6.1.4 Representing RowSA on National and International bodies to which RowSA is affiliated;
- 6.1.5 Liaising and promoting communication with the National sporting and International rowing communities;
- 6.1.6 Acting as spokesperson for RowSA and for the sport of rowing at the national level;
- 6.1.7 Leading and coordinating the activities of RowSA;
- 6.1.8 Chairing General Meetings of the Council and meetings of the Executive Committee;
- 6.1.9 Reporting to Council meetings on RowSA activities since the previous meeting
- 6.1.10 Preparing a report on RowSA's activities for the past year, and presenting it at the AGM; and
- 6.1.11 Providing communication and interaction with the Constituent Members.

6.2 Vice President

The Executive Committee shall have the power to elect, from its members, one or more Vice Presidents, and allocate to them such tasks as it deems appropriate.

The Vice President or one of them elected by the Executive Committee shall stand in for the President when the President is absent or requests the Vice President to do so.

6.3 Administrator

Unless otherwise re-allocated by the Executive Committee, the Administrator shall be responsible for attending to the general administration of RowSA and for:

- 6.3.1 Sending out notices, agendas and motions of the AGM and Special General Meeting(s) of the Council and meetings of the Executive Committee and the keeping of minutes of these meetings;
- 6.3.2 Keeping records of rowing activities and regatta results;
- 6.3.3 Attending to the correspondence of RowSA;
- 6.3.4 Working with SAROC to co-ordinate the National Regatta Programme and proposing the schedule of events and dates for approval by the AGM;
- 6.3.5 Attending to the general administration of RowSA and IC
- 6.3.6 Maintaining complete accounting records, in accordance with generally accepted accounting standards, of all transactions of RowSA.

- 6.3.7 Receiving and reporting to the Executive Committee on the Associations' plans, constitutions, and regular meeting minutes;
- 6.3.8 Should establish and publish a national calendar including events, meetings of Council, meetings of the Executive, etc

6.4 Treasurer

Unless otherwise re-allocated by the Executive Committee, the Treasurer shall be responsible for:

- 6.4.1 Coordinating the budget of RowSA for approval by the Executive Committee, drawing on the proposals of the President, the Chair of the International Commission and the Chairs of the other Commissions;
- 6.4.2 Establish procedures and processes to ensure proper financial management of RowSA through complete accounting standards, of all transactions of RowSA and establishing and maintaining systems and procedures for the proper financial management of RowSA;
- 6.4.3 Establishing limits of authority for approval by the Executive Committee, and ensuring that no expenditure exceeds such authority without the prior approval of the Executive Committee;
- 6.4.4 Preparing the financial statements, this shall include the President's report of RowSA's activities for the past year, and having financial statements audited by the auditors of RowSA for tabling at the AGM
- 6.4.5 Proposing the auditors for the forthcoming year of RowSA for voting upon by the Constituent Members at the AGM;
- 6.4.6 Providing the Executive Committee with such management accounting information that it may require;
- 6.4.7 Investing RowSA's retained funds in institutions in which trust funds may be invested in terms of applicable South African legislation, and as approved by/ the Executive Committee;
- 6.4.8 Establish procedures for administering RowSA's assets including the "boat pool", being any boats owned by RowSA (other than for the use of the International Commission) and any funds allocated from time to time for the acquisition or maintenance of such boats.; and
- 6.4.9 Receiving and monitoring the Association' annual financial statements.

6.5 International Commission (IC)

Unless otherwise re-allocated by the Executive Committee, the International Commission shall be responsible for:

- 6.5.1 Identifying talent, assessing, selecting, preparing, coaching, organising and managing crews and scullers for international competition at the Senior, Adaptive and Under 23 levels;
- 6.5.2 Appointing coaches, managers and support officials to international tours at the Senior, Adaptive and U 23 level.
- 6.5.3 Facilitating, approving, coordinating and organising incoming international tours of crews and scullers at the Senior, Adaptive and Under 23 levels;
- 6.5.4 Approving any itinerary, managers and coaches for tours organized by SASRU or USSA-R provided that its is satisfied that:
 - 6.5.4.1 The International Commission has had satisfactory representation on the selection and coaching panels, and has been involved in the process ;
 - 6.5.4.2 The selection procedures were neutral and fair;
 - 6.5.4.3 The crew has achieved the standards determined by the International Commission as necessary for an official tour overseas;

- 6.5.4.4 There is no breach of protocol, which would prejudice the tour or the sport of rowing in South Africa;
- 6.5.5 Authorising overseas participation of any crew subject to clearance by SASCOG; and
- 6.5.6 Coordinating and promoting, through a rowing academy, consistent approaches throughout the rowing community to coaching, training and techniques for all age groups using available and innovative means including coaching courses, camps, and documentation.

6.6 The Athletes Commission (AC)

Unless otherwise re-allocated by the Executive Committee, the Athletes Commission shall be responsible to:

- 6.6.1 Grow the sport of rowing in all its forms in Juniors, U23, Seniors and Masters categories with the objective to increase the general standard of rowing in South Africa.
- 6.6.2 Develop strategies to grow participation of previously disadvantaged communities in Juniors, U23 and Senior rowing in order to enable the International Commission to meet the requirements of representative teams as outlined by SASCOG.
- 6.6.3 Identify Adaptive rowers in Juniors,U23 and Seniors and grow the talent pool of adaptive rowers to enable International Commission to select teams to represent South Africa internationally
- 6.6.4 Increase the participation of women in the sport of rowing in Juniors, U23, Seniors and Master categories.
- 6.6.5 Develop strategies to recruit, train and develop coaches to establish a coaches pool to enhance the quality of coaching for all categories of rowing
- 6.6.6 Specifically the Athletes Commission shall be responsible for allocating the use of equipment or boats from the boat pool and of earmarked funds to SASRU, USSA-R and the Associations, and obtaining signed contracts from those constituent members in respect of all the equipment, boats and funds so allocated.

6.7 The South African Rowing Officials Commission (SAROC)

Unless otherwise re-allocated by the Executive Committee, the South African Rowing Officials Commission shall be responsible for:

- 6.7.1 Monitoring the application of the Rules of Racing through official training, examinations and evaluation;
- 6.7.2 Creating and disseminating standardised officials' training course material for new officials that are recruited by the Constituent Members;
- 6.7.3 Setting a national examination for trainee officials who have undergone the necessary theoretical and practical training and table a list of National Umpires at the AGM as provided for in Clause 26;
- 6.7.4 Establishing and implementing procedures for evaluating Trainee official's performance in their roles as trainees during regattas after practical and theoretical training;
- 6.7.5 Maintaining a register of Officials and Empires
- 6.7.6 Organising and conducting seminars to ensure that Umpires maintain their national status;
- 6.7.7 Establishing standards for regatta courses, and guide the regions in the maintenance of these standards;
- 6.7.8 Ensuring that all National regattas are run by National Umpires;

- 6.7.9 Monitoring the consistent application of the Rules of Racing at regattas throughout South Africa, and where necessary highlight improvements;
- 6.7.10 Reviewing the RowSA Rules of Racing and Bye-laws from time to time and recommending any changes;
- 6.7.11 After consulting with the Constituent Members, working with the Administrator to co-ordinate the National Regatta Programme and proposing the schedule of events and dates for approval by the AGM;
- 6.7.12 Ensuring that participants understand and conform to the FISA, SASCOC and Drug Free Sports Drug Rules; and
- 6.7.13 Formulate a policy to ensure that all clubs are aware of and held responsible for meeting their safety obligations such as sculling tests, water rules, first aid and rescue services, boathouse facilities and trailer towing.
- 6.7.14 Establishing the safety policies, standards and rules for the rowing community in South Africa, and specifically for:
 - 6.7.14.1 The safety of rowers and rowing boats while racing, training or rowing recreationally;
 - 6.7.14.2 The safety of coaches and officials and of their boats at all times;
 - 6.7.14.3 The safety of boats, trailers and the drivers and occupants of tow vehicles and other road users, when boats are being towed; and
 - 6.7.14.4 Medical safety both during regattas and at training sessions;
 - 6.7.14.5 Appropriately insuring rowers, officials and regatta organisers during regattas; and
 - 6.7.14.6 Public liability insurance

6.8 The Facilities Commission

Unless otherwise re-allocated by the Executive Committee, the Facilities Commission shall be responsible for:

- 6.8.1 Ensuring that properly constructed and maintained courses are available through out the country appropriate to the level of regatta held on that course;
- 6.8.2 The location and development of new rowing courses to meet the needs as prescribed by Council

7. Meetings

7.1 Executive Committee Meetings

Executive Committee meetings shall be held either through telecommunications conference calling facilities or at a venue agreed to by the Executive Committee.

The Executive Committee will meet at least every two months.

7.2 General Meetings of the Council

- 7.2.1 The AGM of the Council shall be held within four (4) months of the financial year-end at a location determined by the Executive Committee. In the case of the Olympic year, the AGM shall be held within 2 months after the Olympic and Paralympic Games.
- 7.2.2 The Executive Committee may call Special General Meetings of the Council at any time and to be held at any place. The Executive Committee shall be bound

- to call a Special General Meeting on a requisition received from two constituent members, which requisition must state the business to be discussed.
- 7.2.3 General meetings of Council, excluding the AGM, must be held at least twice per year in April or May to approve the following seasons activities and in October or November to set goals and objectives for the following season(s). Council will review and approve the activities of the Executive Committee and the Commissions.

8 Notice of Meeting

8.1 General Meetings of the Council

Notice of all General Meetings of the Council, including the AGM, shall be in writing and either posted or e-mailed to Secretaries of Constituent Members at least 30 (Thirty) days before the date of such meeting. The credentials or proxy of Constituent Members' representatives must be received by the Administrator at least twenty-four hours before the time of the meeting. Every notice of meeting shall contain a detailed agenda with copies of all relevant documents.

8.2 Executive Committee Meetings

Notice of all Executive Committee Meetings shall be in writing and either faxed or e-mailed to Executive Committee members at least seven (7) days before the date of such meetings, provided however, that an Executive Committee Meeting with a quorum may unanimously agree to dispense with the notice of that meeting by letter, facsimile, e-mail at least ninety six hours (96) before the time of the meeting. Every notice of meeting shall contain a detailed agenda.

9. Quorum at Meetings

9.1 General Meeting of the Council

The quorum present in person or by proxy for General Meetings of the Council shall be seven (7) representatives from not less than four paid-up Constituent Members, provided, however, that if no quorum is so present within fifteen minutes of the start time stated in the notice of the meeting, it may be postponed by the Chair for fourteen days. Fresh notice shall be posted to Constituent Members stating that an adjourned meeting will be held and proceeded with, whether or not a quorum is present at the adjourned meeting. Decisions taken at such adjourned meeting shall be binding on all Constituent Members even if a quorum is not present.

9.2 Executive Committee Meetings

The quorum for Executive Committee meetings shall be not less than four Executive Committee members, provided, however, that if no quorum is in attendance within fifteen minutes of the start time stated in the notice of the meeting, it may be postponed by the Chairperson for seven days.

10. Annual General Meeting of the Council – Agenda and Procedure

At the AGM the following shall be the order of business:

10.1 Order of business

- 10.1.1 Receive and consider the Annual Report of the President for the past year;

- 10.1.2 Receive and consider the financial statements of RowSA for the past year;
- 10.1.3 Elect the Executive Committee members as per Clause 5 of this Constitution;
- 10.1.4 Appoint auditors for the ensuing year;
- 10.1.5 Ratify National Umpires in accordance with 6.7.3
- 10.1.6 Approve the National Regatta Programme and propose the schedule of events and dates in accordance with 6.7.11; and
- 10.1.7 Any other business that may be considered in order by the Chair

10.2 Olympic and Paralympic Games Years

In years that Olympic/Paralympic Games take place, when the AGM is held later in the year, the National Regatta Programme should be approved latest mid-July at the mid year Council Meeting.

11. Voting at Meetings

11.1 Executive Committee Meetings

Each Executive Committee member shall have one vote and in the event of a voting tie the Chair shall have an additional, casting vote. A simple majority shall carry the proposal unless otherwise provided for herein.

11.2 General Meetings of the Council

The delegates of Constituent Members or their alternates shall each have one vote. In the event of a voting tie the Chair shall have an additional, casting vote. A simple majority will carry the question unless otherwise provided for herein. A delegate or his alternate, of any Constituent Member shall not be permitted to be present, or to vote, until such time as any arrear subscription of that Constituent Member shall have been paid.

Delegates must be members of a Constituent Member, but not necessarily members of the Association they represent. Delegates who are not members of the association they represent shall be bound in exercising the votes of such Association to vote according to the directions of such association. If no such directions have been given on a point on which such delegates are required to vote, they shall abstain from voting on that point on behalf of such association

12. Distribution of Minutes

Copies of Minutes of meetings of the Council, and of Executive Committee Meetings shall be supplied by the Administrator to the Secretaries of all Constituent Members, Executive Committee members, alternates and delegates as soon as possible after each meeting. All Executive Committee members, Constituent Members and alternates do irrevocably waive any right of legal action they may have, or which might in the future come to them, arising from any words written or spoken in the course of the proceedings and debates of any meeting of the Council or Executive Committee Meetings of RowSA.

13. Financial Year

RowSA's financial year shall run from 1st April and end on March 31 in the following year.

14. Headquarters

Headquarters shall be in such town as decided upon by the President and shall be made known, in writing, to all Constituent Members not later than two weeks after election at the Annual General Meeting or a Special General Meeting of the Council called under clause 7 for that purpose.

15. Finance

15.1 Banking account(s)

Banking account(s) shall be kept in the name of RowSA.

Banking account(s) and shall be operated by the Treasurer in conjunction with one other Executive Committee member, or in the Treasurer's absence any two Executive Committee members, namely two signatures shall be required for all electronic transfers of funds by, and all cheques issued in the name of RowSA.

The Executive Committee may arrange borrowing facilities by way of bank overdraft, bridging loans or other financial instruments but without the pledging of RowSA assets.

15.2 Financial statements

The Treasurer shall submit the audited financial statements to the AGM as provided for in 6.4.4

15.3 Personal liability

Save as provided herein, none of the Constituent Members or members of the Executive

Committee shall not have any personal financial responsibility for any debt or obligation of RowSA.

15.4 Office bearers are not personally liable for any loss suffered by any person as a result of an act or omission which occurs in good faith while the office bearers is performing functions for or on behalf of the organisation

15.5 Members or office bearers of the organisation do not have rights over things that belong to the organisation

16. Membership Fees

Each Constituent Member and all Senior and University Clubs shall pay RowSA an annual membership fee, as approved by the Executive Committee, on the first day of each financial year, without deduction or reduction.

Each registered rower shall, through the appropriate Constituent Member, pay RowSA an annual registration fee on receipt of a statement of account, without deduction or reduction.

Each Constituent Member may make application to the Executive Committee for a reduction in the membership or registration fee payable by such Constituent Member should such Constituent Member be undergoing severe financial hardship. Such application shall reach the Executive Committee at least three months prior to the AGM.

The Executive Committee is empowered by simple majority vote to increase the membership or registration fees annually in line with the level of increase in the Consumer Price Index, which increase shall be ratified by the Constituent Members at the AGM. Any increase in the membership or registration

fees in excess of the level of increase in the Consumer Price Index shall require a separate motion to be tabled at a General Meeting or the AGM.

17. Application of Membership

Upon receipt by the Executive Committee of an application for membership, the President will personally direct that all Constituent Members, delegates and alternates are immediately notified accordingly and shall put the matter on the agenda for the next General Meeting of the Council. The election on the application shall be put to the vote by a show of hands at a General Meeting and carried by simple majority.

18. Non-Payment of Membership Fees or Levies

The Executive Committee shall have the power to cancel a Constituent Member's membership or strike it off the list of members or impose penalties, monetary or by suspension from benefits, imposition of fines or otherwise as the Executive Committee may see fit, if the Constituent Member:

- 18.1 Be in default of payment of amounts due after one month's notice in writing to make payment;
- 18.2 or a member or members of a Constituent Member, with the Constituent Member's support and approval infringe the principles and objects laid down herein, or in the Rules of Racing or the Racing Bye-Laws, or the spirit of them, or if the Constituent Member fails to take the necessary steps to put a stop to the infringement, all provided that;
 - 18.2.1 The Executive Committee must give the Constituent Member a reasonable opportunity of being heard on the question;
 - 18.2.2 the decision shall be taken by the full Executive Committee and the motion must be carried by a minimum of four votes in favour; and
 - 18.2.3 The Constituent member shall have the right of appeal to a General Meeting of the Council. At such General meeting the motion must be carried by two thirds of those present voting in favour, excluding the Constituent Member under appeal.

19. Constitution and Finances of:

19.1 Constituent Members

- 19.1.1 All Constituent Members shall be obliged to include the following provisions in their constitutions:
 - 19.1.1.1 No racial or gender discrimination will be countenanced in the sport;
 - 19.1.1.2 At all times there will be at least one female and such number of blacks on the governing body of the Constituent Member as is prescribed by the Executive Committee from time to time;
 - 19.1.1.3 There will be an Annual General Meeting of the constituent member, at which there will be a full report of the Constituent Member's activities for the year and the presentation of its annual financial statements;
 - 19.1.1.4 Each Constituent member should submit its regular meeting minutes to the Administrator within 30 days of the meeting;
 - 19.1.1.5 Each constituent member should submit its financial statements to reach RowSA by 30 September;
 - 19.1.1.6 Each Constituent Member prepares a plan for the year to reach RowSA by 30 September;

- 19.1.1.7 At least once every two years there will be transparent elections of all office bearers (including the representatives on the RowSA Council and Commissions); and
- 19.1.1.8 No office-bearer of its governing body or representative on the RowSA Council shall be allowed to hold the same office or position for more than eight consecutive years. Periods of office or position held under previous versions of the constitution will be taken into account in determining the period in office or position.
- 19.1.2 At all times maintain proper books of account and to prepare annual financial statements within 4 months of the financial year end of the constituent member; and
- 19.1.3 Deliver to RowSA a copy of its constitution, a list of its office bearers and representatives, and a copy of its annual financial statements within 4 weeks after its Annual General Meeting
- 19.1.4 The Associations shall be responsible for managing and developing all aspects of rowing in their regions, and SASRU and USSAR shall be responsible for looking after the special national interests of schools and universities respectively.

20. Trading

RowSA shall be prohibited from carrying on any business or trade other than to the extent that the:

- 20.1 Gross revenue from any business or trade does not exceed the greater of 15% of the total gross receipts of RowSA or 25 000;
- 20.2 Business or trade is integral to the sole object of RowSA and the business or trade is conducted towards recovery of costs, not in unfair competition with taxable entities; and
- 20.3 Business or trade is not integral to the sole or main objects but is occasional in nature and is conducted substantially with unpaid voluntary assistance.

21. Amendments to Constitution, Bye-Laws and Rules of Racing

- 21.1 This Constitution may only be repealed, added to, altered or amended by the Council by two thirds of those present voting in favour provided that special notice of the motion shall have been posted by RowSA's Administrator to the Constituent Members at least one calendar month before the meeting. In the event that RowSA is registered as a Public Benefit Organisation, the approval of the Commissioner for the South African Revenue Service shall also be obtained for the proposed change(s) before they become effective.
- 21.2 The Rules of Racing may only be repealed, added to, altered or amended by the Council by two thirds of those present voting in favour provided that special notice of the motion shall have been posted by RowSA's Administrator to the Constituent Members at least one calendar month before the meeting.
- 21.3 The Bye-Laws of Racing may be repealed, added to, altered or amended at a meeting of the Executive Committee. Notice of proposed changes to the Bye-laws of Racing will be advised via e-mail and/or faxed (posted) to every Constituent Member at least one calendar month before the Executive Committee meeting by the Administrator.
- 21.4 Any notice required to be given in terms of this clause may be shortened if all the Constituent Members agree in writing or by e-mail to the shorter period of notice.

22. Dissolution

- 22.1 RowSA may be dissolved only at a General Meeting of the Council by two thirds of those present voting in favour, after special notice of the motion was given as provided for in clause 21.1 the dissolution of RowSA the remaining assets shall be distributed to one or more sporting association, preferably associated with the sport of rowing.
- 22.2 In the event that RowSA is registered as a Public Benefit Organisation, the remaining assets shall be distributed and transferred to a similarly registered and approved Public Benefit Organisation, preferably associated with the sport of rowing
- 22.3 The organization may not give any of its money or property to its members or office bearers. The only time it can do this when it pays for work that a member or office bearer has done for the organization. The payment must be a reasonable amount for the work that has been done.

23. Flag, Badges and Logo

23.1 The badge

The badge of RowSA shall be a green background with three vertical oars, the centre one inverted, and the letters SA in the centre between the oars and word ROWING either on the top of or beneath the oars in gold.

23.2 The Logo

The logo of RowSA shall be a horizontal oar with South African flag, flying to the left, on the blade with the words ROWING SOUTH AFRICA in capital letters above the handle and shaft.

24. Disciplinary Procedure

A National Disciplinary Panel established by SAROC shall have the power, subject to appeal to the Executive Committee, to take action against any Club, Official, or member of a Club affiliated to RowSA that brings RowSA or the sport of rowing into disrepute. This action may take the form of a reprimand, warning, temporary suspension, permanent suspension or the imposition of a fine. Should a fine be imposed it may not exceed twice the annual membership fee due to RowSA by the Club in question of the individual concerned.

25. Disputes

- 25.1 The President , shall, in accordance with the following procedures attempt to resolve any disputes arising out of or in connection with the enforceability of this Constitution or the application and interpretation of its provisions, or any dispute between any of the members of RowSA or between a Constituent Member and RowSA; or the breach of the Code of Conduct.
- 25.2 Written notification of the dispute must be referred to the Administrator from any member, who is a party to the dispute, or by any office holder of RowSA itself.
- 25.3 Such notice must:
 - 25.3.1 Be marked for the attention of the Administrator ;
 - 25.3.2 Be transmitted by facsimile or e-mail to RowSA's facsimile number or email address;
 - 25.3.3 Be copied to all parties to the dispute; and
 - 25.3.4 Briefly set out the nature of the dispute so submitted.
- 25.4 The President shall take such steps as s/he deems necessary to satisfy him- or herself regarding the circumstances and the nature of the dispute so notified, including consultation with all parties to the dispute and if necessary with members of the Executive Committee.
- 25.5 The President shall, in consultation with the parties and by way of facilitation or mediation, attempt to resolve the dispute as expeditiously as possible.
- 25.6 Where the dispute cannot be so resolved by the President, any party to the dispute or the President him- or herself, may submit the dispute to the Dispute Resolution Centre of the South African Sports Commission for resolution in accordance with the Commission's Rules for the Resolution of Disputes in Sport.

25.7 In recognition of the desire to resolve all disputes in the sport as amicably and as effectively possible, all Constituent Members are required to incorporate in their own constitutions a dispute resolution clause substantially the same as this section of the Constitution and specifically provide for the referral of disputes for resolution through the mechanisms provided for by the South African Sports Commission's Dispute Resolution Centre.

26. Umpires and other Officials

The SAROC representative from each Constituent Member shall forward to the Chair of the South African Rowing Officials Commission for approval by SAROC, 14 (fourteen) days prior to the AGM of the Council, the names of intermediaries officials deemed to be competent to act as National Umpires who shall function at regattas during the year, and who shall act in strict accordance with the RowSA Rules of Racing or Racing Bye-Laws of RowSA.

27. Binding Constitution

All Constituent Members and Clubs shall be bound to adhere to the Constitution.

28. Approval of new Constitution

The Constitution was approved as amended at a meeting of the Council of RowSA held on 25 July 2009 and shall replace all previous publications of the Constitution issued by RowSA.

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