

TRIATHLON SOUTH AFRICA



triathlon sa

CONSTITUTION

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SECTION 1

DEFINITIONS

In this Constitution the following definitions apply:

“athlete”	A competitive athlete registered with a Provincial Member and TSA
“ASA”	Athletic South Africa
“ATU”	African Triathlon Union
“Aquathlon”	A continuous event comprising of running and swimming
“Board”	The Board as defined in Section 5
“Constitution”	The Constitution of TSA
“SRSA”	The National Department of Sport and Recreation in South-Africa
“Duathlon”	A continuous event comprising of cycling and running
“EXCOM”	The Executive Committee as defined in Section 5
“Financial Year”	A period as determined by the Board
“General Meetings”	As defined in Section 6
“ITU”	International Triathlon Union
“Member”	Refers to a Member as defined in Section 4.1
“member”	Refers to the member (club or individual) of a Member defined in Section 4.1
“National Federation”	A national governing body of a code of sport in South Africa, recognised by the relevant international controlling body and by the SASCOC as the only authority for the administration and control of that sport
“Non-participating person”	A member who has registered with a Provincial Member and TSA but is not an athlete
“Provincial Member”	The provincial governing body of the code of Triathlon in South Africa
“SASCOC”	The South African Sports Confederation and Olympic Committee

“Triathlon”

In this document Triathlon is used as a continuous event comprising swimming/cycling and/or running. It is also used in the sense of an event and means any multi-disciplined event over which TSA has jurisdiction.

SECTION 2

NAME

- 2.1 The name of the association shall be TRIATHLON SOUTH AFRICA. The shortened form of the name of the association shall be TSA.
- 2.2 The association is a voluntary sporting association, with a separate legal entity with the power to acquire, to hold and to alienate property, and with the capacity to acquire rights and obligations and having perpetual succession and the capacity to sue or be sued in its own name.
- 2.3 TSA is the sole South African governing body affiliated to the ITU.

SECTION 3

AIMS AND OBJECTIVES

The objectives of Triathlon South Africa are:

- 3.1 to function as the National Federation for triathlon, duathlon, aquathlon and related other multi-sports in South Africa, and to represent South Africa internationally;
- 3.2 to affiliate and co-operate with the SRSA and any such future national sports body;
- 3.3 to conduct its affairs in accordance with the provisions of the Laws of South Africa, including, but not limited to, the South African Sports Commission Act 109 of 1998; the National Sports and Recreation Act 110 of 1998 and The Promotion of Equality and Prevention of Unfair Discrimination Act of 2000; The South African Institute for Drug-Free Sport Act 14 of 1997 [and the Rules of the World Anti-Doping Agency (WADA)]
- 3.4 to adopt appropriate equality plans to promote equality particularly in respect of race, gender and disability and in terms of the regulations to the Promotion of Equality and Prevention of Unfair Discrimination Act of 2000;

- 3.5 to endeavour to be equally representative of both genders at EXCOM and Board level and to endeavour to appoint a Vice-President of the EXCOM of the opposite gender to the President;
- 3.6 to support the aims, ideals and principles of the Olympic movement and maintain recognition and co-operate with SASCOG;
- 3.7 to grow the sport of triathlon through coaching excellence from mass participation through elite level performance;
- 3.8 to develop control and administer the sport of Triathlon in South Africa in accordance with the Constitution, the Competition Rules and Operations Manual;
- 3.9 to remain affiliated with the international body governing Triathlon, namely International Triathlon Union, and to remain affiliated with the African Triathlon Union, to uphold their rules, regulations and policy rulings and to support their aims, ideals and principles;
- 3.10 to implement and develop a marketing strategy to popularise the sports of Triathlon utilising multi-media, quality athletes and venues;
- 3.11 to implement sound financial structures in accordance with accepted business and accounting norms and standards;
- 3.12 to ensure executive accountability in all respects;
- 3.13 to supervise the strict application of the Constitution, Competition Rules and Operations Manual and to be transparent at all times.
- 3.14 to promote both competitive and non-competitive Triathlon in South Africa;
- 3.15 to encourage support of TSA programmes by the public generally;
- 3.16 to provide guidance, information and assistance to the Provincial Federations and clubs in respect of these objectives;
- 3.17 to affiliate Provincial Members to TSA;
- 3.18 to organise training courses for triathletes, coaches and administrators to national and international standards and in doing so to address any racial, gender or cultural inequalities;
- 3.19 to set criteria for the selection to the National team to represent South Africa internationally;
- 3.20 to arrange, on an annual basis, the date and venue for South African National Championships to be staged by Provincial Members on a rotational basis;
- 3.21 to collate a National Racing Calendar and develop and implement an athletes points and ranking system;

- 3.22 to approve facilities and arrangements for events to be run under the auspices of TSA;
- 3.23 to acquire moveable and immovable property as may be required to achieve its aims and objectives;
- 3.24 to raise funds negotiate and conclude agreements not in conflict with its aims and objectives;
- 3.25 to promote other multi-disciplined endurance events, excluding the traditional decathlon, pentathlon, heptathlon, modern pentathlon and biathlon;
- 3.26 to make triathlon accessible to all the people of South Africa irrespective of ability, gender, race, religion or geographic location, both for purposes of recreation and excellence;
- 3.27 to enquire into alleged irregularities occurring in the course of the administration or competition of Triathlon;
- 3.28 to hear appeals against the decisions of Provincial Federations;
- 3.29 to perform any other appropriate function for the development of the sport.

SECTION 4

MEMBERSHIP

- 4.1 TSA is composed of two categories of members, namely:
 - 4.1.1 Provincial Members - provincial associations administering Triathlon;
 - 4.1.2 Individual members – All the individual persons who serve on the Board and Committees of ITU as well as all honorary members and members who are athletes and non-participating persons;
- 4.2 Provisional affiliation or observer status of a Provincial Member may be applied for and granted by EXCOM until the next Annual General Meeting on such terms and conditions as it may determine,.
- 4.3 Provincial Members wishing to become affiliates of TSA shall:
 - 4.3.1 apply to the Secretary of the EXCOM for affiliation in writing, declaring that the Constitution of TSA, the Competition Rules and Operations Manual will be strictly observed;
 - 4.3.2 enclose the Constitution of their organisation;
 - 4.3.3 be recognised as the Provincial association (or federation) in their own province.

4.3.4 The Constitution of the applicant body shall be referred to the next General Meeting for approval.

4.4 A province will be represented by one Provincial Member only.

4.5 The jurisdictions of Provincial Members shall be limited by the boundaries of the province they represent, and current affiliates are:

1. Eastern Province Triathlon Association:

Headquarters: Port Elizabeth

Jurisdiction: The Eastern Cape and the part of the Western Cape east of George (including George)

2. Free State Triathlon Association:

Headquarters: Bloemfontein

Jurisdiction: The Free State

3. Gauteng Central Triathlon Association:

Headquarters: Johannesburg

Jurisdiction: The part of Gauteng as allocated per ASA demarcation

4. Gauteng North Triathlon Association:

Headquarters: Pretoria

Jurisdiction: The part of Gauteng as allocated per ASA demarcation and the Northern Province

5. Gauteng South Triathlon Association:

Headquarters: Vanderbijlpark

Jurisdiction: The part of Gauteng as allocated per ASA demarcation

6. KwaZulu-Natal Triathlon Association:

Headquarters: Durban

Jurisdiction: KwaZulu-Natal

7. Mpumalanga Triathlon Association:

Headquarters: Middelburg

Jurisdiction: Mpumalanga

8. Northwest Triathlon Association:

Headquarters: Potchefstroom

Jurisdiction: Northwest and North Cape

9. Western Province Triathlon Association:

Headquarters: Cape Town

Jurisdiction: The Western Cape, excluding the part under jurisdiction of the Eastern Province Triathlon Association

- 4.6 Honorary membership may be conferred upon a person who has rendered the TSA exemplary service.
- 4.7 A retiring President of TSA may be made an Honorary President or Honorary member.
- 4.8 Duties of Provincial Members:
- 4.8.1 The annual TSA registration fee paid by a member to a Provincial Member shall be paid to TSA within 30 days of receipt thereof by the Provincial Member.
- 4.8.2 All Provincial Members shall be required to submit to the Annual General Meeting each year, an annual report, which shall include the following information:
- 4.8.2.1 The Provincial Member's address, telephone, fax, e-mail address and other details.
- 4.8.2.2 List of Office Bearers of the Provincial Member.
- 4.8.2.3 Major Championships and events to be held, including date and location.
- 4.8.2.4 A brief review of the status of triathlon within the Provincial Member's area of jurisdiction, to include the development initiatives to expose the sport of triathlon and encourage participation by athletes from previously disadvantaged communities.
- 4.8.3 Provincial Members shall be duly constituted, exercise control of, and supervise all Triathlons, or aspects thereof, and hear, inquire into and settle all objections and disputes pertaining thereto within such areas of their jurisdiction as determined by the Constitution but subject to the provisions of section 12 and 13.
- 4.8.4 The colours and emblem of each Provincial Member shall be subject to approval by a General Meeting.
- 4.8.5 A Provincial Member shall, when requested by the EXCOM, submit a written report of its activities to the Secretary within thirty (30) days.
- 4.8.6 Provincial Members shall endeavour to see that participants in their area of jurisdiction register as TSA athletes.
- 4.8.7 An athlete in good standing may join any Provincial Member, provided that:
- 4.8.7.1 written clearance be obtained from the previous Provincial Member, if applicable, which clearance shall not be unreasonably refused by such previous Member, and which refusal shall be subject to direct appeal to the EXCOM, as provided for in Section 13;
- 4.8.7.2 an athlete shall not be registered to more than one (1) Provincial Member at any one time;

- 4.8.7.3 an athlete shall not be selected or allowed to represent a Provincial Member unless the athlete is registered to such Provincial Member.

This section does not preclude a Provincial Member from making provision for the inclusion within their membership ranks of non-participating persons (as social or administrative members).

- 4.8.8 Financial matters:

- 4.8.8.1 all Provincial Members shall contribute an annual registration fee per athlete and non-participating persons, as the case may be, as determined by the Board;

- 4.8.8.2 registration fees shall be accompanied by a completed membership form, as prescribed by the Board. The Treasurer and Technical Member shall keep a national register of affiliated athletes;

- 4.8.8.3 registration fees must be forwarded to the Treasurer of TSA within thirty (30) days of an athlete or non-participating person affiliating to a Provincial Member.

- 4.9 Suspension of Members (As defined in 4.1)

- 4.9.1 If a Provincial Member has failed to pay registration fees or has engaged in conduct injurious to TSA, the EXCOM may:

- 4.9.1.1 suspend the Provincial Member's power to exercise its rights and privileges as a Provincial Member until payment or for a specified period of time not to exceed six months, provided that if suspension is for non payment that payment is received in full prior to the expiration of the determined period;

- 4.9.1.2 expel the Provincial Member from TSA, if authorised by a vote of two-thirds of the remaining Provincial Members present at a general meeting duly convened for this purpose.

- 4.10 A Provincial Member shall be in good standing, if such Provincial Member:

- 4.10.1 held an annual general meeting within the Province, within fifteen (15) months prior to the Annual General Meeting of TSA; and

- 4.10.2 represent a minimum of five (5) percent of the total TSA registered members, for the immediate past financial year or twenty (20) members (whichever is the lesser); and

- 4.10.3 consist of an Executive Committee (or such similar committee) duly elected in terms of the constitution of such Provincial Member.

- 4.11 If a Board member has reason to believe that a Provincial Member does not comply with the requirements of 4.10, at the request of such Board member the Secretary of TSA shall request the Provincial Member for written proof of compliance. In the event of non-compliance within a reasonable time, the Secretary shall advise all Board members accordingly.

- 4.12 If a Provincial Member does not comply with 4.10, such Provincial Member shall automatically be regarded as temporary suspended and shall remain so suspended until such Provincial Member convince the Board by a majority vote to reinstate such Provincial Member. The Board may attach conditions to reinstatement and/or make such reinstatement temporary.
- 4.13 During the period of temporary suspension, such Provincial Member shall be disregarded as a Provincial Member for purposes of General Meetings and meetings of the Board. The President of such Provincial Member shall during the period of temporary suspension, not serve as Board member (as referred to in 5.3.3.1) However, the suspended Provincial Member and its athletes may participate at all other activities and events of TSA, for purposes of which the Secretary of TSA will act as caretaker administrator of such Provincial Member.
- 4.14 If a Provincial Member ceases to exist or abandons its activities for more than six (6) months, all claims to TSA shall continued be met by such Provincial Member. All books and records of the former Provincial Member shall be deposited with and belong to TSA.
- 4.15 Eligible Competitors
- Only competitors who are eligible according to the TSA eligibility Rules are allowed to take part in competitions organised by TSA. These rules are included in the Competition Rules.
- 4.16 The Domicile Rule
- 4.16.1 A club shall be a member of a Provincial Member wherein the club's offices are located, subject to the constitution of the Provincial Member.
- 4.16.2 An athlete shall represent the Provincial Member wherein he/she is predominantly domiciled and races, unless clearance to do otherwise is obtained from the Provincial Member wherein the athlete is domiciled. An athlete may appeal the decision of a Provincial Member by way of a written appeal to the EXCOM which appeal shall be submitted to the Secretary.
- 4.16.3 An athlete shall only be a member of a club if the athlete and the club are both domicile in the same province. An athlete may apply in writing to the EXCOM to be a member of a club not in that athlete's province.
- 4.17 Except in an exceptional case, or where a club has received no co-operation from the Provincial Member, there shall be no other line of communication between a club and the office of TSA, except through the Provincial Member.
- 4.18 Except in exceptional circumstances, or where an athlete has received no co-operation from the Provincial Member, shall there be a line of communication between an athlete and the office of TSA. All other communication shall be through the Provincial Member.

- 4.19 Athletes living abroad must register with TSA through the Provincial Member of his/her choice.
- 4.20 Age Group athlete and Junior athlete participation (other than a foreign international athlete, Senior Elite, under 23 Elite and Junior Elite athlete participation) at the South African National Championships, shall be as a team member of the Provincial Member. An athlete may only compete in the official team, clothing, kit and colours of the Provincial Member (or such other clothing, kit and colours approved by the Provincial Member). Transgression hereof shall result in automatic disqualification at the event.
- 4.21 A Senior Elite, under 23 Elite and Junior Elite athlete may compete at the South African National Championships in the clothing, kit and colours of his/her sponsor provided the Provincial Member approved logo (emblem and wording) is clearly visible and such clothing, kit and colours has been prior approved by the Provincial Member. Transgression hereof will result in automatic disqualification at the event.
- 4.22 No member of the EXCOM may have any financial interest (direct or indirect) or as an employee of an employer, financially associated with triathlon, be it (but not limited to) event organising, kit and apparel suppliers, sponsors of events products and all other products and matters generally associated with triathlon, unless the Annual General Meeting by a two-thirds majority approve such nomination.
- 4.23 No member of the Board or the EXCOM may have a vested interest or serve on the executive of a sport discipline (or as an employee of an employer or serve on the executive committee of an entity), which sport discipline or entity opposes the aims, ideals and objectives of the sport of Triathlon (as defined by the ITU);

SECTION 5

ORGANISATION OF TSA

- 5.1 TSA shall consist of:
- 5.1.1 General Meetings
- 5.1.2 The Board (“the Board”)
- 5.1.3 The Executive Committee (“EXCOM”)
- 5.1.4 Standing Committees
- 5.1.5 Other committees and subcommittees appointed by the Board or EXCOM from time to time.
- 5.2 General Meetings

- 5.2.1 The Annual General Meeting constitutes the supreme authority of TSA.
- 5.2.2 General Meetings are described in Section 6 below.
- 5.3 The Board
- 5.3.1 The business of TSA shall be managed by the Board.
- 5.3.2 Ten (10) Board members shall constitute a quorum. Board members must be individuals, at least 18 years of age, with power under law to contract.
- 5.3.3 The following shall be Board members:
- 5.3.3.1 The President of each Provincial Member of TSA, or person designated by the Provincial Member to serve in that capacity.
- 5.3.3.2 The following Officers of TSA (the EXCOM) shall be Board members and shall be elected at the annual general meeting (AGM) for a term of two (2) years or until their successors are elected or appointed:
1. President
 2. Vice-President
 3. Treasurer
 4. Secretary
 5. Technical member
 6. Two (2) additional members
- 5.3.3.3 The following Board members shall be elected at the AGM for a term of two (2) years or until their successors are elected or appointed:
1. Chairperson – Triathlon
 2. Chairperson – Duathlon
 3. Chairperson – Aquathlon
 4. Chairperson – Coaching

No member of the Board may fill more than one position on the Board.

- 5.4 The office of a Board member shall be automatically vacated:
- 5.4.1 if a Board member has resigned by delivering a written resignation to the Secretary of TSA;
- 5.4.2 if the Board member is found by a court to be of unsound mind;
- 5.4.3 if the Board member becomes bankrupt or suspends payment or compromises with his creditors;
- 5.4.4 by a majority vote of the Board at a Board meeting;

- 5.4.5 if at a general meeting of members a resolution is passed by two-thirds of the full members (as defined in clause 4.1) present at the meeting that the Board member be removed from office; provided that if the Board member is a member in terms of 5.3.3.1, such member shall automatically be replaced by the Vice-President of the Provincial Member that he represents;
- 5.4.6 on death.
- 5.4.7 in respect of any vacancy, arising from 5.3.3.1, the Provincial Member shall designate a person to serve in that capacity. In respect of any vacancy with regard to the portfolios of 5.3.3.2, arising from 5.5.1 to 5.5.6, the Executive Committee of the SATCA shall fill the vacancy. In respect of any vacancy with regard to the portfolios of 5.3.3.4, arising from 5.5.1 to 5.5.6 the EXCOM may, fill the vacancy.

5.5 The Executive Committee (“EXCOM”)

- 5.5.1 There shall be an EXCOM composed of the seven (7) elected Officers (section 5.3.3.2).
- 5.5.2 The President and Vice-President shall not be affiliated to the same Provincial Member, however can be allowed by a two-thirds majority at the AGM.
- 5.5.3 No person shall be elected to hold more than one (1) position on the EXCOM. In the event of a vacancy arising on the EXCOM, the EXCOM may request a Board member to fill the vacancy until the next AGM.
- 5.5.4 Any EXCOM member may be removed from the EXCOM by a majority vote of the Board.
- 5.5.5 The EXCOM shall be responsible for the day-to-day management of the affairs of TSA in accordance with the policies and actions approved by the Board. The EXCOM may in its discretion take decisions on behalf of the Board which decisions the Board may ratify at their next meeting. The EXCOM shall take the initiative in preparing policies and actions for consideration and possible action by the Board. The EXCOM is responsible for the implementation of all resolutions passed at general meetings.
- 5.5.6 Meetings of the EXCOM are called by the President, who is also responsible for the preparation of the agenda. The EXCOM shall also meet at the request of at least two (2) of its members. EXCOM shall meet at least three times annually, preferable four, or more.
- 5.5.7 At least ten (10) day’s notices shall be given of the date, time, and place for meetings of the EXCOM. In emergencies, special meetings may be called at three (3) days’ notice. Meetings may be held by electronic communication, telephone conference call or video conference or by individual telephonic consultation between the President and the EXCOM members provided that all members are consulted and consent.

- 5. 5.8 The EXCOM may establish subcommittees from time to time in order to conduct its business more effectively.
- 5. 5.9 A quorum for all meetings of the EXCOM shall be a majority of its members.
- 5. 5.10 The EXCOM may act by resolution in writing signed by all of the members of the EXCOM.
- 5. 5.11 At least one member of the EXCOM shall be of the opposite gender.
- 5. 5.12 The provisions of 6.17 and 6.18 shall equally apply to meetings of the EXCOM.

5.6 Standing Committees

- 5. 6.1 The following Standing Committees are mandatory and must be constituted by the Board to assist in carrying on the affairs of TSA:

- 1. Triathlon Committee
- 2. Duathlon Committee
- 3. Aquathlon Committee
- 4. Development and Junior Committee
- 5. Technical Committee
- 6. Coaching Committee

- 5. 6.2 The following Standing Committees are discretionary and may be constituted by EXCOM or the Board to assist in carrying on the affairs of TSA:

- 1. Audit Committee
- 2. Constitution Committee
- 3. Marketing and Promotions Committee
- 4. Canoe Triathlon Committee
- 5. Appeals Committee
- 6. National Team Managers Committee
- 7. Bid Selection Committee
- 8. Doping Control Committee
- 9. Event Organiser's Committee
- 10. Physically Challenged Athletes' Committee
- 11. Women's Committee
- 12. Medical Committee

- 5. 6.3 A quorum for all Standing Committees shall be one third (1/3) plus one (1) of its members.

- 5. 6.4 The Board may from time to time constitute such other committees as it deems necessary and shall prescribe their duties.

- 5. 6.5 Committee members will hold their offices at the will of the Board. The Board shall determine the duties of such committees and may fix any reimbursement of expenses or remuneration to be paid.

- 5. 6.6 Standing Committees may co-opt additional members.

- 5. 6.7 All Standing Committee members have the right to attend Board meetings with voice but no vote.
- 5. 6.8 At the request of the EXCOM, Committee members shall attend meetings of the EXCOM and/or the Board.

SECTION 6

GENERAL MEETINGS, MEETINGS OF THE BOARD AND STANDING COMMITTEES

- 6.1 All meetings of TSA shall be run in accordance with *Roberts Rules of Order Newly Revised*.
- 6.2 General Meetings
 - 6.2.1 The Annual or any other General Meeting shall be held at any place in South Africa and on such day as the Secretary in consultation with the President may determine. The members may consider and transact any business either Special or General at any meeting of the members.
 - 6.2.2 A Provincial Member must be in good standing, to attend and participate at General Meetings and exercise the voting rights accorded.
- 6.3 Attendance at General Meetings
 - 6.3.1 Every TSA registered member (athlete, non-participating person and coach) shall have the right to attend and be heard at an AGM or SGM.
 - 6.3.2 Provincial Members may be represented by two (2) delegates each.
 - 6.3.3 The credentials of Provincial Members shall be given to the Secretary prior to the commencement of an AGM or an SGM and shall be recorded in the minutes.
- 6.4 Voting at General Meetings
 - 6.4.1 To be eligible to vote, unless waived by a two-thirds vote at the meeting, an EXCOM member, a Board member, Provincial delegate shall not be in arrears in the payment of registration fees to TSA.
 - 6.4.2 Voting shall be by show of hands in all matters for a resolution, or by secret ballot if two members so demand, otherwise the President, shall make a ruling on the mode of voting.
 - 6.4.3 All questions properly proposed for consideration shall be determined by a majority vote, except changes to the Constitution which require two-thirds (2/3) of the vote recorded.
 - 6.4.4 Only the following members shall be entitled to vote as follows:

- 6.4.4.1 TSA Board members: 1 vote per Board member
- 6.4.4.2 Provincial Members: 1 vote per Provincial Member (and NOT per delegate)
- 6.4.5 Honorary members shall have no vote.
- 6.4.6 The President shall have a casting vote.
- 6.4.7 Those present at a meeting may only vote in one capacity. That is as a TSA Board Member (1 vote only) in terms of 6.4.4.1 or as a Provincial Member delegate (1 vote) in terms of 6.4.4.2.
- 6.5 The Annual General Meeting (AGM)
- 6.5.1 An Annual General Meeting (AGM) shall be convened every year within three (3) months of the financial year-end of TSA.
- 6.5.2 The Provincial Members, EXCOM members, Board Members shall receive forty five (45) days written notice of the date and venue of the AGM. Provincial Members shall give notice to all their registered athletes and coaches respectively, of the date and venue of the AGM.
- 6.5.3 All notices of motion to be dealt with at the AGM are to reach the Secretary not less than twenty (20) days before such meeting;
- 6.5.4 The Secretary shall notify all Provincial Members, EXCOM members, Board Members of the agenda not less than ten (10) days before the meeting.
- 6.5.5 The agenda of the AGM shall be disposed of in the following order:
1. Scrutiny of Delegates' credentials;
 2. Reading of the Notice of the Meeting;
 3. Reading (if necessary) and adopting of the minutes of the previous AGM and of all intervening Special General Meetings;
 4. Dealing with the recommendations/proposals emanating from the EXCOM or meetings of the Board;
 5. Submission, discussion and adoption of the annual reports of which reports by Provincial Members is mandatory and reports from standing committees are optional; (unless so requested by the Board or the EXCOM)
 6. Submission of audited financial statements of the previous financial year;
 7. Appoint auditors for the following year;
 8. Deal with any amendments to the Constitution or with any matters proposed and of which due notice has been given;
 9. When necessary, election of TSA Officers and Board members and Standing Committees as set out below;
 10. Election of four (4) Selection Committees (as per Section 9);
 11. Allocation of the venue of the National Championship for triathlon, duathlon and aquathlon to a Provincial Member, (two years in advance) and the date thereof.

12. Appointment of managers (and other support staff and coaches, if necessary) for all South African representative teams (if necessary to ensure appointments for the following year, as well as the year thereafter.) (An assistant team manager/chaperone shall be appointed by the EXCOM for all teams in excess of thirty (30) athletes.)
13. Election of Athlete Representative (as per Section 15).
14. Transaction of any other business properly brought before the meeting.

6.6 Special General Meeting (SGM)

6.7 The Board or EXCOM shall have power to call, at any time, a special general meeting of TSA for the transaction of any business, the nature of which is specified in the notice calling the meeting.

6.8 The Secretary shall call a SGM on written requisition of four Board members, which SGM shall be convened to take place within twenty (20) days after receipt of the request and a brief description of the nature of the issue to be raised.

6.9 All SGMs shall be called in writing by the Secretary and notice shall be given to Provincial Members, EXCOM members, Board Members at least fifteen (15) days before the meeting.

6.10 The Secretary shall notify the Provincial Members, EXCOM members, Board Members of the agenda for an SGM in writing by no later than ten (10) days before such meeting.

6.11 The agenda of a SGM shall be disposed of in the following order:

1. Scrutiny of Delegates credentials;
2. Reading of the notice of the meeting;
3. Dealing with any matters proposed and of which previous notice has been duly given.

6.12 Notice of Meetings

6.12.1 Written notice of the time, place and date of the meeting shall be given electronically to each member (as referred to in 6.4.4.1 and 6.4.4.2) of any annual or special general meeting, to their last known address. Notice of any meeting where special business will be transacted shall contain sufficient information to permit the member to form a reasoned judgement on the decision to be taken.

6.12.2 In the absence of an objection by a Provincial Member, no error or omission in giving notice of any annual or general meeting or any adjourned meeting, whether annual or general, shall invalidate such meeting or make void any proceeding.

6.12.3 A resolution in writing, signed by all the members entitled to vote on that resolution at a general meeting of members is as valid as if it had been passed at a meeting of members.

6.13 Procedure at General Meetings

- 6.13.1 Members eligible to twelve (12) votes (as referred to in 6.4.4.1, 6.4.4.2 and 6.4.4.3) present at a general meeting shall constitute a quorum. Should a quorum not be present within ten (10) minutes of the notice time, the meeting shall reconvene twenty (20) minutes after the original notice time, on the same date and at the same venue. Those present at the reconvened time shall constitute a quorum.
- 6.13.2 The President shall preside or in his absence the Vice-President. If both are absent, the meeting shall appoint someone from their midst to chair the meeting.
- 6.14 Election of Office Bearers, the Board and Standing Committees by the AGM
- 6.14.1 The AGM shall hold elections biennial by ballot.
- 6.14.2 The Secretary will invite written nominations for the following positions by sending blank nomination forms to members:
1. President
 2. Vice-President
 3. Treasurer
 4. Secretary
 5. Technical member
 6. Two (2) additional members
 7. Chairperson – Triathlon
 8. Chairperson – Duathlon
 9. Chairperson – Aquathlon
 10. Chairperson – Coaching
 11. Athlete Representative
- 6.14.3 The completed nomination forms together with the acceptance of the nomination by the nominated person will be returned to reach the office of TSA by no later than fifteen (15) days before the AGM.
- 6.14.4 Lists of the persons nominated for specific portfolios and who are available for election will be prepared by the Secretary and sent to reach all Provincial Members no later than ten (10) days before the elections. Ballot papers will be prepared for the elections.
- 6.14.5 A retiring EXCOM member shall remain in office until the dissolution or adjournment of the meeting at which the retirement is accepted and the successor is elected, unless otherwise agreed.
- 6.14.6 All elected Board members shall be deemed to retire at commencement of elections (as referred to in 6.5.5 (item 9 and 10) of the AGM at which elections are to be held. Thereby such member will have no further voting rights as a previous elected Board member at the meeting.
- 6.15 Voting Delegates and their Voting Power for Election
- 6.15.1 The voting rights as set out in 6.4.4 above apply.

- 6.15.2 In the first round of voting, the Provincial Member delegates shall vote for the seven Officers of TSA, who shall be members of the EXCOM.
- 6.15.3 In the second round of voting, the Provincial Member delegates, Board Members (in terms of 5.3.3.1) and the EXCOM members elect members for the vacant positions on the Board.
- 6.15.4 In the third round of voting the meeting shall elect the Athletes Representative, selectors and persons to the mandatory (and discretionary if deemed necessary) Standing Committees.
- 6.15.5 The Candidates need not be present at the AGM.
- 6.15.6 Outgoing Office Bearers are automatically deemed to have been nominated for their respective offices.
- 6.15.7 If no nominations are received for a specific portfolio, nominations may be made from the floor.
- 6.16 Meetings of the Board and Standing Committees
- 6.16.1 Meetings of the Board or a Standing Committee may be held at any time. The President of TSA or three (3) Board members may request a Board Meeting. Twenty (20) days written notice shall be given. There shall be at least three (3) meetings per year of the Board, the one to be held immediately after the AGM. The second immediately before or after the National Triathlon Championships. The third immediately before or after the National Duathlon Championships. However, no more than four (4) months will expire between consecutive Board meetings. The Secretary of the EXCOM shall give notice of the time and venue of each Board meeting electronically to each Board member.
- 6.16.2 In the absence of an objection of a member (of the Board or Standing Committee) no error or omission in giving notice of any meeting of the Board or Standing Committee or any adjourned meeting shall invalidate such meeting or its proceedings. Any member may at any time waive notice of any such meeting and may ratify and confirm any or all proceedings.
- 6.16.3 At Standing Committee meetings each member shall exercise one (1) vote with the exception of any Honorary member who does not have a vote.
- 6.16.4 The Board and Standing Committee members shall serve without remuneration and no member shall directly or indirectly receive any profit from the position provided that a member may be paid reasonable expenses.
- 6.16.5 Subject to 6.14.6 a retiring Board or Standing Committee member shall remain in office until the dissolution or adjournment of the meeting at which the retirement is accepted and the successor is elected, unless otherwise agreed.
- 6.17 If all members of the committee or Board consent, a member may participate in a meeting by means of a conference telephone or other communication facility that permits all participants in the meeting to hear each other, and a member

participating by such means is present at the meeting. Provided that the President of the Board/Chairperson of a Standing Committee may contact all the members of the Board/Committee by separate telephone calls in order to conduct decision making business normally reserved for meetings.

6.18 Resolutions in writing:

6.18.1 A resolution in writing, signed by all the members entitled to vote on that resolution at a meeting is as valid as it had been passed at a meeting.

6.18.2 A resolution in writing, supported in electronic format by a majority of all the Board members entitled to vote, is as valid as a resolution passed at a Board meeting.

SECTION 7

RIGHTS AND DUTIES OF THE BOARD, THE EXCOM AND OFFICERS OF TSA

7.1 Powers of the Board

7.1.1 The Board shall have power to authorise expenditures on behalf of TSA and may delegate by resolution to an Officer or Officers of TSA the rights to employ and pay salaries to employees.

7.1.2 The Board shall take such steps as they deem necessary to enable TSA to acquire, accept, solicit or receive legacies, gifts, grants, settlements, bequests, endowments and donations of any kind whatsoever for the purpose of furthering the objects of TSA.

7.1.3 The Board may appoint such agents and engage such employees as it shall deem necessary from time to time and such persons shall have such authority and shall perform such duties as shall be prescribed by the Board at the time of such appointment.

7.1.4 A reasonable remuneration for all agents, employees and committee members shall be fixed by the Board by resolution.

7.1.5 The Board may assign responsibility for any one or more of the following areas to the Officers and members or such other duties as the Board sees fit: program development, marketing and promotion, National Teams, triathlon, duathlon, aquathlon, development, technical, medical, coaching, womens development, juniors, youth, special interest, communications, championship and selections events.

7.2 Execution of Documents

7.2.1 Contracts and documents or any instrument in writing that requires the signature of TSA, shall be signed by the President and one other EXCOM member

provided that in the event of a contract, the contract has been approved in principle by the Board.

- 7.2.2 The Board shall authorise, by resolution, a minimum of two (2) EXCOM members to transact the banking business of TSA including: the power to make, sign, draw, accept, endorse, lodge or deposit or transfer, cheques, drafts, money orders of the payment of money.

7.3 Finances

- 7.3.1 The financial year of TSA shall terminate on 31 AUGUST of each year, or at such date as the Board determines by resolution.

- 7.3.2 The annual membership fee consisting of the per capita registration fee is due on 1 SEPTEMBER of each year. The amount due for the following year is determined by the Board.

7.4 Auditors

- 7.4.1 The AGM shall appoint an auditor to audit the accounts of TSA for report to the members at the next AGM unless such appointment is waived by the unanimous vote of the members. The auditor shall hold office until the next AGM provided that the EXCOM may fill any casual vacancy in the office of the auditor. The remuneration of the auditor shall be negotiated by the Board.

7.5 Powers of EXCOM

EXCOM may administer the affairs of TSA in all things and make or cause to be made for TSA, in its name, any kind of contract which TSA may lawfully enter into and may exercise all such other powers and do all such other acts and things as TSA is by its Constitution or otherwise authorised to exercise and do.

7.6 The duties of EXCOM are:

- 7.6.1 to manage the affairs of TSA between meetings of the Board;
- 7.6.2 to supervise and exercise guidance of the work of Standing Committees and to charge the Standing Committees to submit resolutions in their area of expertise;
- 7.6.3 to supervise and ensure strict application of the Constitution;
- 7.6.4 to grant provisional membership to Provincial Members;
- 7.6.5 to prepare the next General Meeting;
- 7.6.6 examine any proposal from Provincial Members or Standing Committees which are to be discussed at a General Meeting and to submit such proposals and any other proposal from EXCOM with their comments to the General Meeting;
- 7.6.7 make the necessary appointments (or recommendations), to ITU and ATU, including Technical Delegates for Olympic Games, Commonwealth Games,

World Championships, Multi-Sport Games; World-Cup Series and any other appointments;

- 7.6.8 promote a development program for the benefit of Provincial Members requiring assistance in the training of coaches, officials, etcetera;
- 7.6.9 be the interpreter of the TSA Rules. All matters not provided for under ITU Rules shall be decided by the EXCOM.
- 7.6.10 market, promote and expose triathlon in a sound financial and business like manner, securing a financial income for TSA to fulfil its objectives;
- 7.6.11 subject to its objectives and available funds, promote a development program for junior and elite athletes.
- 7.6.12 issue directives and protocols regarding sanction conditions and other related requirements to Event Organisers and Provincial Members, as compiled by the Technical Member.

7.7 Duties of Officers

7.8.1 The President:

- 7.8.1.1 Directs TSA, calls and shall preside at all meetings of EXCOM and the Board;
- 7.8.1.2 Is the spokesperson for TSA and represents it at all appropriate occasions;
- 7.8.1.3 Supervises the strict execution of decisions made by the Board and EXCOM;
- 7.8.1.4 Controls the activities of the Secretary and Treasurer;
- 7.8.1.5 Is an ex-officio member of all Standing Committees;
- 7.8.1.6 In the President's absence, the Vice-President shall represent TSA at all appropriate occasions and events and shall be an ex officio member of all Standing Committees.
- 7.8.1.7 Make triathlon including the recreational aspects of it, accessible to all South Africans.
- 7.8.1.8 Ensure through development that national teams are representative of the South African community.
- 7.8.1.9 Ensure through coaching, management and selection that South African athletes are competitive on the international scene.
- 7.8.1.10 Ensure that triathlon makes a positive contribution to the achievement of an ideal South African society.

7.8.2 The Vice-President:

7.8.2.1 Shall assume the duties of the President when the President is incapacitated or when asked to do so by the President.

7.8.2.2 Performs special duties pertaining to the operations of TSA and other duties assigned by the Board.

7.8.2.3 Shall assume such duties pertaining to the promotion of the public relations of TSA.

7.8.3 The Secretary

7.8.3.1 Organises and is responsible for the office of TSA;

7.8.3.2 Shall take charge of correspondence, other communication and oversee all matters to be attended to by TSA;

7.8.3.3 Prepares the meetings of EXCOM, the Board and General Meetings;

7.8.3.4 Shall attend all meetings and keep minutes of same;

7.8.3.5 Shall preserve and have custody of the minutes.

7.8.3.6 The Secretary shall keep a complete record of membership and addresses, and shall be custodian of all documents of value and other properties;

7.8.3.7 May attend all meetings of Standing Committees, without the right to vote;

7.8.3.8 Liaise with the Selectors re team selection, team information and related matters.

7.8.3.9 Liaise with Team Managers re entries to international events, travel arrangements and other related matters.

7.8.3.10 Compile a list and keep record of all TSA registered athletes, their addresses and such other personal particulars as may be required

7.8.3.11 Compile an annual event calendar, update same and make it available to Provincial Members

7.8.3.12 In consultation with the EXCOM and the Chairperson Triathlon/Duathlon set the standards for athletes to qualify for elite status

7.8.3.13 Compile a list of qualified elite athletes and update same from time to time develop and implement an athletes point and ranking system

7.8.3.14 Arrange personal injury insurance cover for TSA registered athletes, as well as such other insurance cover deemed necessary by the EXCOM.

7.9 The Treasurer

- 7.9.1 Is responsible for the development of TSA's financial affairs.
- 7.9.2 The treasurer shall account for the funds of TSA, and keep proper records of such funds and receipts, books and disbursements. The treasurer will present an accounting statement whenever required by the Board and will prepare a duly audited statement of the financial position of TSA for the AGM. A copy of the annual audit will be submitted to the Secretary for the inclusion in the record of TSA.
- 7.9.3 Invests the funds of TSA, having consulted various financial experts and informed the President and the Board.
- 7.9.4 Shall receive all fees and assessments.
- 7.9.5 Shall receive all sanctioning fees collected on behalf of TSA.
- 7.9.6 Shall receive all sponsorship moneys.
- 7.9.7 Shall at all times reconcile and control all monies due to and received by TSA.

7.10 Technical Member

- 7.10.1 Assume all duties of a technical nature, including but not limited to:
 - 7.10.1.1. in consultation with the Standing Committee – Technical, attend to all matters of certification and accreditation of Event Organisers, Coaches and Technical Officials
 - 7.10.1.2 in consultation with the Standing Committee – Technical, nominate (and appoint when necessary) Event Organisers and/or Coaches and/or Technical Officials for national/international events and for such other national /international invitations received by TSA.
 - 7.10.1.3 in consultation with the Standing Committee – Technical, nominate to the EXCOM Event Organisers, Coaches and Technical Officials for international events or events of an international status, including the Olympic Games and Commonwealth Games.
 - 7.10.1.4 receive, consider and approve (or deal otherwise) with applications for the sanctioning of events. In consultation with the Standing Committee-Technical appoint a Technical Delegate to events.

7.11 Additional Members:

- 7.11.1 One member shall assume such duties pertaining to the development of triathlon (and in particular junior development), the development of athletes of previously disadvantaged communities and such other duties assigned by the Board. This member shall (subject to available funds) implement a High Performance Program for the development of athletes to compete internationally, ensure the

continuance of such Program and monitor the athletes' performance and report to the EXCOM regularly. This member shall be the Chairman of the Standing Committee – Development and Junior Committee;

7.11.2 One member shall assume such duties pertaining to the marketing and promoting of Triathlon, securing sponsors and sponsorships for TSA and subject to available funds and approval by the Board, contract elite-, junior and other athletes and coaches.

7.12 Duties of the Standing Committees

7.12.1 The duties of the Standing Committees shall be determined by EXCOM and the Board from time to time.

7.13 Forfeiture of Office

7.13.1 If any member of the Board or EXCOM or any other Standing Committee is absent, without reasons that are acceptable to the Board, from two consecutive meetings, it shall be presumed that he has forfeited his office.

7.13.2 In respect of any vacancy arising on the Board or Standing Committee(s) the Board may, by majority vote, fill the vacancy.

SECTION 8

HEADQUARTERS

8.1 The Head Office of TSA will be situated at a physical address decided by the Board from time to time and the postal address shall be a Post Office Box in the Republic of South Africa and an electronic address to be decided on from time to time by the Board.

8.2 All Provincial Members shall be notified immediately if any of the above addresses are changed. The Provincial Members shall simultaneously be advised of the date from when TSA will operate from the new address.

8.3 The Board may decide that the office be a virtual one and that the office functions need not be centralised.

SECTION 9

SELECTION COMMITTEES

9.1 The AGM shall biennial elect the additional members of the Selection Committees:

- 9.1.1 Triathlon: consists of three (3) members – two elected by the AGM who sit together with the Chairperson for Triathlon, who shall ex-officio be the Chairperson for this Selection Committee;
- 9.1.2 Duathlon: consists of three (3) members – two elected at the AGM who sit together with the Chairperson for Duathlon who shall ex-officio be the Chairperson for this Selection Committee;
- 9.1.3 Aquathlon: consists of three (3) members – two elected at the AGM who sit together with the Chairperson for Aquathlon who shall ex-officio be the Chairperson for this Selection Committee;
- 9.1.4 Elite (for Triathlon, Duathlon and Aquathlon): consists of three (3) members – two elected at the AGM who sit together with the Chairperson for Triathlon, who shall ex-officio be the Chairperson for this Selection Committee.
- 9.1.5 One member of each of the selection committees shall be of the opposite gender
- 9.2 The election of selectors shall be by secret ballot.
- 9.3 A selector may be elected to serve on more than one Selection Committee; however none of the additional members may be Board members.
- 9.4 Selection Committees shall select athletes and teams to represent TSA. The Committee in 9.1.4 shall select senior elite, under twenty three elite and junior elite athletes. The committees in 9.1.1, 9.1.2 and 9.1.3 shall select all other athletes and teams, respectively.
- 9.5 The EXCOM shall fix a date for the completion of selections.
- 9.6 The Chairperson and one other member of a Selection Committee shall form a quorum.
- 9.7 At least one member of a Selection Committee shall attend a trial (if that is being used to select teams).
- 9.8 The Selection Committees shall follow the guidelines for the selection of teams as set out in the “Guidelines for the Selection of Athletes and Teams to represent TSA” contained in the Operations Manual, as approved and amended by the Board or the EXCOM from time to time.
- 9.9 Should a selector resign, the EXCOM may appoint a selector to fill the vacancy for the remainder of the term.
- 9.10 The Elite Selection Committee (in 9.1.4) in consultation with the Additional Member (referred to in 7.11.1 above) shall select athletes to participate in a High Performance program (when so requested by the EXCOM). This Selection Committee shall also advise the EXCOM on the selected athlete progress and continued participation of such Program.

SECTION 10

RIGHTS PERTAINING TO EVENTS

- 10.1 All rights pertaining to events staged under the auspices or within the jurisdiction of TSA shall be vested in TSA subject thereto that such rights may be ceded to Provincial Members or third parties.
- 10.2 The Provincial Members shall have the right to negotiate with regard to the sale of promotional and sponsorship rights thereof, but subject to the provisions of this constitution and TSA rules and regulations.
- 10.3 All negotiated funds derived from any Triathlon event staged by any person, organisation or member of TSA in the area of jurisdiction of TSA will be used strictly for the promotion and advancement of Triathlon within that area of jurisdiction of TSA.
- 10.4 In a case where a right to organise an event is ceded to a third party, clause 10.3 shall be strictly enforceable to ensure that no funds are siphoned out of Triathlon.
- 10.5 The staging of a National Championship by a Provincial Member shall be on behalf of TSA. Such event shall not require the payment of a formal sanctioning fee, but shall be staged in compliance of a protocol issued by the Chairperson – Technical, for such event. All financial income from the event shall be for the sole benefit of the Provincial Member.

SECTION 11

COLOURS AND BADGES

- 11.1 TSA shall adhere to the policy of SASCOC and its Colours Board regarding the awarding of national colours and badges.
- 11.2 Only athletes and officials nominated to represent TSA shall be entitled to the award of national colours subject to the policy of the SASCOC.
- 11.3 Colours not provided for by SASCOC shall be set out in the Rules and Regulations of TSA.

SECTION 12

RULES AND REGULATIONS

- 12.1 The Board may prescribe such rules and regulations not inconsistent with the Constitution relating to the management and operation of TSA as they deem expedient.

- 12.2 The Rules and Regulations of the Board that shall not be in conflict with any rule or regulation of the ITU shall be contained in either of the following:
- 12.2.1 The Competition Rules;
 - 12.2.2 The Operations Manual;
 - 12.2.3 The Minutes/Resolutions of the Board.
- 12.3 To enhance the standard of triathlon and standard of performance of athletes, the Board shall prescribe a Code of Good Ethics and Conduct, for coaches and event organisers.

SECTION 13

CODE OF CONDUCT, DISCIPLINE AND COMPLAINTS

- 13.1 The Code of Conduct and disciplinary procedures apply to all members including athletes and non-participating persons and athletes competing as part of the National Team at World Championships, World Cup and Grand Prix events.
- 13.2 The Code of Conduct states:
- 13.2.1 Members shall conduct themselves in a sporting manner.
 - 13.2.2 Members shall behave in a responsible, respectful and courteous manner towards team members, competitors, coaches, staff, officials, volunteers and members of the public while at competitions and while travelling.
 - 13.2.3 Members shall not commit any act which would be considered an offence under any law within the Republic of South Africa or the laws of the country in which the event takes place (insofar as they can reasonable be expected to be aware of those laws).
 - 13.2.4 Members shall conduct themselves in a manner consistent with commitment to excellence in sport competition including respect for quiet hours and appropriate treatment of alcohol or drugs.
 - 13.2.5 Members shall respect private property such as accommodation.
 - 13.2.6 Members shall be aware of and abide by the current provisions of doping prohibitions and penalties adopted by TSA and the ITU.
- 13.3 Contravention of the Code of Conduct may result in any one or more of the following sanctions:
- 13.3.1 written reprimand;

- 13.3.2 suspension from the current competition;
- 13.3.3 suspension from the team for a specified period of time;
- 13.3.4 fine;
- 13.3.5 probationary terms and conditions;
- 13.3.6 suspension or expulsion from TSA.
- 13.4 The Board, National Team Managers and National Team Coaches have the authority to impose reasonable disciplinary measures on members who do not adhere to the Code of Conduct.
- 13.5 The Disciplinary Procedure is as follows:
 - 13.5.1 When disciplinary action is being considered, the member shall receive notification of the following:
 - 13.5.1.1 the specific circumstances leading to the consideration of the disciplinary action;
 - 13.5.1.2 steps that can be taken to remedy the situation and a reasonable period of time during which those steps may be taken, if applicable (for example, verbal or written apology, payment of costs);
 - 13.5.1.3 information on the probable penalties.
 - 13.5.2 Notification shall be given in writing unless exceptional circumstances dictate that notification may be given verbally.
 - 13.5.3 The member shall be provided an opportunity to present his/her view prior to the decision, whether orally or in writing.
 - 13.5.4 Whenever possible, a disciplinary measure should be the result of a decision by a discipline committee of three (3) people from among the Board, National Team Managers, or the National Team Coaches.
 - 13.5.5 The member shall be advised of the decision and reasons therefore promptly, and shall be advised of the appeal process available.
 - 13.5.6 If circumstances dictate a discipline committee or authorised personnel may issue a written reprimand or suspend a member from the current competition without written or verbal notification to the athlete. In these circumstances a full written report must be prepared and submitted to the President within five (5) days. The appeal process remains available to the member.
 - 13.5.7 The Penalty imposed shall reflect the seriousness of the offence.

- 13.5.8 The member has the right to appeal a disciplinary action in accordance with the Appeal Procedure contained in Section 13 below. It is recognised however that an appeal may not be possible prior to a member's removal from an event.
- 13.5.9 If a member has a concern or complaint relating to any official, administrator or fellow athlete, the member or if the member is an athlete, the athlete or the athlete's representative shall contact the President of his/her Provincial Member for assistance within thirty (30) days after the issue arose. The member shall complete and file Form A (or equivalent written explanation of the issue) with the provincial President or a person assigned by the President for such matters who shall endeavour to resolve the issue to the satisfaction of the member within thirty (30) days.
- 13.5.10 In the event that the Provincial President or designate fails to assist the member within thirty (30) days of receiving notice the member may contact the Secretary of TSA and file with the Secretary a completed Form A.
- 13.5.11 EXCOM, who may appoint an ad hoc committee of three disinterested members from among the Board, shall endeavour to resolve the issue to the satisfaction of the member within thirty (30) days. The ad hoc committee shall allow the member to supply any additional material he/she considers relevant within 30 days and shall forward the submissions to the affected parties and allow them 30 days to respond. The member shall then be allowed a further 15 days to respond to the information received from the affected parties.
- 13.6 The time periods may be abridged by mutual consent.
- 13.7 The committee may receive written submission or hear oral submissions through a telephone conference or in person.
- 13.8 Where the ad hoc committee determines that sanctions are appropriate, the party sanctioned has the right to the appeal process.

FORM A

To:

From:

Name:

Address:

Phone:

Fax:

DETAILS OF CONCERN OR COMPLAINT:

Please provide date, names, and positions of persons involved, and description of the circumstances leading to the concern or complaint.

Provide names of witnesses if any.

RELIEF SOUGHT

Please indicate the relief you are seeking, that is, what do you consider appropriate to resolve your concern or complaint.

SECTION 14

APPEALS AND DISPUTES PROCEDURE

- 14.1 The principles underlying the appeals procedure are those of fairness and natural justice.
- 14.2 All appeals dispute referrals must be made within a reasonable period of time, provided that the Appeal Procedure at Race Events shall be as per the ITU Operations Manual.
- 14.3 An Appeal will only be heard if there are sufficient grounds for appeal, such as the person or committee appealed against:-
- 14.3.1 making a decision for which it did not have authority or jurisdiction;
- 14.3.2 failing to follow procedures laid out in the Constitution or approved policies of TSA;
- 14.3.3 making a decision that was influenced by bias;
- 14.3.4 failing to consider relevant information or taking into account irrelevant information in making the decision;
- 14.3.5 exercising its discretion for an improper purpose; and/or;
- 14.3.6 making a decision which was unreasonable.

- 14.4 Any person affected by a decision of an authorised person or committee (for example Selection or Discipline Committee) of TSA may appeal that decision by filing a written Notice of Appeal stating the grounds upon which the appeal is based within fourteen (14) days of receiving notification of the decision, which notice:
- 14.4.1 Shall in the first instance be directed to the Committee (as in 5.7.1 above) (if applicable).
- 14.4.2 If satisfaction is not obtained or there is any uncertainty about the decision a written Notice of Appeal may be lodged with the Secretary of TSA who shall refer it to a sub-committee for recommendation.
- 14.4.3 EXCOM shall take a decision on the recommendation of the sub-committee.
- 14.5 Arbitration
- 14.5.1 If satisfaction is not obtained on any dispute arising out of or in connection with the enforceability of this Constitution or the application and interpretation of the provisions hereof, or any dispute between any members of SASCOC or between TSA and SASCOC itself, the matter shall be referred to the Arbitration Foundation of Southern Africa (AFSA) for resolution through mediation or arbitration in terms of the Rules and Procedures for the Resolution of Disputes in Sport prevailing at the time. In the event of arbitration in terms of the foregoing, such resolution shall be binding on the parties to the dispute.
- 14.5.2 All disputes between TSA and ITU shall be submitted to arbitration in accordance with the ITU Constitution, and in the case of a dispute between an athlete and ITU, this dispute may be submitted to the Court of Arbitration for Sport (CAS).

SECTION 15

ATHLETE REPRESENTATIVE

- 15.1 The Athlete Representative shall be elected at the AGM for a two (2) year term, to run concurrent with the term of office of the EXCOM.
- 15.2 The election of the Athlete Representative shall be based on a list of nominations as submitted by Provincial Members
- 15.3 The Secretary of the EXCOM shall, within twenty (20) days prior to the AGM, request and compile the nomination list.
- 15.4 The duties of the Athlete Representative are:
- 15.4.1 to appoint another four (4) of equal number of male and female athletes to the Athlete Committee (of which two (2) athletes must be elite athletes);
- 15.4.2 to chair the Athlete Committee;

- 15.4.3 to represent all athletes to the Board and the EXCOM;
- 15.4.4 with the consent of TSA, to represent the elite athletes to the SRSA, SASCOC and any other such other organisation;
- 15.4.5 such other duties as may be assigned from time to time.
- 15.4.6 to address all matters relevant to the athletes, to the Board and EXCOM

SECTION 16

AMENDMENTS TO THE CONSTITUTION

- 16.1 The Constitution may be amended only at an AGM or at a Special General Meeting convened for this purpose.
- 16.2 Notice of any proposed amendments shall be in accordance with the provisions of Section 6 (Notice of General Meetings).
- 16.3 Notice of the amendment shall clearly state which Section of the Constitution it proposes to amend and what should be omitted or inserted.
- 16.4 The Constitution can only be amended by a two-thirds (2/3) majority of the members present and voting.
- 16.5 Any amendment takes immediate effect unless the contrary is decided.
- 16.6 Any amendment must be submitted to all bodies to which TSA is affiliated.

SECTION 17

DISSOLUTION OF TSA

- 17.1 The dissolution of TSA may only be affected by the AGM, provided that the following are met:
 - 17.1.1 an interim committee be appointed to finalise the affairs of TSA;
 - 17.1.2 such interim committee be appointed from the members of the Board, the Manager of TSA's official bank and two representatives appointed by the Board from the ranks of Provincial Members;
 - 17.1.3 the official archives of TSA be placed in the care of the State Archives in terms of section 13(I)(B) of the Fund Raising Act, No. 107 of 1978;
 - 17.1.4 the assets and liabilities of TSA will be divided amongst the Provincial Members of TSA on a basis to be determined by the official auditors of TSA or be transferred to a similar body in terms of Aims and Objectives of TSA.

