



**VAULTING ASSOCIATION  
OF  
SOUTH AFRICA**

**CONSTITUTION  
OF  
GAUTENG VAULTING**

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## **1. CONSTITUTION, NAME AND CORPORATE PERSONALITY**

- 1.1. This is the Constitution of the body known as GAUTENG VAULTING, which Association is the vaulting body of the GAUTENG PROVINCE, duly recognised by the VAULTING ASSOCIATION OF SOUTH AFRICA (VASA).
- 1.2. GAUTENG VAULTING is a voluntary Association having a corporate identity separate from that of its Members and is entitled to own property, whether movable or immovable or otherwise.
- 1.3. It is further entitled to sue and to be sued in its own name and, notwithstanding any change in the composition of its Members from time to time, shall have perpetual succession.
- 1.4. 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 USED**

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 of Parliament" refers to the National Sport and Recreation Act, (Act No 110 of 1998) and the National Sport and Recreation Amendment Act (Act No 18 of 2007), also referred to as "The Act";
- 2.2. "AGM" means the Annual General Meeting of Members held in accordance with the provisions of this Constitution;
- 2.3. "Annual Financial Statements" means the annual balance sheet, income and expenditure account and Financial Officer's report;
- 2.4. "Associate Members" means all those associations or organisations having the same or similar objects to GAUTENG VAULTING and having their National Office within the area of jurisdiction of GAUTENG VAULTING, which bodies have made application and have been accepted as Associate Members of GAUTENG VAULTING in terms of the provisions of this Constitution or where the national body of such an organisation or association is currently an Associate Member of VASA;
- 2.5. "Athlete" shall mean the individual, together with his or her horse which shall be regarded as one competitor in the sport of Vaulting;
- 2.6. "Club" means any club, which caters for the discipline of vaulting in the GAUTENG PROVINCE, and is approved by SAEF as a registered club in good standing;

- 2.7. "Compliance" means that the Member, Show Holding Body, Club and/or Athlete has fulfilled the necessary provisions of this Constitution regarding specific requirements as contained herein, and as such is regarded as being in good standing with GAUTENG VAULTING;
- 2.8. "Constitution" means this Constitution as amended from time to time;
- 2.9. "Day" means a calendar day. "Working day" means a calendar day excluding Saturdays, Sundays and Public Holidays;
- 2.10. "Event" means a VAULTING event held under the auspices of the SAEF and VASA as defined by the General Regulations and Vaulting Rules and where a Show Schedule has been approved by either a Provincial, National or International Vaulting Body;
- 2.11. "Event Organizer" means a responsible person duly authorised to manage an event on behalf of GAUTENG VAULTING either directly or indirectly through its members;
- 2.12. "FEI" means the *Federation Equestre Internationale* being the supreme controlling body of VAULTING at global and continental levels;
- 2.13. GAUTENG VAULTING" means the body recognised by VASA as the organisation responsible for Vaulting in the GAUTENG PROVINCE, and as referred to in this Constitution. It should be a dually constituted body consisting of more than one club within a Province;
- 2.14. "GAUTENG VAULTING Council" means the committee of GAUTENG VAULTING as constituted in terms of this Constitution;
- 2.15. "General Regulations" means the General Regulations or the Discipline of Vaulting as amended from time to time;
- 2.16. "Honorary Life Members" means all those persons bestowed with this honour by VASA, and shall include any persons to whom this honour was bestowed prior to the acceptance of this Constitution;
- 2.17. "Individual" means the human part of the Athlete combination, who is a member of the SAEF, VASA and a Club, and is simultaneously in good standing with all three these organisations and participates or potentially participates in Vaulting and/or Vaulting events;
- 2.18. "Levies" means the monies levied and due by the membership to the VASA and as approved and agreed to by membership at each Annual General Meeting of VASA;
- 2.19. "Member" shall mean an Ordinary Member, Athletes Representative or an Associate Member, duly appointed in terms of this Constitution;

- 2.20. "Month" means a calendar month;
- 2.21. "National Sport Federation" means the national governing body of Equestrian Sport in South Africa, namely the SAEF, being a member of SASCOC, and recognised by the Department of Sport and Recreation in the Republic of South Africa; and who is the sole affiliate member to the FEI for Equestrian Sport in South Africa;
- 2.22. "Ordinary General Meeting" or OGM means a meeting convened in terms of this Constitution;
- 2.23. "Ordinary Member/s" means those members duly accepted as members of GAUTENG VAULTING in the GAUTENG PROVINCE as set out in this Constitution;
- 2.24. "Organisers" shall mean those persons who have been duly authorised by VASA and GAUTENG VAULTING to stage a VAULTING event, inclusive of the hosting, managing, organising, planning, and supervision of such an event;
- 2.25. "Person" means a natural or legal person;
- 2.26. "President" means the President of GAUTENG VAULTING, duly elected in terms of this Constitution;
- 2.27. "Province" means one of the nine (9) geopolitical areas as defined in Section 103 of the Constitution of the Republic of South Africa 1996 (as amended);
- 2.28. "Provincial Athletes Representative" means an elected person representing current registered Vaulting athletes in good standing in the GAUTENG PROVINCE.
- 2.29. "Provincial Event" means a Vaulting event held in the GAUTENG PROVINCE under the auspices of the SAEF and VASA as defined the Rules and Regulations and Vaulting Rules, where a show schedule has been submitted to and been approved by GAUTENG VAULTING;
- 2.30. "Provincial VAULTING member" means a dually constituted body consisting of more than one club within a Province associated with each other for the special and specific purpose of liaison and communication with the sporting codes of that Province, and the Department of Sport and Recreation in that Province.
- 2.31. "Rules & Regulations" means the rules and regulations of VASA.
- 2.32. "SAEF" means the South African Equestrian Federation;
- 2.33. "SAIDS" means the South African Institute for Drug-Free Sport;

- 2.34. "SASCOC" means the South African Sport Confederation and Olympic Committee duly recognized and approved by the Department of Sport and Recreation as the governing body of Sport in the Republic of South Africa;
- 2.35. "Show Holding Body" or SHB means a venue or an organisation duly registered and accepted by GAUTENG VAULTING as well as VASA to hold sanctioned Provincial Events;
- 2.36. "Special General Meeting" means a meeting convened in terms of this Constitution;
- 2.37. "SRSA", means the Department of Sport & Recreation in South Africa;
- 2.38. "VASA", means the Vaulting Association of South Africa;
- 2.39. "VAULTING" means the sport of VAULTING and includes the disciplines referred to in this Constitution and as defined by the FEI;
- 2.40. "VAULTING Judicial committee" means the national judicial body appointed by the VASA Council in terms of its Constitution (previously referred to as the Appeal Panel/Board);
- 2.41. "VAULTING Rules" means the National Rules for Vaulting adopted by VASA from time to time;
- 2.42. "Vice-President" means the Vice-President of GAUTENG VAULTING as defined in this Constitution.
- 2.43. "WADA" means the World Anti-Doping Agency.
- 2.44. "Year" means a calendar year.

Any words importing one gender include the other.

### **3. INTERPRETATIONS**

- 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.

### **4. AREA OF JURISDICTION OF THE GAUTENG VAULTING ASSOCIATION**

The geographical area of jurisdiction of GAUTENG VAULTING shall be the geo-political area defined as GAUTENG PROVINCE in the Constitution of the Republic of South Africa, 106 of 1996 (as amended).

## **5. OBJECTS OF THE GAUTENG VAULTING**

The objects of GAUTENG VAULTING are:

- 5.1. to be and to operate and function as the autonomous controlling and administrative body of the sport of VAULTING within the area of its jurisdiction.
- 5.2. to direct, develop, promote and administer the Sport of VAULTING within the area of its jurisdiction in accordance with sound business and financial principles;
- 5.3. to ensure that the encouragement, promotion, development and administration of the Sport of VAULTING, whether at National, Provincial, District or Local level is carried out in accordance with the principles of non-racism, 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;
- 5.4. to promote sportsmanship and fair play at all levels of the sport, free of any interference;
- 5.5. to apply annually to be a member of VASA and to abide by their Constitution, Rules and Regulations;
- 5.6. to advance the objects of GAUTENG VAULTING and to associate itself with all such other lawfully constituted Associations and Organisations as shall be decided by GAUTENG VAULTING GAUTENG VAULTING Council, whether within or without the area of jurisdiction of GAUTENG VAULTING and irrespective of whether or not such other Associations or Organisations be connected with the sport of VAULTING, unless prohibited to do so by VASA or SAEF;
- 5.7. to uphold and enforce the rules of VAULTING as prescribed by the FEI (*Federation Equestre Internationale*) from time to time and to encourage and promote the highest standard of sporting behaviour in connection with the performing of VAULTING;
- 5.8. to uphold and enforce any code of conduct pertaining to the sport of VAULTING approved by the FEI and/or it's corresponding VAULTING Region, any other code of conduct decided upon by VASA;
- 5.9. to encourage the training and appointment of coaches at all levels within the Equestrian community under the auspices of the SAEF and SASCOC coaching program as well as any coaching program specified by VASA;
- 5.10. to select representative Athletes at all levels for participation in any tournaments whether same be local or national;

- 5.11. to apply to the Provincial Sports Confederation in the area of jurisdiction, via the SAEF Provincial Federation for the awarding of official Provincial Colours in terms of the criteria laid down in the Rules and Regulations of SASCOC and SRSA;
- 5.12. to award District and Provincial colours in terms of the criteria laid down in the Vaulting Rules and General Regulations in accordance with and approved by the SAEF Provincial Federation and GAUTENG PROVINCE Sports Confederation in the area of jurisdiction;
- 5.13. to recognise and accept the jurisdiction, rules and regulations of the South African Institute for Drug-free Sport ("SAIDS") as well as the code of the World Anti-Doping Agency ("WADA") and the FEI Equine Anti-Doping and Controlled Medication Regulations as may be amended from time to time;
- 5.14. to recognise and accept the impact of the holistic development of children in the sport of Vaulting and to properly understand and provide the correct environment and conditions for them in order to protect their rights and in order not to risk a potential sacrifice of these rights for the purpose of early specialisation or any other reason. In this respect, GAUTENG VAULTING is guided by, inter alia, the Children's Act, 38 of 2005 (as amended);
- 5.15. GAUTENG VAULTING strongly supports the Promotion of Access to Information Act, 2 of 2000 (as amended) and gives effect to the right to access such information in order to foster a culture of transparency and accountability;
- 5.16. to promote the appointment, training and education of Judges and Officials within its jurisdiction under the auspices of FEI, SAEF and VASA.

## 6. MEMBERSHIP

GAUTENG VAULTING consists of three categories of members, and one category of Athletes, namely:

- 6.1. **Ordinary Members** - which shall be those members made up of their Club representatives within their area of jurisdiction as set out in this Constitution, and as such they shall be obliged to promote, develop and participate in the sport of VAULTING, as well to ensure as the development of Athletes through constructive coaching and capacity building. Ordinary Members shall be permitted to vote in terms of this Constitution;
- 6.2. **Athletes Representative** - which means a representative of current individual Athletes participating in the sport of VAULTING, as defined in this Constitution. Such Athlete's representative shall at all times have direct representation on the GAUTENG VAULTING Council and shall be permitted to vote in terms of this Constitution;



- 6.3. **Associate Member(s)** – shall comprise those bodies who have made application and been accepted as Associate Members to the Sport of VAULTING in the area of jurisdiction, and are recognised as a body specifically catering for their membership within a confined organisation and/or area, namely the Defence Force, Police Force, Schools and Tertiary Education and any other body duly accepted. An application may made to the President of the GAUTENG VAULTING Council in the form determined by GAUTENG VAULTING from time to time, enclosing a copy of its duly adopted Constitution, a declaration that it will adhere to the Constitutions of SASCOC, SAEF, VASA and GAUTENG VAULTING, a complete membership list and such other information as may be required by the GAUTENG VAULTING Council. The President shall submit applications for affiliation to the next GAUTENG VAULTING Council meeting for consideration and the GAUTENG VAULTING Council shall in turn submit all such applications, with a recommendation, to the next Annual General Meeting.
- 6.4. **Athlete(s)** - shall mean each individual participant in the sport of Vaulting, who together with his horse shall make up one competitor. Such Athlete may apply to join SAEF and VASA under their respective membership application procedures and processes as applicable from time to time and subject to annual renewal. SAEF and VASA may levy a fee against such Athlete at its discretion and such Athlete, whether or not a fee was levied and / or paid but upon acceptance of such application, shall be subject to this Constitution and any Rules and Regulations of GAUTENG VAULTING and VASA. The aforesaid fees shall be collected directly by the SAEF and VASA by way of any mechanism that it may establish for such purpose. Athletes shall not be permitted to a vote in terms of this Constitution.
- 6.5. GAUTENG VAULTING may, by a majority vote taken at an Annual General Meeting or a Special General Meeting convened inter alia for this purpose, grant associate membership status to any other association operating on a national level provided that no associate membership shall be granted to an association with the same aims and objectives as GAUTENG VAULTING.
- 6.6. GAUTENG VAULTING Council may, by a two-thirds majority vote taken solely for this purpose at an AGM or SGM, withdraw its recognition of any associate member contemplated in this Constitution, in which event; the relevant association will cease, forthwith, to be an associate member of GAUTENG VAULTING.
- 6.7. In matters of mutual interest, GAUTENG VAULTING and any members may, if the need arises, enter into a written agreement covering specific issues for the benefit of the Sport and its members.
- 6.8. The current Ordinary Members shall be the Registered Clubs in good standing within the structure of GAUTENG VAULTING, the SAEF and VSA and who are registered within the GAUTENG PROVINCE, and who are represented by their officially appointed Club Representatives as specified by the club members in a meeting convened for such a purpose.

- 6.9. The jurisdictions of Members shall be limited by the boundaries of the GAUTENG PROVINCE, in compliance mutatis mutandis with SASCOC.

## **7. POWERS OF GAUTENG VAULTING TO CARRY OUT ITS OBJECTIVES**

- 7.1. GAUTENG VAULTING shall have all such powers and authorities as shall be necessary or desirable or conducive of achieving all of the objects of GAUTENG VAULTING. These powers and authorities shall be exercised by the GAUTENG VAULTING Council and/or by the President and/or by any duly constituted sub-committee in accordance with and subject to the provisions of this Constitution and the Act. Without in any way limiting the generality of the foregoing, the powers and authorities of GAUTENG VAULTING shall include those set out in Clauses 7.2 to 7.13 below.
- 7.2. To acquire by purchase, exchange, hire, sub-lease, donation or otherwise movable and/or immovable property of any kind.
- 7.3. 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 GAUTENG VAULTING.
- 7.4. To enter into contracts of all kinds necessary to carry out, give effect to or secure the objects of GAUTENG VAULTING.
- 7.5. To employ, suspend or dismiss and remunerate employees, professional assistants and experts.
- 7.6. To regulate relations between its Members and GAUTENG VAULTING or its members or individual VAULTING Athletes.
- 7.7. To invite the patronage of any person or persons as it may consider advisable.
- 7.8. To insure against losses, damage, risk and liability of all kinds.
- 7.9. To institute, conduct, defend, compound or abandon any legal proceedings by and against GAUTENG VAULTING or its officers or otherwise concerning the affairs of GAUTENG VAULTING, or the action of its Members, and compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against GAUTENG VAULTING.

- 7.10. To raise money whether by subscription or levies which are to be paid to GAUTENG VAULTING by the 1<sup>ST</sup> day of February each year from its Members inclusive of clubs, tertiary institutions, and or any other associations or organisations which are affiliated directly or indirectly to GAUTENG VAULTING on behalf of ordinary VAULTING Athletes who are members of the bodies referred to above, as well as to obtain funding from any other source, and to recover by legal process monies due by any of the above.
- 7.11. To contribute or subscribe to bodies with aims like the aims of GAUTENG VAULTING, and invest monies upon such security and in such manner as it may from time to time determine.
- 7.12. To impose fines, to suspend for a period of time, to ban and/or implement any other disciplinary measures on its Members or former Members or on any VAULTING Athlete or club or association or organisation connected or concerned with GAUTENG VAULTING arising out of or connected with any contravention or breach of the provisions of this Constitution or any rule, by-law or regulation passed by GAUTENG VAULTING Council, including those of SAIDS, SASCOC, SAEF, VASA and World Anti-Doping Code and recover by legal action or otherwise such fines or compulsory contributions or damages from its Members or former Members. Without in any way limiting the generality of the foregoing, GAUTENG VAULTING shall have the power to suspend or ban any VAULTING Athlete, Member or club from participating in any championship or event.
- 7.13. To take all such action as may be required or necessary to enforce fully and effectively all obligations of whatsoever nature and howsoever arising which may be owed to GAUTENG VAULTING by its Members, former Members or any other persons or body.

## **8. MEMBERSHIP AND TERMINATION OF MEMBERSHIP**

- 8.1. Any Association which wishes to become an Associate Member of GAUTENG VAULTING shall apply in writing to GAUTENG VAULTING Council to be admitted as an Associate Member and shall furnish a copy of its constitution and all such information as GAUTENG VAULTING Council may require to decide upon its application.
- 8.2. No Association shall be admitted to membership of GAUTENG VAULTING unless GAUTENG VAULTING Council is satisfied that the constitution of such Association substantially complies with the requirements contained in Schedule Two hereto.
- 8.3. GAUTENG VAULTING Council's decision to admit or refuse any application for membership shall be referred to the next meeting of the Council for ratification.

- 8.4. Associate Members shall agree upon and define their geographic areas of jurisdiction provided that in the event of dispute and failure to reach agreement such areas of jurisdiction shall be defined by GAUTENG VAULTING Council and shall comply mutatis mutandis with the VASA and SAEF constitution.
- 8.5. Any Member other than an ordinary member which ceases to operate a viable structure as defined in this Constitution and may ipso facto be suspended from membership and the Council shall decide at its next ordinary meeting whether the membership of such member should be terminated.
- 8.6. Any member of any classification may, at any time, tender their resignation from GAUTENG VAULTING. Such member must give notice by not later than 30 days prior to their resignation. Any member so resigning shall continue to be liable for any monies due and owing by such member, to GAUTENG VAULTING at the date of their resignation.

## **9. VOTING RIGHTS**

- 9.1. The voting rights set out in this clause shall apply in respect of all meetings of the GAUTENG VAULTING Council.
- 9.2. The President, Vice-President and Financial officer shall each have 1 (one) vote. However, the President shall have a deliberate as well as a casting vote.
- 9.3. Ordinary Members shall each have 1 (one) vote.
- 9.4. Athletes Commission shall each have 1 (one) vote.
- 9.5. Associate Members shall each have 1 (one) vote.
- 9.6. Honorary Life Members may only vote in connection with any motion to terminate the Membership of any Honorary Life Member, and shall each have 1 (one) vote.
- 9.7. Only Members whose representatives are personally present at the meeting concerned shall have the right to vote.
- 9.8. Each Athletes Representative, Ordinary Member or Associate Member will be entitled to nominate one representative to attend and to vote at any AGM, SGM or OGM. Such nominations shall be in writing, addressed to the President of GAUTENG VAULTING and must be received by the President, Vice-President or Financial Officer of GAUTENG VAULTING not less than 48 (forty-eight) hours prior to the time for the commencement of that meeting.

## **10. ANNUAL GENERAL MEETING ("AGM")**

- 10.1. An AGM shall be held once in every year provided that not more than two months may elapse between the financial year end of GAUTENG VAULTING and the AGM date. Should there be a good reason that requires an extension to the AGM date then such reason must be provided to VASA and permission must be sought for the extension of such a date which may or may not be granted.
- 10.2. GAUTENG VAULTING Council shall decide the date, time and place on which each AGM. shall be held.
- 10.3. Notice of each AGM shall be sent to all the Members of GAUTENG VAULTING, as well as the President of VASA not less than 30 (thirty) calendar days prior to the date of the AGM.
- 10.4. Should the AGM be an electoral AGM, then the timelines and notice distribution should be extended to accommodate the criteria laid down for elections (see clause 15 below).
- 10.5. The following persons shall be entitled to attend and speak at the AGM.:
  - 10.5.1. All members of GAUTENG VAULTING Council
  - 10.5.2. Not more than 1 (one) representative of each Ordinary Member, not more than 1 (one) representative of the Athletes Commission, and not more than 1 (one) representative of the Associate Members.
  - 10.5.3. The Patrons.
  - 10.5.4. All Honorary Life Members
  - 10.5.5. Any other person who may be invited by GAUTENG VAULTING Council to do so.
- 10.6. All Nominees that stand for election at the AGM, if it is an electoral AGM are entitled to attend the AGM but are not entitled to participate in any discussion unless they are elected to the Council
- 10.7. Not less than 21 (twenty-one) calendar days prior to the date of any AGM, copies of the Agenda for that AGM and the final Annual Financial Statements to be tabled at the AGM, shall be disseminated to all attendees. Furthermore, the GAUTENG VAULTING President's report as well as any other reports, minutes and supporting documents to be tabled and considered at the AGM need to be circulated to all attendees at this time. The distribution shall be done by post and/or by hand and/or by fax and/or by e-mail.
- 10.8. The business to be transacted at an AGM. shall be:
  - 10.8.6. to read the notice convening the Meeting;
  - 10.8.7. to read and confirm the Minutes of the previous AGM, SGM and General meetings, and to consider any matters arising therefrom;

- 10.8.8. to receive and consider the Annual Report of the President, for the period since the date of the previous AGM;
  - 10.8.9. to adopt with or without modification, the 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 Council at an Ordinary General Meeting or by the GAUTENG VAULTING Council as per the decision of the AGM;
  - 10.8.10. GAUTENG VAULTING Council to consider all nominations by GAUTENG VAULTING Council of persons to be Patrons or Honorary Life Members and to accept or to reject any such recommendation or nomination;
  - 10.8.11. to elect the GAUTENG VAULTING Council in terms of clause 14 as read with clause 15; and
  - 10.8.12. to discuss and consider any matter of which 21 (twenty-one) days written notice has been given.
- 10.9. Notice of each AGM shall be sent to all the Members, Members of GAUTENG VAULTING Council, Patrons and Honorary Life Members not less than 30 (thirty) calendar days prior to the date of the AGM.

## **11. ORDINARY GENERAL MEETINGS ("OGM'S")**

- 11.1. The Ordinary General Meeting of the GAUTENG VAULTING Council shall be held on such date and at such place as GAUTENG VAULTING Council shall determine provided that unless there are good reasons to the contrary.
- 11.2. Subject to the terms of this Constitution the GAUTENG VAULTING Council shall be the highest authority of GAUTENG VAULTING and shall determine its policy, decide upon its budget and give directives to Management Committee.
- 11.3. All the persons referred to in clause 10.3 (save those referred to in sub-clause 10) shall be eligible to attend and speak at any OGM.
- 11.4. Notwithstanding anything to the contrary herein, no Honorary Life Member shall be entitled to attend or speak at the OGM but may do so upon the invitation of GAUTENG VAULTING Council.
- 11.5. Notice of any OGM of the GAUTENG VAULTING Council shall be sent to Ordinary, Special and Associate Members and the Athlete's Representative not less than 21 (twenty-one) calendar days before the date of such meeting which notice shall be accompanied by a proposed agenda as recommended by GAUTENG VAULTING Council.

- 11.6. The text of any motion which any Member wishes to be put to and considered by any OGM shall be received not less than 15 (fifteen) calendar days prior to the date of such meeting by the President of GAUTENG VAULTING who shall disseminate it by post and /or by hand, and/or by fax, and/or by electronic mail, together with the final agenda to all Ordinary Members, Special Member and Associate Members and Athlete's Representative, not less than 10 (ten) calendar days prior to such date.
- 11.7. The business to be transacted at the O.G.M. shall be:
- 11.7.1. to read the notice convening the meeting;
  - 11.7.2. to read and confirm, with or without amendments, or to reject the minutes of the previous OGM as the case may be, as well as the minutes of any SGM held in the interim, and to consider any matters arising therefrom;
  - 11.7.3. to consider and to adopt, with or without modification, or to reject, any Resolution of which due notice has been given;
  - 11.7.4. to consider and to adopt with or without modification or to reject the budget for the ensuing year which shall have been prepared by the Treasurer and considered and recommended by GAUTENG VAULTING Council; and
  - 11.7.5. no resolution which has the effect of creating, amending or repealing a by-law, regulation or standing rule shall be binding unless the notice thereof has been given in terms of 12.6 hereof or such resolution has been ratified at the next OGM.

## **12. SPECIAL GENERAL MEETINGS ("SGM's")**

- 12.1. An SGM of Members shall be convened:
- 12.1.1. by resolution of GAUTENG VAULTING Council, or
  - 12.1.2. upon the written requisition of not less than 5 (five) Ordinary Members or 50% plus one of Ordinary Members, whichever is the lesser. It must be addressed to the President of GAUTENG VAULTING and delivered to him/her in person or by electronic mail, provided that such 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.
- 12.2. Within 14 (fourteen) calendar days after receipt of the resolution or requisition referred to in sub-clause 12.1.2, the President shall send written notification to all Council Members, which notice shall specify the time, date and place of the SGM, which time, date and place shall have been determined by GAUTENG VAULTING Council provided that the date shall not be less than 21 (twenty-one) calendar days of the date of posting dissemination of the notification, together with written notification of the purpose of and measures to be transacted at the SGM and the text of motions to be put to and considered by the meeting.

- 12.3. No business other than that stated in the notification, referred to in sub-clause 12.2, shall be transacted at the SGM.
- 12.4. Only the persons referred to in 10.3 excluding those referred to in sub-clause 10.3.5 shall be entitled to attend and speak at SGM's.

### **13. GENERAL PROVISIONS RELATING TO AGM's, OGM AND SGM's.**

- 13.1. The following provisions shall apply to all AGM's, OGM's and SGM's:
- 13.1.1. AGM's, OGM's and SGM's shall be conducted in accordance with the terms of this Constitution;
- 13.1.2. the chairperson of any AGM, OGM, or SGM shall be the President or in his or her absence the Vice-President, or in his or her absence such other person as shall be elected for that purpose by the representatives of Members present at the Meeting and entitled to vote;
- 13.1.3. each member of GAUTENG VAULTING Council shall have 1 (one) vote and the Chairperson of any general meeting shall have 1 (one) vote, in that capacity, and a second or casting vote in the event of an equality of votes;
- 13.1.4. a quorum shall consist of 50% (fifty per centum) plus 1 (one) of the Ordinary Members in good standing;
- 13.1.5. 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 the Member is not present during the meeting, until the proceedings have been duly declared to have been concluded so by the President, the meeting if convened upon the requisition of Ordinary Members, shall be dissolved; in any other case, it shall stand adjourned to a date not earlier than 5 (five) calendar days and not later than 15 (fifteen) calendar days after the date of that meeting, and, at such adjourned meeting the representatives of Ordinary, Special and Associate Members and Athlete's Representative present and entitled to vote, shall constitute a quorum and may transact the business of that meeting;
- 13.1.6. Where a meeting has been adjourned as aforesaid, the Council shall, upon a date not later than 3 (three) calendar days after the adjournment disseminate a written notice to each Member stating:
- 13.1.6.1 the date, time place to which the meeting is adjourned;
- 13.1.6.2 the matter before the meeting, when it was adjourned;
- 13.1.6.3 the grounds for the adjournment; which notice shall have been settled by the President.
- 13.2. voting shall be on a show of hands unless a poll be demanded by representative of not less than 40% (forty per centum) of Members represented and entitled to vote, and in such event, the poll shall be conducted in such manner as the Chairperson of the meeting shall decide.



#### **14. GAUTENG VAULTING COUNCIL**

- 14.1. The GAUTENG VAULTING Council shall consist of the following persons:
- 14.1.1. The President, who shall also sit as the Provincial Representative on VASA;
  - 14.1.2. The Vice-President;
  - 14.1.3. Financial Officer also known as Treasurer;
  - 14.1.4. The Club Representatives also known as the Ordinary Members;
  - 14.1.5. The Athlete's Representative; and
  - 14.1.6. A Minimum of 3 (three) individuals which will hold any of the following portfolios:
    - Secretarial;
    - Development and Transformation
    - Technical and Coaching Portfolio
    - Judges and Officials
    - Venue, Show Holder and Schedules
    - Team Selection and Awards
    - Liaison, Public Relations, Communications Marketing and Fundraising.
- 14.2. The President and Financial officer / Treasurer may not hold any other office nor any other portfolio.
- 14.3. GAUTENG VAULTING Council shall have the right to appoint, where needed, additional portfolio holders as well as the following committees or sub-committees, or distribute the portfolio among the members of GAUTENG VAULTING Council:
- 14.3.7. Provincial Selection Committee;
  - 14.3.8. Provincial Judges Committee;
  - 14.3.9. Provisional Judicial Committee;
  - 14.3.10. Provincial Show Holding and Provincial Events sub-Committee.
- 14.4. Any individual who is a serving member of SAEF or the VASA Council, may not simultaneously serve on the GAUTENG VAULTING Council, other than the President who, by constitutional appointment will serve on the VASA Council as a Provincial Representative.
- 14.5. Members of GAUTENG VAULTING Council shall vote on all resolutions by a show of hands.
- 14.6. Members of GAUTENG VAULTING Council shall decide on all matters by a simple majority vote.

- 14.7. Each Ordinary member of GAUTENG VAULTING Council, as well as the President, Vice President and Financial officer / Treasurer shall have 1 (one) vote, and the President shall have a second or casting vote, in the event of an equality of votes.
- 14.8. When voting on the appointment of office bearers to serve on the GAUTENG VAULTING Council at any meeting, the President, Vice President, Ordinary Members together with the Athlete's Representative will be the only Council members who will be permitted to vote. They shall each have 1 (one) vote and in the event of a division, the President will have an additional casting vote.
- 14.9. The chairperson of any meeting of GAUTENG VAULTING Council shall be the President, or in his or her absence the Vice-President, or in his or her absence such other Member of GAUTENG VAULTING Council as shall have been appointed at that meeting by the Members of GAUTENG VAULTING Council present and entitled to vote.
- 14.10. No person may serve for more than 6 (six) consecutive years as President nor may any person serve for more than 6 (six) consecutive years as Vice-President.
- 14.11. GAUTENG VAULTING Council shall meet not less than 4 (four) times in any one financial year and all such meetings shall be minuted and made available to all members of GAUTENG VAULTING.
- 14.12. A quorum of Members of GAUTENG VAULTING Council shall consist of not less than 50% (fifty per centum) plus 1 (one) of the Ordinary members in good standing and if there is not a quorum present at the appointed time and place for any meeting of GAUTENG VAULTING Council or if there is not a quorum present during the whole of the meeting until proceedings have been duly concluded, such meeting shall stand adjourned until a date, time and place to be determined by those members of GAUTENG VAULTING Council who are present at that meeting provided that such date shall not be less than 2 (two) and not more than 7 (seven) working days after such meeting; and as such adjourned meeting those members of GAUTENG VAULTING Council present and entitled to vote shall constitute a quorum and may transact the business of that meeting.
- 14.13. The President shall, by such means as is most expedient and by such means as appears most appropriate in the circumstances, inform those members of GAUTENG VAULTING Council who were not present at the meeting of the date, time and place to which the meeting has been adjourned.
- 14.14. Except where otherwise stated herein and subject to the provisions of this constitution, GAUTENG VAULTING Council shall be vested generally with all such powers and authorities as are necessary to promote and attain the objects of GAUTENG VAULTING and, without in any way limiting the generality

of the foregoing, GAUTENG VAULTING Council shall have all such powers and authorities as are necessary to carry out the duties and functions referred to in clause 7 above.

14.15. GAUTENG VAULTING Council shall control all expenditure of the funds of GAUTENG VAULTING and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of GAUTENG VAULTING.

14.16. In addition to the foregoing, GAUTENG VAULTING Council shall:

14.16.11. undertake and perform all such duties and functions as shall be decided by the Council;

14.16.12. consider and, if thought fit, approve and implement any additional policies that, subject to the approval of VASA will be applicable to the GAUTENG VAULTING Council and all members of GAUTENG VAULTING;

14.16.13. generally undertake and perform all such duties and obligations as are reasonably required to achieve the objects of GAUTENG VAULTING;

14.16.14. formulate recommendations and resolutions for the consideration of the Council and to prepare the agenda for Council meetings;

14.16.15. subject to the provisions of the Constitution, make, amend, vary, repeal and enforce rules, by-laws and regulations;

14.16.16. conduct disciplinary proceedings in respect of any infringement of this constitution or the by-laws, rules or regulations or any agreement between any participant and GAUTENG VAULTING or the rules of the sport and to impose sanctions whether by way of fines, or suspension or banning/exclusion from participating in any championships, event or event held or being conducted under the auspices of GAUTENG VAULTING or the activities of VASA or by way of withdrawing monies for which any person would otherwise be eligible. For the purposes of this Constitution, all events and championships of whatsoever nature organised and/or run by Members of GAUTENG VAULTING shall be deemed to be under the auspices of GAUTENG VAULTING;

14.16.17. impose and collect levies, subscriptions, dues and imposts;

14.16.18. arrange, control, regulate and promote events, championships and any other forms of competition;

14.16.19. employ any person upon such terms and conditions as shall be decided and, when considered necessary or desirable, terminate the employment of any such person.

14.16.20. refer any dispute between any Members, and/or Club, and/or persons who are members of such clubs to the National Judicial body;

14.16.21. determine the area/s or jurisdiction of Members and vary or alter such areas from time to time when necessary in conjunction with VASA;

14.16.22. co-opt any person to GAUTENG VAULTING Council as may be required to achieve the objects of GAUTENG VAULTING or fulfil any purpose incidental thereto;

- 14.16.23. form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of GAUTENG VAULTING and, subject to the constitution, by-laws, rules and regulations, delegate such of its powers to such sub-committees as may be required;
- 14.16.24. appoint special advisers and consultants, for any purposes, and terminate such appointment/s;
- 14.16.25. accept or reject any application for membership subject to ratification by the Council;
- 14.16.26. decide upon the criteria for the award of District and Provincial Colours and appoint Provincial Selectors to a Provincial Selection Committee for the selecting of teams to whom District and Provincial Colours may be awarded;
- 14.16.27. deal with any question or issue arising out of or relating to or incidental to non-racialism as described in the schedule one hereto;
- 14.16.28. deal with any question or issue arising out of or relating to or incidental to non-sexism or discrimination on any grounds as referred to in this Constitution;
- 14.16.29. address any question or issue or matter concerning or incidental to development and transformation including budgeting for and expenditure on development and transformation;
- 14.16.30. approve the employment and termination of employment of staff by GAUTENG VAULTING including all matters incidental thereto and the review from time to time of all existing contracts of employment of staff and all matters incidental thereto;
- 14.16.31. decide any question, issue or matter relating to emblems, colours, or anthems for GAUTENG VAULTING.
- 14.16.32. make recommendations on any question or issue relating to the affiliation to or disaffiliation from any other body;
- 14.16.33. decide any question or issue relating to the use of VAULTING facilities and/or other facilities incidental thereto and/or the standard thereof.
- 14.17. GAUTENG VAULTING Council'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 such enquiries and/or take such steps as GAUTENG VAULTING Council seems fit.
- 14.18. It is recognised that it is desirable for all provincial bodies themselves to negotiate and achieve unified provincial bodies. Notwithstanding this, GAUTENG VAULTING Council shall have the right and power to be pro-active and to take such steps as it may to facilitate unity as may seem fit to ensure that any difficulties or problems in the way of unity in any province shall be overcome.
- 14.19. Any member of GAUTENG VAULTING Council who, without having first obtained leave of absence from GAUTENG VAULTING Council, shall otherwise than in circumstances beyond his or her control, not attend 3 (three) consecutive meetings of GAUTENG VAULTING Council, of which meetings due notice has been given, shall be deemed to have resigned from GAUTENG VAULTING Council.

- 14.20. No member of GAUTENG VAULTING Council shall be entitled to any remuneration, but all members of GAUTENG VAULTING Council shall be entitled to be refunded any disbursement incurred by any such member in fulfilling any duties or functions as shall be approved by GAUTENG VAULTING Council and accepted by the Finance Officer / Treasurer prior to any commitment made by the member to incur such a disbursement.
- 14.21. Any Member, of any classification, shall be entitled to have a representative attend and speak, but not vote, at any meeting of GAUTENG VAULTING Council; provided such Member shall have submitted written notification to the President of such intention and the full details of any matter such member is desirous of raising at such Meeting, not less than 5 (five) calendar days prior to the date of such meeting.

#### **15. ELECTION OF THE PRESIDENT, VICE-PRESIDENT AND THE OTHER MEMBERS OF GAUTENG VAULTING COUNCIL**

- 15.1. Every member in good standing with a Club in the GAUTENG PROVINCE and in good standing with VASA may nominate a candidate for any position on the GAUTENG VAULTING Council include the athlete's representative but excluding the ordinary members.
- 15.2. All nomination forms must be signed by the nominator, seconder and nominee.
- 15.3. Such nominated person can be nominated for more than one position. Should a person be elected for the highest position nominated for, all other nominations for positions for such person, will fall away.
- 15.4. Should such a nominated person not be elected for the highest position they have been nominated for, then the election for such a member continues down the line of nominated position.
- 15.5. All nomination forms must be signed off by either the Club Chair, Vice Chair or Secretary in the nomination and seconding signature position. The nominee must also sign the form accepting the nomination.
- 15.6. Once nominated, a nominee may not withdraw from the elections.
- 15.7. The Nomination process timelines are as follow:
- 15.7.1. no less than 60 (sixty) days before the election date the person tasked by the GAUTENG VAULTING Council to do so, shall:

- 15.7.2. send notification to every GAUTENG VAULTING member (the Club committees are specifically tasked to distribute the nominations forms to all their club members) informing them of the date, time and venue of the elective meeting;
- 15.7.3. advise them who the appointed electoral officer will be and supply their contact details (this must be a member of the SAEF Provincial Federation EXCO);
- 15.7.4. call for the nominations for each of the positions to be filled during the election;
- 15.7.5. correctly signed and completed nomination forms must be returned to the appointed electoral officer no later than 30 (thirty) days after the announcement of the elections and the distribution of the nomination forms;
- 15.7.6. no less than 25 (twenty-five) days before elections the electoral officer shall return all received nomination forms after verification to the President of the GAUTENG VAULTING Council for distribution amongst its members (the Club committees are specifically tasked to distribute the received nomination forms to all their club members in order to facilitate a mandate for the Club Representatives to vote at the elections).
- 15.8. Only the Club Representatives, also known as Ordinary Members (who are duly authorised by their Club Committees to do so) may cast a vote on the election day with the understanding that a quorum of 50% plus one of total clubs shall be present.
- 15.9. It is to be noted that the outgoing GAUTENG VAULTING Council members, other than the Club Representatives known as Ordinary Members have no voting rights at elections.
- 15.10. Majority votes recorded by show of hands or by ballot shall establish the elected person.
- 15.11. Should there be a division in voting, then the Club Representative who has the largest number of members in good standing, shall have the casting vote.
- 15.12. If no nominations are received for the election of the President or the Vice-President, or the Financial Officer / Treasurer or all three, then they shall continue in office, if available, until the next elections of the GAUTENG VAULTING Council.
- 15.13. Each person who votes shall record a vote for not more and not less than the number of vacancies.

## **16. ASSOCIATE MEMBERS**

- 16.1. Any association or organisation which wishes to become an Associate Member of GAUTENG VAULTING shall apply in writing to GAUTENG VAULTING Council to be admitted as such and shall furnish a copy of its constitution and all such information as GAUTENG VAULTING Council may require to decide upon its application.

- 16.2. GAUTENG VAULTING Council may in its discretion admit any such association or organisation as an Associate Member upon such terms and conditions including terms and conditions as to the payment of subscriptions as GAUTENG VAULTING Council may consider fit.
- 16.3. Any application for Associate Membership considered by the GAUTENG VAULTING Council must be submitted to the VASA Council for approval before placing it to their own Council for consideration.
- 16.4. Any decision by GAUTENG VAULTING Council in respect of an application for Associate Membership shall be referred to the next Ordinary General Meeting of the Council for ratification and shall not be binding until so ratified.

#### **17. HONORARY LIFE MEMBERS**

- 17.1. GAUTENG VAULTING Council shall, from time to time, nominate any person who has rendered notable and meritorious service to GAUTENG VAULTING and/or in the promotion of the sport of VAULTING and whom it wishes to recognise and honour as an Honorary Life Member which nomination shall be presented to the Council for ratification at the next AGM and, if ratified by the Council, such person shall become an Honorary Life Member and shall enjoy the rights and privileges namely to attend the AGM, to receive advance notice and to make preferential bookings in respect of any event or championship held under the auspices of GAUTENG VAULTING.
- 17.2. All past presidents of GAUTENG VAULTING may become an Honorary Life Member of GAUTENG VAULTING if so nominated and such appointment is ratified at an AGM.

#### **18. PATRONS**

- 18.1. GAUTENG VAULTING Council may from time to time nominate any person whom GAUTENG VAULTING Council considers to be fit and desirable to be a Patron of GAUTENG VAULTING which nomination shall be presented for ratification at the next A.G.M. and, if ratified by the Council, such person shall become a Patron of GAUTENG VAULTING.
- 18.2. 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 GAUTENG VAULTING Council from time to time.

## **19. LIMITATION OF LIABILITY OF MEMBERS INDEMNITY**

- 19.1. The liability of any Member, of any classification, is limited exclusively to the sum of any monies then due and payable by such Member to GAUTENG VAULTING, by way of subscription or otherwise howsoever.
- 19.2. The Patrons, the President, the Vice-President, the Director, all members of GAUTENG VAULTING Council, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of GAUTENG VAULTING, in terms of this Constitution and under delegated powers from the Members in General Meeting or from GAUTENG VAULTING Council, shall be and they are hereby indemnified and held harmless against any claim or demand by any third party as a result of any act or omission in the performance of their duties for and on behalf of GAUTENG VAULTING, from whatever cause arising, provided such person/s acted in good faith.

## **20. ALTERATION OR VARIATION OF THIS CONSTITUTION**

This Constitution may be altered or varied, at any time, by the Members at a SGM, upon a majority vote of not less than 66% (sixty-six per centum) of the total votes of the Members, whose representatives are present and entitled to vote at that time provided not less than 21 (twenty-one) calendar days written notification of such Meeting, together with a copy of a proposed resolution/s

## **21. NOTIFICATION**

For the purposes of this Constitution, all notifications by GAUTENG VAULTING to any person or any Member, Honorary Life Member or Patron shall, unless delivered by hand, be effective from the date of dissemination by post, and/or by hand, and/or by fax, and/or by electronic mail to the last known postal address of such Member/s, by any official of GAUTENG VAULTING; but all notifications to GAUTENG VAULTING by any person (natural, corporate or otherwise) or any such Member shall only be effective from the date of receipt thereof by the President. In no respects shall any postal authority be, or be deemed to be, the agent of GAUTENG VAULTING.

## **22. DISPUTE RESOLUTION AND INTERPRETATION OF THIS CONSTITUTION**

- 22.1. Any disputes arising out of or in connection with the enforceability of this constitution or the application and interpretation of the provisions thereof or a breach of GAUTENG VAULTING's Code of Conduct (see Schedule 4 hereto) or any dispute between GAUTENG VAULTING and another national sports federation, or between a member of the GAUTENG VAULTING Council and a Member or individual shall be referred to VAULTING Judicial Committee for a ruling which will be binding. Should



there be a need for an appeal to such a ruling, then the Judicial Committee may refer such an appeal to SAEF for a final and binding ruling.

- 22.2. The procedure to be followed by all parties regarding any dispute arising out of or in connection with this constitution or the application and interpretation of the provisions thereof or a breach of GAUTENG VAULTING'S Code of Conduct shall be in terms of the Broad Framework for the Procedure for Avoidance and Resolution of Disputes and Disciplinary Code, attached hereto as Schedule 5.

### **23. DISSOLUTION OR WINDING UP OF GAUTENG VAULTING**

- 23.1. GAUTENG VAULTING may be dissolved or wound-up, at any time, by the Members in General Meeting, upon a majority vote of not less than 75% (seventy five per centum) of the total votes of Members, whose representatives are present and entitled to vote, who are present in person at such general meeting, provided that not less than 6 (six) calendar days written notification of such meeting and of any resolution aimed at dissolving or winding-up GAUTENG VAULTING shall have been given to all Members.
- 23.2. Upon dissolution or winding up of GAUTENG VAULTING, all the property and assets of GAUTENG VAULTING 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 VAULTING, at the discretion of the Members.


### **24. JUDICIAL COMMITTEE**

- 24.1. The VASA Council shall appoint the members of the VAULTING Judicial Committee and delegate such powers to this Committee to include, but not be limited by the following:
- 24.1.1. to assist GAUTENG VAULTING and VASA with legal advice;
  - 24.1.2. set up and continuously update a disciplinary code for both participants and management, adopted by Council; and
  - 24.1.3. to Chair disciplinary hearings when requested, and adjudicate, mediate and arbitrate upon legal and disciplinary matters.
- 24.2. The VAULTING Judicial Committee shall comprise of three members of which at least one must have a legal background.
- 24.3. Every member of the VAULTING Judicial Committee shall have one vote each at their meetings and hearings and for the purposes of their meetings, they will elect a Chairperson from within their ranks.

- 24.4. Subject to the provisions of this Constitution, the registration of any dispute must be accompanied by a declaration signed by all parties which details the steps taken in good faith to resolve such a dispute and should at least incorporate the details of an attempt at a mediation process.
- 24.5. Any party that declares a dispute or intends to declare a dispute, is not entitled to approach any higher office or superior organisation other than in the case of an appeal against a ruling on such a dispute. Should there be evidence that any party that has declared a dispute – or intends to declare a dispute – has in fact approached a higher office or a superior organisation, then the VAULTING Judicial Committee shall have the right to consider:
- 24.5.4. disallowing any appeal on the basis that such an appeal would not be truly independent and would be pre-empting any appeal decision;
- 24.5.5. implement disciplinary action based on a breach of organisational communication protocol; and
- 24.5.6. advise the party to desist from breaching the organisational communication protocol.
- 24.6. Should a dispute arise between a member of GAUTENG VAULTING with a superior body or with an office bearer of a superior body, then the VAULTING Judicial Committee will first review the merits of the dispute and should they, in their best judgement rule that a dispute should be elevated to a higher body, then a certificate to this effect would need to be drafted and submitted to the GAUTENG VAULTING Council in order for the Council to resolve that the matter may be elevated to the President of VASA for further action.
- 24.7. All disputes will be resolved through mediation or expedited arbitration in accordance with the Disciplinary Procedure set out in Schedule 5 hereto. In the event of arbitration such resolution shall be final and binding on the parties to the dispute.

This Constitution is tabled and was adopted by the passing of a resolution to this effect, by no less than 66% (sixty-six per centum) of the voting members present at the SGM

Held at Beaulieu on 26 November 2018.

 on the 26 day of November 2018.  
**President**

## SCHEDULE ONE - NON-RACIALISM

1. The principle of non-racialism is recognised and accepted. 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 club, province or other affiliated body 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 2 (Two).
4. The principle of non-racialism also demands that all clubs, provinces and other affiliated bodies 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; eg. 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. 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 5.(Five), and the principle of non-racialism referred to in 1.(One), 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 (1) 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 will an infringement of 4.(Four), 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 1. (one) or more of such ethnic clubs which in fact exist. Such clubs appear to have been formed with the bona FEI purpose of catering for the cultural needs or 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 necessary implication, be excluding persons from all other ethnic groups/races/nationalities from membership.

Prima facie this would be an infringement of paragraph 2(Two) 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 2(Two), above (Cf also 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 proposed new unified 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-racism shall apply equally in respect of religion and discrimination on the grounds of a persons religious beliefs.

## **SCHEDULE TWO - AFFILIATES TO GAUTENG VAULTING**

Eligibility requirements for Ordinary members, Special Members and Associate Members in terms of clause 6 of the Constitution of GAUTENG VAULTING

1. The objects clause of the constitution of an Associate Members must include provisions that are identical to or substantially the same as sub-clauses 6.3, 6.4, 6.5, 6.6 and 6.9 hereof and shall provide Associate Members shall encourage, promote, develop and administer the sport of VAULTING within the area of its jurisdiction in accordance with sound business principles.
2. There must be provisions in the constitution of Associate Members, stipulating that:
  - 2.1 the Association recognises and adopts the Schedule One;
  - 2.2 the Association may not become a member or affiliate to any other body without the prior written consent of GAUTENG VAULTING Council;
  - 2.3 the Associate Members may not authorise, send or sanction any team to go on a tour outside the boundaries of the Republic of South Africa without having first obtained the written consent of VASA through the GAUTENG VAULTING Council.
3. Any dispute as to whether the foregoing requirements have been complied with shall be referred to the Constitution sub-committee whose decision shall be final and binding.

### **SCHEDULE THREE - APPLICATION OF THE PROVISIONS OF SECTION 30 (1) OF THE INCOME TAX ACT, 1962.**

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.

- 1.1 The sole object of the Association is to carry on a public benefit activity which qualifies for purposes of Section 18 A of the Act as defined in Section 30 (1) of the Act, in a non-profit manner.
- 1.2 At least 85% ( Eighty Fiver Percent) of the Association's activities shall be carried out in the Republic of South Africa
- 1.3 At least 3 ( Three) 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
- 1.4 No funds will be distributed to any person (other than in the course of undertaking any public benefit activity.)
- 1.5 The Association's funds will 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.
- 1.6 The Association will not carry on any business undertaking or trading activities other than to the extent that: The gross income derived from such business undertaking or trading activity does not exceed the greater of R25000 or 15% of the gross receipts of the constitution:

The undertaking or activity is -

- a) integral and directly related to the sole object of the Association : and
  - b) carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost: and
  - c) which would not result in unfair competition in relation to taxable entities:
- the undertaking or activity, if not integral and directly related to the sole object of such Association, is of an occasional nature and undertaken substantially with assistance on a voluntary basis without compensation : or:

the undertaking or activity is approved by the Minister by notice in the Gazette, having regard to

- a) the scope and benevolent nature of the undertaking or activity
- b) the direct connection and inter-relationship of the undertaking or activity with the sole purpose of the Association
- c) the profitability of the undertaking or activity: and
- d) the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or activity.

any business undertaking or trading activities, or assets used in such undertaking or activity, acquired by the Association before 1 January 2001, will be retained or continued as the case may be, in the form so acquired for a period of five years.

- 1.7 On the dissolution of the Association, the remaining assets will be transferred to any similar public benefit organisation, within the Republic of South Africa which has been approved in terms of Section 30 of the Act for the purposes of Section 18A of the Act:
- 1.8 No donation will 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: 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:

- 1.9 A copy of all amendments to the Constitution, trust deed, will be submitted to the Commissioner for the South African Revenue Service;
- 1.10 The Association will submit the required Income Tax Returns annually together with the relevant supporting documents;
- 1.11 The Association will, within such period as the Commissioner may determine, register 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 Act;
- 1.12 The Association has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

## **SCHEDULE FOUR – CODE OF CONDUCT**

### **1. PREAMBLE**

This code of conduct indicates the standard of behaviour expected of a member of GAUTENG VAULTING. It is a formal statement of the values and ethical standards that guide individuals in sport. It is a set of principles, and norms to which sporting people can be held accountable when representing their District and/or Club, Province or South Africa, at any sporting event. This can also be used as a point of reference when dealing with disciplinary procedures against members.

### **2. VALUES STATEMENT**

The purpose of this code is:

- 2.1. To outline incorrect and unacceptable actions / behaviours within sport and to encourage ethical behaviour within sport, so that when the code is contravened the appropriate disciplinary action can with consistency be taken, this responding to offences and preventing re-occurrence.
- 2.2. To help to resolve conflict.
- 2.3. To make ethical behaviour infringement easy to identify.
- 2.4. To enhance the ethical reputation of sports persons.
- 2.5. To promote respect for human dignity, rights and social justice.
- 2.6. Provide a framework for all sporting persons to conduct their sporting activities according to the following ethical principles:
- 2.7. respect the rights, dignity and worth of every human being;
- 2.8. being fair, considerate, honest and respect for the law;
- 2.9. being trustworthy and professional, accepting responsibilities for their action;
- 2.10. refraining from any racial, gender, verbal, physical or emotional abuse or harassment;
- 2.11. always making a positive contribution and refraining from destructive criticism; and
- 2.12. always acting in the interest of VAULTING and South African sport.

### **3. APPLICABILITY**

- 3.1. This code shall apply to all individuals at any time including at any meetings or get together and all individual participants/athletes who participate / attend any competition / event, which is held under the auspices of GAUTENG VAULTING, VASA and/or SAEF or any Association affiliated to these Federations.



- 3.2. The code shall apply to any administrator involved in the administration of VAULTING at any level within South Africa and who thereby falls under the auspices of GAUTENG VAULTING, VASA and/or SAEF.
- 3.3. The code shall apply to any coach involved in coaching a team or individual for any event /competition, which falls under the auspices of GAUTENG VAULTING, VASA and/or SAEF.
- 3.4. The code shall apply to any technical official involved in officiating or training at any event/ competition which falls under the auspices of GAUTENG VAULTING, VASA and/or SAEF.
- 3.5. The code shall apply to the parents/legal guardians/owners (where applicable to horses) of all athletes participating in VAULTING.

#### **4. SUCCESS OF A CODE OF CONDUCT**

This code of conduct can only be successful if:

- 4.1. The athletes, official, coaches and administrators familiarize themselves with the content of the Code.
- 4.2. SAEF and other macro-bodies frequently refer to the Code of Conduct for guidance.
- 4.3. The code of ethics is included/captured in SAEF's rules / constitution and SASC colour regulations.
- 4.4. Anyone who fails to conform their conduct to the following Code of Conduct will be subject to disciplinary action in terms of this Constitution (and as further provided for in Schedule 5 hereunder).

#### **5. BEFORE GOING AGAINST THE CODE OF CONDUCT A PERSON SHOULD ASK THE FOLLOWING QUESTIONS:**

- 5.1. Is it legal and constitutional?
- 5.2. What does the Code of conduct say?
- 5.3. How would it look in tomorrow's newspaper/social media?
- 5.4. Does it comply with GAUTENG VAULTING, VASA and/or SAEF's Rules and Regulations?
- 5.5. How does it make me feel?
- 5.6. Is it against GAUTENG VAULTING, SAEF's and/or VASA's professional standards?
- 5.7. Will it reflect negatively on GAUTENG VAULTING, VASA and/or SAEF'S or me?
- 5.8. Who else this could affect?

- 5.9. Would I be embarrassed if others knew I took this course of action?
- 5.10. Is there an alternative action that does not pose an ethical conflict?
- 5.11. What would a reasonable person think?
- 5.12. Can I sleep at night?

## **6. ADMINISTRATORS**

I pledge to:

- 6.1. Do my best to ensure that all athletes are given equal opportunity to participate, regardless of gender, ability or ethnic background.
- 6.2. Discourage any sport program from becoming primarily an entertainment for the spectators.
- 6.3. Ensure that all equipment and facilities are safe and appropriate to the athlete's ages and abilities.
- 6.4. Make sure that the age and maturity levels of the children are considered in program development, rule enforcement and scheduling.
- 6.5. Remember that participation is done for the athlete's own sake and ensure that winning is kept in perspective.
- 6.6. Ensure that the code of ethics / fairplay is distributed, understood and agreed upon by coaches, athletes and officials.
- 6.7. Ensure that coaches and officials are capable of promoting fair play as well as the development of good technical skills and encourage them to become certified.
- 6.8. Promote and develop the sport by sharing knowledge and experience.
- 6.9. Administer all issues relating to the sport in the best interest of the sport and not for my personal gain.
- 6.10. Educate and ensure high standards of risk management are maintained.
- 6.11. Educate athletes to respect other cultures and beliefs.
- 6.12. Keep athletes and officials updated on protocol of other countries where they may compete.
- 6.13. Conform to GAUTENG VAULTING's code of conduct.

- 6.14. Show common courtesy towards participants/players, other administrators, coaches, spectators, technical officials, press and sponsors.
- 6.15. No administrator shall at any time give, make, issue, authorise or endorse any public statement which will have or design to have, an effect prejudicial or detrimental to the best of interest of GAUTENG VAULTING, VASA and/or SAEF or VAULTING in general.

## **7. INDIVIDUAL ATHLETES / PARTICIPANTS**

I will:

- 7.1. Respect the rules and participate in the spirit of the game.
- 7.2. Display high standards of behaviour that promote a positive image for VAULTING.
- 7.3. Respect my opponents.
- 7.4. Respect the officials and their decisions.
- 7.5. Be gracious in victory and defeat and remember that winning isn't everything.
- 7.6. Give my team-mates positive inputs and feedback.
- 7.7. Compete fairly.
- 7.8. Refrain from the use of profane, insulting, harassing or otherwise offensive language and/or behaviour whilst participating in VAULTING.
- 7.9. Strive to maintain a sense of self-control and dignity at all times.
- 7.10. Thank officials and opposing teams/athletes after every event/competition.
- 7.11. Remember to maintain a sense of integrity.
- 7.12. Respect the equipment and facilities.
- 7.13. Do my best to try and be a true team athlete at all times.
- 7.14. Never advocate, condone, make use of drugs or other banned performance enhancing substances or be involved with the administering of any such drugs or banned substances to a horse that will compete in an event/practice/competition.
- 7.15. Reject corruption, drugs, racism, violence and other dangers to VAULTING.

- 7.16. Help others to resist corrupting pressures.
- 7.17. Denounce those who attempt to discredit VAULTING.
- 7.18. Honour those who defend VAULTING's good reputation.
- 7.19. To the best of my ability abstain from the use of tobacco products and alcoholic beverages in public when representing my School/Club/District/Province/South Africa.
- 7.20. Never provide under age participants with alcohol.
- 7.21. Participate in all team testing and satisfy all team program-testing objectives (drug and high performance).
- 7.22. Communicate and co-operate with registered medical practitioners/testing centre in the diagnoses, treatment and management of medical problems and respect the concerns of these medical people when they are considering my future health and wellbeing and when they are making decisions regarding my ability to continue to train or participate in VAULTING.
- 7.23. Respect other athletes and official's cultures and beliefs.
- 7.24. Conform to GAUTENG VAULTING, VASA and/or SAEF'S code of conduct.
- 7.25. Show common courtesy towards administrators, coaches, spectators, technical officials, press and sponsors.
- 7.26. No individual participant/athlete shall at any time give, make, issue, authorise or endorse any public statement which will have or design to have, an effect prejudicial or detrimental to the best interest of VAULTING, GAUTENG VAULTING, VASA and/or SAEF.
- 7.27. Never commit an act of animal abuse as defined by the Animals Protection Act, 71 of 1962 or against the Welfare of the Horse guidelines/statement in the VAULTING Rules.
- 7.28. Never condone cosmetic surgery to a horse.

## **8. TECHNICAL OFFICIALS**

I will:

- 8.1. Make sure that every athlete has a reasonable opportunity to perform to the best of his/her ability, within the limits of the rules.

- 8.2. Avoid or put an end to any situation that threatens the safety of the athletes.
- 8.3. Strive to maintain a healthy atmosphere and environment for competition.
- 8.4. Not tolerate unacceptable conduct towards officials, athletes, spectators or myself.
- 8.5. Be consistent and objective in calling all infractions, regardless of my personal feelings toward a team or individual athlete.
- 8.6. Handle all conflicts firmly but with dignity.
- 8.7. Accept my role as a teacher and role model for fair play.
- 8.8. Be open to discussion and contact with athletes before and after the event.
- 8.9. Remain open to constructive criticism and show respect and consideration for different point of view.
- 8.10. Obtain proper training and continue to upgrade my officiating skills.
- 8.11. Consistently display high personal standards and project a favourable image of VAULTING and officiating.
- 8.12. Uphold the international standards.
- 8.13. To the best of my ability abstain from the use of tobacco products and alcoholic beverages in public when officiating and working with officials and athletes.
- 8.14. Refrain from the use of profane, insulting, harassing or otherwise offensive language or behaviour in the conduct of my duties.
- 8.15. Never advocate or condone the use of drugs or other banned substances.
- 8.16. Conform to GAUTENG VAULTING, VASA and/or SAEF's code of conduct.
- 8.17. Show common courtesy towards participants/athletes, administrators, coaches, spectators, other technical officials, press and sponsors.
- 8.18. No technical official shall at any time give, make, issue, authorise or endorse any public statement which will have or design to have, an effect prejudicial or detrimental to the best interest of GAUTENG VAULTING, VASA and/or SAEF.

## **9. COACHES**

I will:

- 9.1. Treat everyone fairly within the context of his or her activity, regardless of gender, place of origin, colour, sex, religion, political belief or economic status.
- 9.2. Ensure that confidentiality of athletes is maintained.
- 9.3. Teach the athletes how to manage conflict and stress and use good judgement in tough situations.
- 9.4. Be generous with praise and give the team positive inputs and feedback.
- 9.5. Encourage a constructive attitude towards competitions.
- 9.6. Provide an equal opportunity for all to learn skills and further themselves.
- 9.7. Encourage individuals to continue their participation in VAULTING.
- 9.8. Be reasonable when scheduling events and practices.
- 9.9. Teach athletes to participate fairly and to respect the rules, officials and opponents.
- 9.10. Ensure that all athletes get equal instruction, support and participation time.
- 9.11. Not ridicule or yell at any athletes for making mistakes or for performing poorly.
- 9.12. Within the limits of my control, I will make sure that equipment and facilities are safe and match the athlete's age and ability.
- 9.13. Remember that athletes need a coach they can respect and thereby set a good example.
- 9.14. Obtain the proper training and continue to upgrade my coaching skills.
- 9.15. Refrain from public criticism of fellow coaches, athletes, officials and volunteers, especially when addressing the media.
- 9.16. Communicate and co-operate with registered medical practitioners in the diagnoses, treatment and management of the athlete's medical and psychological problems.
- 9.17. Consider the athlete's future health and well-being as foremost when making decisions regarding an injured athlete's ability to continue participating and/or training.

- 9.18. Recognise and accept when to refer athletes to another coach or sport specialist, allow the athlete's goals to take precedence over my personal goals.
- 9.19. At not time become intimately and/or sexually involved with any athlete.
- 9.20. Never advocate or condone the use of drugs or other banned performance enhancing substances.
- 9.21. Never provide under age athletes with alcohol or encourage its use.
- 9.22. To the best of my ability abstain from the use of tobacco products and alcoholic beverages in public when officiating and in the presence of athletes.
- 9.23. Refrain from the use of profane, insulting, harassing or otherwise offensive language or behaviour in the conduct of my duties.
- 9.24. In the case of minors, communicate and co-operate with the athlete's parents or legal guardians, involving them in management decisions pertaining to their child's development.
- 9.25. Conform to GAUTENG VAULTING, VASA and/or SAEF's Code of conduct.
- 9.26. Show common courtesy towards participants/athletes, administrators, spectators, technical officials, other coaches, press and sponsors.
- 9.27. No coach shall at any time give, make, issue, authorise or endorse any public statement which will have or design to have, an effect prejudicial or detrimental to the best interest of VAULTING, GAUTENG VAULTING, VASA and/or SAEF.

## **SCHEDULE FIVE – PROCEDURE FOR AVOIDANCE AND RESOLUTION OF DISPUTES AND DISCIPLINARY CODES**

### **BROAD FRAMEWORK**

#### **1. INTRODUCTION**

- 1.1. Any dispute arising out of, or in connection with, the enforceability of this Constitution, or the application and interpretation of the provisions thereof, or any dispute between GAUTENG VAULTING and another national sports federation, or any dispute between Members of GAUTENG VAULTING, or any dispute between members of GAUTENG VAULTING Council, or between GAUTENG VAULTING Council and a Member, or between Council or an Council member and an individual (but excluding disputes concerning an Ethics, Grievances or Selection matter) shall be referred to the VAULTING Judicial Committee, for resolution through the procedure for the resolution of disputes as provided for hereunder.
- 1.2. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.
- 1.3. In recognition of the desire to resolve all disputes in the Vaulting fraternity as amicably and effectively as possible, it is required of all Members of GAUTENG VAULTING 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 these provisions, specifically providing for the resolution of disputes through the mechanisms provided for.
- 1.4. Recourse to the High Courts or Magistrates Courts by a party to any GAUTENG VAULTING related dispute shall be limited to instances of an alleged violation of the provisions of this Constitution or an alleged disregard for the principles of natural justice or for purposes of obtaining urgent interdictory relief. In all other instances any disputes fall to be decided according to the dispute resolution processes provided for in this Constitution.
- 1.5. Subject to the constitution of the Republic, and save in circumstances where there is a need for urgent relief of a sort which cannot be obtained through the dispute resolution procedures contemplated by this Schedule, no ordinary member, associate member or individual falling under the jurisdiction of the Gauteng Vaulting Council shall approach a Court of Law to decide on a dispute it has with a member, or individual affiliated to VASA or with the SAEF itself.



## **2. ESTABLISHMENT OF THE DISPUTE AND DISCIPLINARY CODE AND PROCEDURE**

The Dispute and Disciplinary Code and Procedure is hereby established, and provides for:

- 2.1. The broad framework applicable in respect of all dispute prevention, dispute resolution and disciplinary matters dealt with in the Dispute and Disciplinary Code and Procedures;
- 2.2. The recognition of the VAULTING Judicial Committee, as established by the Executive Committee of VASA;
- 2.3. The establishment, structure, function and the role of the VAULTING Judicial Committee in respect of dispute prevention and resolution, as dealt with in this Dispute and Disciplinary Code and Procedures;
- 2.4. The rules and procedures in respect of all relevant proceedings relating to dispute prevention and resolution; and
- 2.5. The procedure for the conduct of a disciplinary investigations and hearings in terms of the disciplinary matter.

## **3. ESTABLISHMENT AND STATUS OF THE VAULTING JUDICIAL COMMITTEE**

- 3.1. The Committee is established pursuant to the VASA Constitution for the purpose of adjudicating all properly referred disputes and to implement the disciplinary code and to, amongst others:
- 3.2. take decisions as to such disputes or disciplinary measures as shall be appropriate in the circumstances, which are not decisions provided to be taken by GAUTENG VAULTING, VASA and/or SAEF in terms of this Constitution;
- 3.3. take decisions regarding the suspension of any individual or Member once a dispute has been properly referred, pending the outcome of a disciplinary process to be implemented, where this is necessary to protect the interest of GAUTENG VAULTING, VASA and/or SAEF;
- 3.4. make recommendations to VASA and/or SAEF regarding the suspension, fine or termination of membership of any individual or Member, as contemplated in clause 10.22 of the SAEF Constitution and clause [insert] of the VASA Constitution.
- 3.5. The Committee shall be empowered to determine its own rules, procedure and make any decisions concerning their rules and procedures, to the extent that such rules and procedures are not already contained in these Dispute and Disciplinary Code Procedures, provided only that such rules and procedures may not undermine or negate the intentions of the Constitutions of GAUTENG VAULTING, VASA and/or SAEF.

- 3.6. The proceedings of the Committee shall not be open to the public, unless the Committee orders otherwise.
- 3.7. The Committee will observe the rules of natural justice, but will have discretion regarding admissibility of evidence notwithstanding an enactment or rule of law to the contrary, relating to the admissibility of evidence in proceedings before a court of law where such admissions would be appropriate and unduly unfair or prejudicial to one or more parties to the Dispute and Disciplinary proceedings.
- 3.8. The Committee has all necessary authority, inherent powers and standing in relation to any matter under its jurisdiction.
- 3.9. The rules and procedures regulating the functioning of the Committee shall be as set for in this Code.

#### **4. JURISDICTION AND POWERS OF THE VAULTING JUDICIAL COMMITTEE**

- 4.1. The Committee shall have all necessary jurisdiction:
  - 4.1.1. Over a member(s), individual athlete, officials, coaches and/or technical staff in the Republic and abroad, wherever they may be, at any time, engaging in, or having been engaged in, any activity that falls under the jurisdiction of VASA and/or GAUTENG VAULTING;
  - 4.1.2. In respect of disputes or alleged disputes in the Republic and abroad;
  - 4.1.3. In respect of any disputes or complaint referred to by the GAUTENG VAULTING or VASA Council;
  - 4.1.4. Over any complaint or allegation in respect of Members and/or individuals over which/whom VASA has jurisdiction, not otherwise expressly provided for in the Constitution or this Code, and includes but not limited to:
    - 4.1.4.1. a breach of the Constitution of GAUTENG VAULTING and/or VASA or any other governing provision, as amended from time to time;
    - 4.1.4.2. a breach of the rules and/or regulations of GAUTENG VAULTING and/or VASA, as amended from time to time;
    - 4.1.4.3. directives of GAUTENG VAULTING and/or VASA;
    - 4.1.4.4. the GAUTENG VAULTING and/or VASA Code of Conduct as attached hereto as SCHEDULE FOUR and/or any other applicable code of conduct in respect of equestrian sport that falls under the auspices of GAUTENG VAULTING and/or VASA;
    - 4.1.4.5. an order or instruction of GAUTENG VAULTING, VASA and/or SAEF properly issues and communicated to the affected individual;
    - 4.1.4.6. a breach of any of the statutes ore regulations of the FEI, the IOC or any other relevant national or international body;

- 4.1.4.7. any matter which may bring, or may be designed to bring, either GAUTENG VAULTING, VASA and/or SAEF, any of its officers, Members, employees or other associated individual or body, or equestrian sport into disrepute;
  - 4.1.4.8. to condone the late deliver of any documents or referral of a dispute or any other non-compliance by a Member or referring party with the procedure as set out in this Code, and to make any appropriate order.
- 4.2. The jurisdiction of the Committee shall be subject only to the following: the party referring a dispute or complaint to VASA and/or the Committee must have first exhausted all available internal remedies, at all appropriate levels, ie from the Club level, through the regional level and the provincial structures, as provided for in the constitution or regulations of Member, which is applicable to such a party, and as may be applicable to such a dispute or complaint.
- 4.3. Where the internal remedies of the Member applicable to the referring party have not been made available or are not reasonably accessible to the referring party, such a party may approach the Committee directly in writing, in the format as required by the Committee, and the Committee shall have the necessary discretion to allow or to refuse to hear the dispute.
- 4.4. The Committee shall not have jurisdiction in respect of: -
- 4.4.5. Matters in respect of which the referring party or Applicant has not complied with 4.2.5 above in exhausting internal remedies;
  - 4.4.6. Any dispute or complaint that has been previously heard and/or decided and/or ruled upon by the Committee.

## **5. CONFLICT OF INTEREST**

- 5.1. Members of the Committee must decline to participate in any hearing where their participation will result in a conflict of interest or will raise serious doubts regarding their impartiality. This applies in the following cases (amongst others) where: -
- 5.2. The Committee member in question has a direct interest in the outcome of the matter;
  - 5.3. If he/she is associated with any of the parties to the dispute or disciplinary procedure;
  - 5.4. If he/she is a member of the party in respect of whom a dispute arose; and
  - 5.5. If he/she has already dealt with the case under different circumstances.
- 5.6. Committee members who decline to participate in a hearing on any of the above grounds or any other ground not listed herein shall notify the Chairman of the Committee immediately.

- 5.7. Member(s) of the Committee or parties involved in a dispute may also raise an objection to a member of the Committee that they believe to be biased or whose participation will result in conflict of interest or will raise serious doubts regarding their impartiality.
- 5.8. The Chairman of the Committee shall decide on any such claim or bias, provided that, if the objection is raised against the Chairman, the other Members of the Committee shall decide the bias.
- 5.9. Proceedings that have involved someone whom the Chairman of the Committee has ordered not to participate will be considered null and void.

## **6. CONFIDENTIALITY**

- 6.1. The members of the Committee shall ensure that everything disclosed to them during the course of their duty remains confidential (facts of the case, contents of the deliberations and decisions taken).
- 6.2. Only the contents of those decisions already notified to the addressees may be made public.

## **7. POWER OF THE VAULTING JUDICIAL COMMITTEE**

- 7.1. Upon hearing of a dispute or implementing a Disciplinary Code, the Committee shall have the powers to:
- 7.1.1. Warn or reprimand a party to a dispute; and/or
  - 7.1.2. Recommend a suspension of a Member or individual; and/or
  - 7.1.3. Recommend a fine to be imposed in respect of a Member or individual; and/or
  - 7.1.4. Recommend termination of membership of any individual affiliated through their respective sports association or Member;
  - 7.1.5. Dismiss a complaint or dispute if it is vexatious, frivolous or does not set out a *prima facie* case or for any other grounds as shall be appropriate in law; and/or
  - 7.1.6. Make an appropriate order including an order that a party pay the costs of the other party.
- 7.2. For purposes of determining or deciding, or resolving a Dispute the Committee may also:-
- 7.2.1. Consult or seek further information, evidence and/or expert evidence regarding the dispute from the complainant or any person or body, including the Respondent;
  - 7.2.2. Seek legal or other advice or assistance from any person or body;
  - 7.2.3. Order any Member to produce documents or information as may be relevant to the Dispute; and/or
  - 7.2.4. Order any Member to appear in person in respect of a Dispute where such an individual's evidence may be relevant to a dispute.

- 7.3. The Committee may, at any stage, subpoena any person or body bound by this Constitution or the VASA Constitution or the constitution of that Member to appear before the Committee to give evidence or produce any book, paper or document in the hearing.

## **8. FORM AND CONTENT OF THE DECISION**

The decision or award of the Committee shall contain: -

- 8.1. The composition of the Committee;
- 8.2. The names of the parties;
- 8.3. A summary of facts;
- 8.4. The legal reasons for the decision;
- 8.5. The terms of the decision; and
- 8.6. Be signed by the Chairperson and Secretary.

## **9. REFERRAL OF DISPUTES, SERVING AND FILING DOCUMENTS**

- 9.1. All disputes shall be referred by a Member or individual, over whom VASA and/or GAUTENG VAULTING has jurisdiction to the VAULTING Judicial Committee, with a request that such dispute be handles in terms of this Code and Disciplinary Code.
- 9.2. The referral of dispute by a Member or individual, shall be in a prescribed format and submitted and/or sent by electronic mail, hand delivered or registered mail to the Committee, provided that it shall be the responsibility of the referring party to make telephonic enquires with the Committee, alternatively VASA to ascertain that such referral has been received by the Committee. It is to be noted that the preferred method of submission of any such referral is by way of electronic mail.
- 9.3. The referring party must set out in detail, the full facts on which the complaint or dispute is based and refer to the alleged clause(s) of the Constitution, Rule and Regulations, Code of Conduct or any other basis on which the dispute is founded, which have allegedly been contravened.
- 9.4. The physical address, telephone and e-mail address of the office of the VASA Judicial Committee is:  
[insert information here]
- 9.5. The Committee shall, upon receipt of the referral of a dispute, arrange for the Committee to stipulate the procedure to be followed by the party referring the dispute and any other party affected by the dispute, which procedure shall be stipulated in writing, for purposes of ensuring that the dispute shall

be formulated in a manner that will expedite the hearing or adjudication thereof by the Committee. Any such stipulation shall be in accord with this Code and the Constitution, and shall adhere to the principles of natural justice.

#### **10. CALCULATION OF TIME PERIODS**

- 10.1. For the purposes of calculating any period of time, a day means a business day; the first day is excluded and the last day is included; and Saturdays, Sundays and Public Holidays shall be excluded.

#### **11. HEARING / ADJUDICATION OF DISPUTES**

- 11.1. The Committee can elect to resolve the dispute by either adjudicating on the matter or arranging for the hearing of the dispute.
- 11.2. Any dispute referred to the Committee will be heard or adjudicated within a reasonable time, subject to compliance with the requirements of these procedures or directives issues by the Committee, with regard to the dispute resolution process.
- 11.3. The Chairman, in consultation with the Committee, shall determine the procedure to be followed in the hearing of any dispute(s) to the extent not already provided for in the Code or the Disciplinary Code.
- 11.4. The Committee shall notify the parties of the date, time and place of the hearing, if applicable.
- 11.5. An electronic mail proven by an automatic delivery notice to the known email address of either party, or a notice sent per registered post proven by a registered slip, that has been sent to a party's last known address will be deemed to be sufficient notice of the date, time and place of the hearing for the purposes of this rule.

#### **12. REPRESENTATION BEFORE THE COMMITTEE**

- 12.1. All proceedings before the Committee are, by their nature, civil internal proceedings, and all accordingly, all parties to the matter –
- 12.1.1. May appear in person; alternatively
- 12.1.2. Where a party is a Member or an organisation affiliated to GAUTENG VAULTING or VASA that party may be represented by a director, executive member, officer, office-bearer, committee member or official associated or affiliated in any capacity and duly appointed to represent such a party, and such representative may be required to prove the nature of their association or affiliation with such party prior to enjoying any recognition in the proceedings of the hearing;

- 12.2. It being specifically recorded that no party to any such hearing shall be entitled to be represented or assisted by an external legal representative (whether a legal adviser, lawyer, attorney or advocate) where such legal representative is appointed thereto in terms of a mandate or power of attorney or other means, whether or not such legal representative shall be remunerated therefore or not.

### **13. FAILURE OF A PARTY TO ATTEND A HEARING OF THE COMMITTEE**

- 13.1. If either party fails to attend at any proceedings before the Committee, the Committee may dismiss the matter by issuing a ruling.
- 13.2. If either party fails to attend or be properly represented at any proceedings before the Committee, the Committee may: -
- 13.2.1. Continue with the proceedings in the absence of such a party; or
- 13.2.2. Adjourn the proceedings to a later date.
- 13.3. The Committee must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making any decision in terms of Rule 12.2 above.
- 13.4. If a matter is dismissed, the Committee must send a copy of the ruling to all the parties.

### **14. COMPLIANCE WITH PENALTIES IMPOSED BY THE COMMITTEE**

Any penalties, orders or awards imposed by the Committee shall become effective 30 (thirty) days after the date on which any internal remedies available to a party(ies) so sentenced shall have been exhausted, or when the prescribed time limit to exercise the next available internal remedy shall have lapsed.

### **15. APPEAL**

- 15.1. Any party aggrieved by a decision of the VAULTING Judicial Committee may refer the matter to SAEF for its final determination.
- 15.2. Any party aggrieved by the decision of the SAEF may appeal to SASCOC provide the leave of the SAEF Appeals committee is first sought and obtained within a period of 21 (twenty-one) days of the date on which the determination was notified to the parties.
- 15.3. 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.