

THE CONSTITUTION
OF

SUPDURBS!

A STAND-UP PADDLING CLUB BASED IN
DURBAN | KWAZULU-NATAL | SOUTH AFRICA

Postal Address: PO BOX 50465, Musgrave, 4062
Email: info@supdurbs.co.za
Website: www.supdurbs.com

TABLE OF CONTENTS

PAGE

Part 1 Preamble.....	pg 3
Part 2 Objectives and Membership.....	pg 3
Part 3 Management.....	pg 4
Part 4 Meetings and Related Matters.....	pg 4
Part 5 Legal and Disciplinary Procedures.....	pg 6
Part 6 Miscellaneous.....	pg 7

3
PART 1
PREAMBLE

1.
CONSTITUTION

This Constitution, hereinafter referred to as “the Constitution”, together with duly authorized amendments thereto from time to time, shall be that of SUP Durbs which is a Stand-Up Paddling Club based in Durban, KwaZulu-Natal, South Africa.

2.
EFFECTIVE DATE

The effective date of the Constitution shall be that of the first Committee Meeting of **SUP Durbs** held on 21 January 2016, at which the provisions hereof are to be duly ratified and adopted.

3.
INTERPRETATION

Notwithstanding anything in the Constitution contained to the contrary, words importing the singular number shall include the plural, and vice versa, and words importing the masculine gender shall include females, and words importing persons shall include bodies corporate.

In the Constitution, unless the context otherwise indicates, and/or unless inconsistent with the context:

“SUP Durbs” shall mean the SUP Durbs Club.

“SUPSA” shall mean Stand-Up Paddling South Africa, the national association for the sport of stand-up paddle board riding in South Africa.

“Club” shall mean **SUP Durbs Club**.

“Member” shall mean those persons who are paid up and have signed and fully completed the **SUP Durbs** membership form.

“National Committee” shall mean those members of the Board of Directors, chairpersons from a provincial organisation, and representatives from a national association who make up the decision making group of SUPSA.

“Paddling” shall mean the act of standing on a board and causing it to move over any body of water by means of one’s own physical effort through the utilization a single-sided paddle blade.

“Paddler” shall be any person involved in the act of paddling.

“Surfing” shall mean the act of riding any form of natural or man-made wave on a board in a standing position whilst making use of a paddle blade.

“Surfer” shall be any person involved in the act of surfing.

“Stand-up paddle board riding” shall mean all stand-up paddling disciplines of paddling and surfing. (“SUP board riding” shall have the same meaning).

“Stand-up paddle board rider” (and **“SUP board rider”**) shall have a corresponding meaning.

“Year” or **“Financial Year”** shall mean the period of one year ending November 30th each year.

4.
LEGAL PERSONA

4.1 **SUP Durbs** is an independent legal persona or entity, distinct from the persons who compose it, having the capacity of acquiring rights of property, of incurring obligations and of suing or being sued in its own name and having perpetual succession.

4.2 Neither the members of the Committee, nor any provincial organisation, shall be answerable for the debts, engagements, liabilities or obligations of **SUP Durbs**.

PART 2
OBJECTIVES AND MEMBERSHIP

5.
NAME

The Club shall be known as **“SUP Durbs”**

6.
HEADQUARTERS

The Headquarters of **SUP Durbs** shall those determined by the Committee time to time.

7.
OBJECTIVES

7.1 The main objectives of **SUP Durbs** shall be:

7.1.1 To be the single controlling body for SUP board riding in Durban and to promote the interests of SUP board riding socially, recreationally and competitively within greater Durban area.

7.1.2 To give specific attention to the development of SUP board riders in Durban and to generate interest in SUP board riding amongst the youth and disadvantaged communities while paying special attention to the process of transformation.

7.1.3 To organise and promote all levels of SUP board riding administration and to sanction, foster, organise and manage national and provincial SUP board riding competitions and championships and to award trophies, medallions and certificates, as appropriate.

7.1.4 To cooperate with any bodies, other organisations and persons for the improvement of the sport of SUP board riding, and the securing of public recognition and financial support for the sport.

7.1.5 To improve and guard all environments where SUP board riding takes place or may take place from pollution, degradation or any other detrimental impact unacceptable to **SUP Durbs**.

7.1.6 To support and promote the heritage of SUP board riding in the interests of the SUP board riders.

7.2 Ancillary objectives of **SUP Durbs** shall be:

7.2.1 To adopt the same rules and standards for the management and control of SUP board riding as SUPSA, and SUP board riding competitions, and for the judging of SUP board riding competitions. Such rules and standards to conform generally to equivalent international rules and standards in force from time to time.

7.2.2 To coordinate the activities with all provincial organisations.

7.2.6 To express dissatisfaction, and where appropriate, to act in opposition to any discriminatory practices, whether racial, sexist or the like, that may negatively affect, amongst other things, SUP board riding, SUP board riders or **SUP Durbs**.

8.

JURISDICTION

The Constitution and/or any rules and/or regulations framed hereunder, shall be binding on all **SUP Durbs** members

9.

MEMBERSHIP

The membership of **SUP Durbs** shall be open to all persons, irrespective of age, health status, race or creed. Any person who is a full member shall be eligible to hold any office in **SUP Durbs**.

Membership of **SUP Durbs** shall run from 1 January - 31 December each year.

9.1 No person, whether as SUP board rider, administrator, spectator, or in any other capacity whatsoever who participates in or is associated with any person or code of sport which practices, perpetuates, fosters, condones or furthers any form of racism, separatism, ethnicism, discrimination, sexism or any other form of discriminatory practice in sport or elsewhere, may not be eligible for or entitled to retain membership of **SUP Durbs**.

10.

SUPSA AFFILIATION AND FEES

10.1 Any provincial organisation applying for affiliation to SUPSA, shall forward a copy of its Constitution (or any amendment thereto) together with its proposed colours, badges or other emblems to SUPSA, and shall provide such other information as the Board of Directors may require from time to time.

10.2 All applications for affiliation to SUPSA shall be in writing, and be submitted for approval to the National Committee, who may deal with such application in whatever manner it may deem fit.

10.3 The National Committee shall, from time to time, determine the affiliation fees to SUPSA. Such fees shall become payable on affiliation to SUPSA and annually thereafter, by not later than March 31st each year.

10.4 Any person, national association or other organisations, may affiliate directly to SUPSA on payment of the prescribed affiliation fee and upon signing a SUPSA Membership Form.

10.5 Notwithstanding clause 10.4, a national association shall only be liable to pay an affiliation fee if that national association seeks affiliation with SUPSA.

10.6 Each provincial organisation shall be liable to pay a pro rata share of the total affiliation fees required by the National Committee, relative to the number of paid up members affiliated to that provincial organisation.

10.7 All provincial organisations must submit their complete membership list, latest audit financial statements, minutes of their most recent Annual General Meeting and a list of incumbent office bearers to SUPSA no later than forty-five (45) days prior to July 31st of each year to remain in good standing with SUPSA.

PART 3

MANAGEMENT

13.

CLUB COMMITTEE

The Club Committee may consist of the following officers:

Chairman

Vice-Chairman

Treasurer

Event Logistics

Race / Surf Coordinator

Media Officer

Membership

PART 4

MEETINGS AND RELATED MATTERS

14.

ANNUAL GENERAL MEETINGS

14.1 The Annual General Meeting of **SUP Durbs** shall be held not later than June 31st each year.

14.2 Any member of **SUP Durbs**, who is in good standing with **SUP Durbs**, shall have the right to attend any Annual General Meeting.

14.3 Notice convening an Annual General Meeting shall be given by the Chairman in writing (that is, by post, fax, or email) to the Committee, and all members of **SUP Durbs**, and at least thirty (30) days prior to the holding of such Annual General Meeting.

Such notice shall specify the date, time and place of the meeting and shall be signed, or recorded digitally as sent, by the

Chairman.

14.4 Failure to communicate a notice of meeting to any member or members shall not invalidate the proceedings at such meetings.

14.5 The following items of business shall be considered at an Annual General Meeting every second year, or if there are vacancies on the Committee:
Election of the Committee.

14.6 The following items of business shall be considered at an Annual General Meeting every year:

Welcome
Notice of Meeting
Attendance register (including Proxies)
Apologies
Confirmation of Minutes
Matters arising from the previous AGM
Financial report and presentation of latest Audited Financial Statements
Chairman's Report
Constitutional amendments
Nomination and voting in of the new committee

Any other items of business requested to be included on the Agenda by any member of the Committee or member submitted in writing to the General Manager thirty days (30) days prior to the holding of such meeting.
General.

14.7 The Chairman shall compile the agenda and forward the submitted Agenda items to the Committee and all f members of **SUP Durbs**, no later than twenty-one (21) days prior to the date of the Annual General Meeting.

15.

MEETINGS OF THE COMMITTEE

15.1 Meetings of the Committee shall be held at least twice in every year, at such time and venue as is decided upon from time to time, by the Chairman in consultation with the Committee.

15.2 At least seven (7) days notice of such meeting shall be given by the Chairman. Items to be included on the agenda must be forwarded to the Chairman at least seven (7) days prior to the meeting. The Chairman shall forward the agenda to each member of the Committee, no later than seven (7) days prior to the date of the Committee Meeting.

16.

MISCELLANEOUS PROVISIONS

16.1 Quorum for Meetings.

16.1.1 The quorum for Committee Meetings of **SUP Durbs** shall be sixty (60) per cent of the members of the Committee. If 8 members, a quorum will be 5 members.

16.1.2 If at the expiration of thirty (30) minutes after the time at which any meeting was to have been held, a quorum has not assembled, no meeting shall take place, unless it is decided by a unanimous decision of the members present to allow further time, not

exceeding sixty (60) minutes, for a quorum to assemble. Notwithstanding these provisions, the members may by a majority vote agree to adjourn the meeting. Such adjourned meeting may not take place until the expiry of five (5) days from the date of the decision to adjourn such meeting.

16.1.3 Where any meeting has been adjourned for lack of a quorum, the number of members present at the adjourned meeting shall constitute a quorum.

16.2 Chairman to Preside

At every meeting, the Chairman, or in his absence the Vice-Chairman, shall chair the meeting. If both are absent the members present will be elect the chairperson for that meeting.

16.3 Minutes of Meetings

The Chairman, or such other person as may be nominated by him, shall keep a true and accurate record of the proceedings of all meetings, and shall cause these to be prepared, and circulated either by post, fax or via email to all members of the Committee.

16.4 Voting

16.4.1 Annual General Meeting and Special General Meetings

All full members and family members, in good standing with **SUP Durbs**, shall have the right to cast one (1) vote each at an Annual General Meeting or a Special General Meeting.

16.4.2 Meetings of the Committee

Each committee member shall have the right to cast one (1) vote, as will the Chairman, Treasurer and the members of the Committee.

16.4.3 Meeting of the Committee

Each member of the Committee in attendance at a Committee Meeting shall have the right to cast one (1) vote.

16.4.4 Any Committee member to **SUP Durbs** who is unable to attend a Committee Meeting, may appoint a nominee Committee Member to vote at such meeting on their behalf. The appointment of a nominee must be in writing and must be signed by the chairperson concerned. Such written notice shall be posted, faxed or emailed to the Chairman to reach him prior to the commencement of the meeting.

17.

GENERAL

17.1 Every motion, proposed and seconded shall be submitted to the meeting by the chairperson, and every member present who is entitled to vote shall vote thereon by a show of hands, unless a majority of members present shall have requested a poll.

The declaration by the Chairperson that a motion has been carried, or not, shall be final.

17.2 Any motion to rescind a resolution passed at a previous meeting must be signed by at least three (3) Committee members.

17.3 This Constitution may not be amended and/or added to in any way, except at an Annual or Special General Meeting of **SUP Durbs**. The notice given for such meeting shall specify the proposed amendments and/or additions to be made to the Constitution. A majority of two thirds or more of the voting members present shall be required before any proposed, changes, alterations and/or additions to the Constitution can be carried into effect.

PART 5

LEGAL AND DISCIPLINARY PROCEDURES

18.

LEGAL PROCEDURES

SUP Durbs may sue or be sued in its own name. The Chairman or Vice-Chairman, if the Chairman is not available, may, subject to the approval by the Committee, authorise **SUP Durb's** involvement in the institution, participation, in, or defense of legal proceedings.

19.

DISCIPLINARY ENQUIRIES

19.1 Disciplinary enquiries are the prerogative of the Committee, may appoint a Disciplinary Committee of no less than three (3) persons who shall hold office for a period of one (1) year from date of appointment, to hear such matters. There shall be one such committee at any one any time.

19.2 Functions:

19.2.1 The Committee shall be entitled to investigate any disciplinary matter referred to it where it appears that a breach of any rule or other provision of the Constitution, codes of conduct or rules and regulations has taken place. Any provincial organisation, club or person may present any complaint against a member of the Committee.

19.2.2 The Committee shall have the power to call for information and it shall be the duty of every member to provide such information or further information, as the case may be, or as the Committee may consider necessary to enable it to decide whether a prima facie case has been made against the member concerned. The Board of Directors may request further information as it considers necessary in order to carry out its duties.

19.2.3 Before reaching a decision the Committee shall ensure that the member has been sent a notice in writing of the alleged infringement, or failure, at least twenty-one (21) days before the meeting of the Disciplinary Committee and shall ensure that the member is given an opportunity to make written representation of the facts and matters which the member wishes the Committee to consider, before they reach a decision to proceed or not. The Committee may, at its discretion, give the member a chance to be heard in person or by telephone or by making this presentation to a duly authorised person.

19.2.4 In deciding whether a complaint out to be auctioned, the Committee should take into account any previous facts or matters involving the member concerned. The Committee shall consider whether a complaint discloses a prima facie case for disciplinary action. If it is of the opinion that in all circumstances (a) no such case exists, it may determine then no further action will be taken or (b) if the case has been made, the Committee will refer the complaint to the Disciplinary Committee.

19.2.5 If the Committee finds under (b) above it shall set out details of the complaint and the prima facie case made out against the member and shall notify the member of this. These details together with a summary of the facts and matters before the Committee as well as a copy of the summary of any/all representations made by the member shall be sent to the Disciplinary Committee.

19.3 Disciplinary Committee:

19.3.1 The Committee shall appoint the Disciplinary Committee of not less than three (3) persons and there shall be one committee at any time.

19.3.2 The Disciplinary Committee shall, as soon as reasonably practicable, notify the member under question of the date time and place of the hearing and of the terms of the formal complaint. The Disciplinary Committee shall give the member under question a reasonable opportunity to be heard.

19.3.3 If the member under question does not attend the hearing then, provided that the Disciplinary Committee is satisfied that notice was served on the individual, they may proceed to hear the complaint in the absence of the member under question.

19.3.4 The Disciplinary Committee may obtain the services of a legal advisor when dealing with any formal complaint.

19.3.5 A notice or any other document(s) that are required to be served shall be sent by registered post to the last known business address or residential address of the member under question. Service will be deemed to have been effected by correctly addressing, prepaying and sending the registered documents and letter at the expiration of eight hours after such letter was posted. If the Disciplinary Committee is of the opinion that the complaint has been proved it shall make such order as it sees fit which shall include: a fine, suspension or both, or in the case of a doping offence as may be prescribed by the World Anti Doping Agency (WADA).

19.3.6 Whenever the Disciplinary Committee makes an order under 30.11 above it shall, as soon as practicable, inform the Committee of its decision.

19.3.7 Any finding under 19.1.12 may include a directive that the member under question pays to SUPSA such sum as the Disciplinary Committee may in its discretion determine. This sum might be to reimburse in whole or in part the costs incurred in the disciplinary process including any costs of the Committee. Any such costs shall be paid within thirty (30) days of the date of the order unless otherwise determined by the Disciplinary Committee except that if notice of appeal is given such costs shall not be payable until the determination of the appeal and then subject to any order made by the Appeals Committee.

19.3.8 Any period of suspension or sanction imposed on a person shall render that person ineligible to train, practice, compete,

coach, judge, organize, commentate, administer, promote or act for or on behalf of SUP Durbs and its affiliates during that period.

30.4 Appeals Committee:

19.4.1 The Committee shall appoint an Appeals Committee of not less than three (3) persons who shall hold office for one year from the date of appointment. No persons shall be appointed onto the Appeals Committee who is also a member of the Disciplinary Committee. There shall be one such committee at any time.

19.4.2 If the Disciplinary Committee makes an order as aforesaid against the member under question, the member under question may within twenty-one (21) days of the date of service upon such order give notice of appeal to the General Manager of SUPSA. Any such notice shall state the grounds of appeal and these shall not be amended except with the permission of the Appeals Committee.

19.4.3 A notice of appeal shall be referred promptly by the Chairman to the Appeals Committee who may in its discretion stay the order made by the Disciplinary Committee.

30.4.4 No appeal shall be based solely on the question of costs.

19.4.5 As soon as practicable after receipt of the notice of appeal the Appeals Committee shall notify the appellant of the time and place of the hearing. The Appeals Committee shall take into account any reasonable date time and venue for the appeal and shall give the appellant, who may be represented by a lawyer or other appropriate person, a reasonable opportunity to be heard.

19.4.6 If the appellant does not attend the hearing then provided that the Appeals Committee is satisfied that the due process was followed they may proceed to hear the appeal in the appellant's absence.

19.4.7 The Appeals Committee may instruct a lawyer/solicitor or any other appropriately qualified person to act as legal advisor in the hearing.

19.4.8 The Appeals Committee shall take into consideration the evidence and documents produced by the Disciplinary Committee and may if it sees fit review new evidence.

19.4.9 On any appeal the Appeals Committee may affirm, vary or rescind any order or orders as it in its discretion sees appropriate.

19.4.10 The Appeals Committee shall as soon as is practicable notify the Chairman who shall inform the Committee of the decision. The Appeals Committee shall inform the appellant of its decision and order on the same day that it notified the Chairman.

19.4.11 The decision of the Appeals Committee shall be binding on all parties.

19.5 Conducting of a Disciplinary Hearing:

19.5.1 The Disciplinary and Appeals Committees shall determine their own procedures, having due regard to the principles of natural justice, but shall not be bound by rules of evidence and shall be entitled to hear or consider any evidence that might be useful. They shall give weight to any evidence including "hearsay" evidence, as they shall in their discretion determine.

19.5.2 A hearing may be conducted and witnesses heard by telephone or other telephonic means where it is considered beneficial to do so. The Disciplinary Committee will consider the right to an effective cross examination of witnesses as long as this evidence would not be materially impaired if they do not appear in person and shall only order or allow telephonic evidence if satisfied that this would be the case.

19.5.3 Witnesses may be heard and cross-examined.

19.5.4 Legal representation shall be allowed.

19.5.5 A decision may be given orally but will normally be followed by a written decision which will give the reasons for the decision in as much detail as is considered appropriate in all the circumstances.

19.6 Doping Offences:

19.6.1 In the case of doping offences the Committee will be governed by the International Surfing Association (ISA) Anti Doping Code. In dealing with code violations the Committee will consult with and guided by the SA Institute for Drug Free Sport (SAIDS) which is the accredited World Anti Doping Agency (WADA) representative in South Africa. The published SAIDS Anti Doping Code will be used when dealing with code violations and a representative of the Committee will liaise with SAIDS in the event of a doping offence being reported.

19.6.2 Disciplinary procedures as outlined in the SAIDS Anti Doping Code will be followed when dealing with code violations.

PART 6

MISCELLANEOUS MATTERS

20.

DISSOLUTION OF SUP Durbs

20.1 SUP Durbs may be dissolved if at least two thirds of the members present (and voting), at a general meeting of members convened for the purpose of considering such matters, are in favour of dissolution. Not less than sixty (60) days notice shall be given of such meeting and the notice convening the meeting shall clearly state that the question of dissolution of SUP Durbs and disposal of its assets will be considered. If there is no quorum at such a general meeting, the meeting shall stand adjourned for not less than twenty-one (21) days and the members attending such adjourned meeting shall constitute a quorum.

20.2 If upon the dissolution of SUP Durbs there remain any assets whatsoever after the satisfaction of all its debts and liabilities, such assets shall not be paid to or distributed among its members, but shall be given to such other organisation(s) (preferably having similar objectives) which is/are authorised to collect contributions in terms of the non profit organisation, as may be decided by the Committee, or, in default of such decision, by the Director of Non Profit Organisations.

21.

MATTERS FOR WHICH THERE ARE NO PROVISIONS

In the event of any matter arising which is within the powers of neither the Committee to do, which is not covered by this

Constitution, and it is considered by the Committee that provision for such matters be made herein, the Committee shall have the right to decide upon such matter temporarily, pending the due alterations and/or amendment of this Constitution.

22.

DISPUTE RESOLUTION

22.1 The Chairman, or if the Chairman is not available the Vice-Chairman, shall in accordance with the following procedures attempt to resolve any disputes arising out of or in connection with the enforceability of the Constitution or the application or interpretation of its provisions, or any dispute between a member of SUP Durbs and SUP Durbs.

22.2 Written notification of the dispute must be referred by the member or by any office holder of SUP Durbs itself, who is party to the dispute, to the Chairman, or Vice-Chairman.

22.3 Such notice must:

- a) Be marked for the attention of the Chairman, or Vice-Chairman,
- b) Be transmitted by facsimile or e-mail to SUP Durbs's fax number or email address,
- c) Be copied to parties to the dispute and,
- d) Set out the nature of the dispute.

22.4 The Chairman, or if the Chairman is not available the Vice-Chairman, shall take such steps as he deems necessary to satisfy himself regarding the circumstances and the nature of the dispute so notified including consultation with all parties to the dispute and if necessary with members of the Committee.

22.5 The Chairman shall in consultation with the parties and by way of facilitation or mediation, attempt to resolve the dispute as expeditiously as possible.

22.6 Where the dispute cannot be resolved by the Chairman, to the satisfaction of any party to the dispute or the Chairman himself may submit the dispute to the Dispute Resolution Centre of the South African Confederation of Sport and Olympic Committee (SASCOC) for resolution in accordance with SASCOC'S Rules for the Resolution of Disputes in Sport.

23.

LEGAL STATUS OF RULES AND REGULATIONS

All rules and/or regulations of SUP Durbs that came into force on the effective date of this Constitution, shall continue to be binding on all members until they are rescinded.

24.

PAID OFFICIALS

If SUP Durbs, or any of its committees, agrees to employ the services of any official, and if such official receives remuneration for such services, although such official may serve on the Committee, such official's representations and/or input would be in an advisory capacity alone, and such official will have no voting rights whatsoever.

25.

FUND RAISING

36.1 Should the services of a fund-raiser be made use of for the collection of contributions, the expenses (remuneration and/or commissions included) may not exceed 40% of the total proceeds of the collection or such percentage as may be determined by the Committee.

26.

BANKING SIGNING POWER

26.1 It is determined that a total of three (3) committee members shall be given authorisation of behalf of the committee and in agreement by the committee to have signing powers in setting up a bank account. Thereafter it is the agreement by the committee that Two (2) of the Three (3) shall be required in signing of any changes or payments thereafter that require signatories. In terms of internet banking it is the agreement of the Committee that the first of the authorise committee members will be given the power to perform transactions.

Committee Members with Bank signing power:

Jonathan Michael Ivins

Ryan Dercksen

Caraline Hillier