

# CONSTITUTION

OF

The Mounted Archery Association of South Africa (MAASA)

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## 1. PREAMBLE

The MAASA constitution is in no way in conflict with the SAEF Constitution and the SASCOC Constitution, and if so then the relevant SAEF and SASCOC Constitution and/or Policy will apply, to the extent only that MAASA is in contravention of any such Constitution and/or Policy. The South African Equestrian Federation (SAEF), together with each of the technical committees of the SAEF, is recognised as the custodians of equestrian sport in South Africa.

## 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:

- **"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".
- **"A.G.M."** means the Annual General Meeting of Members held in accordance with the provisions of this Constitution.
- **"Appeal Board"** means a body of appeal appointed by the Council in terms of this Constitution.
- **"Associate Members"** means all those associations or organisations having the same or similar objects to MAASA and having their National Office within the area of jurisdiction of MAASA, which bodies have made application and have been accepted as Associate Members of MAASA in terms of the provisions of this Constitution.
- **"Athlete"** shall mean the individual, together with his horse which shall be regarded as one competitor.
- **"Annual Financial Statements"** means the annual audited balance sheet, income and expenditure account, Treasurer's report, and Auditor's report.
- **"Club"** means any club affiliated with MAASA club which caters for any discipline of mounted archery in a district or Province, as contained in this Constitution.
- **"Committee"** means a group of people appointed by Council to perform a function or a task.
- **"Compliance"** means that the member Province, club and individual 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 MAASA.
- **"Constitution"** means this Constitution.
- **"Day"** means a calendar day.
- **"Working day"** means a calendar day excluding Saturdays, Sundays, and Public Holidays.
- **"Dispute"** means anything that brings MAASA into disrepute.
- **"EOI"** means Expression of Interest.
- **"Event"** means a Mounted Archery/Horseback Archery event held under the auspices of MAASA.
- **"Event Organizer"** means a person duly authorised to manage an event on behalf of MAASA either directly or indirectly through its members.
- **"Honorary Life Members"** means all those persons bestowed with this honour by the General Council of MAASA,

- and shall include any persons to whom this honour was bestowed prior to the acceptance of this Constitution.
- **"IHAA"** means the International Horseback Archery Alliance being the controlling body of Mounted Archery/Horseback Archery at global and continental levels.
- **"Levies"** means the monies levied and due by the membership to MAASA and as approved and agreed to by membership at each Annual General Meeting of MAASA.
- **"MA"** means the sport of Mounted Archery/Horseback Archery and includes the disciplines referred to in the MAASA Rules and Regulations
- **"MAASA"** means the body recognised by SAEF as the organisation responsible for Mounted Archery/Horseback Archery in the Republic of South Africa, and as referred to in this Constitution.
- **"MAASA Council"** means the persons elected to office, which includes the Directors, Secretary, Ordinary, Special and Associate members as constituted in terms of this constitution.
- **"MAASA district"** shall mean a regional MAASA body established in its designated Province or part of a Province for the purpose of organising and coordinating activities in a region within its respective Province.
- **"Member"** shall mean an Ordinary Member, Special Member, and an Associate Member
- **"Social Member"** shall mean a non-competing member affiliated to MAASA by way of paid annual membership.
- **"Month"** means a calendar month.
- **"National Office"** means the head office of MAASA as defined in this Constitution.
- **"National, Provincial and Regional Colours"** means National, Provincial and Regional Sport Colours, chosen as per MAASA selection criteria and approved by the relevant District, Regional and Provincial sporting bodies, SAEF and SASCOG.
- **"National Sport Federation"** means the national governing body of the Sport in membership of SASCOG and recognised by the Department of Sport and Recreation in the Republic of South Africa.
- **"National Team"** means nationally elected and SASCOG approved Protea Team.
- **"NLDTF"** means National Lottery Distribution Trust Fund
- **"NPO"** means Non-Profit Organisation.
- **"Ordinary General Meeting"** means a meeting convened in terms of this Constitution.
- **"Ordinary Members"** means those members duly accepted as members in terms of the geopolitical demarcations (Provincial MAASA Member) represented by Provincial Presidents, as set out in this constitution.
- **"Organisers/Show Holding Body"** shall mean those persons who have been duly authorised by MAASA either directly or through their provincial membership to stage a Mounted Archery/Horseback Archery event inclusive of the hosting, managing, organising, planning, and supervision of such an event.
- **"Patrons"** shall mean a person duly appointed as such in terms of this Constitution.
- **"Person"** means a natural or legal person.
- **"President"** means the President of MAASA, duly elected in terms of this Constitution.
- **"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).

- **“Provincial MAASA member”** means a dually constituted body consisting of at least one club within a Province constituted for the specific purpose of liaising and communicating with the club(s) and other sporting codes of that Province, and the Department of Sport and Recreation in that Province.
- **“Rules & Regulations”** means the rules and regulations of MAASA.
- **“S.A.E.F”** means the South African Equestrian Federation.
- **“S.A.I.D.S.”** means the South African Institute for Drug-Free Sport.
- **“S.A.S.C.O.C.”** 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.
- **“Special General Meeting”** means a meeting convened in terms of this Constitution.
- **“Special Member”** shall mean a body of persons representing current Mounted Archery Athletes, (Athlete’s Representative), coaches, or officials in the discipline of Mounted Archery under the auspices of MAASA, irrespective of age category.
- **“Athlete’s Representative”** means someone who is elected to represent the mounted archery athletes, and who speaks on behalf of athletes, and is the liaison between the MAASA Council and the athletes
- **“S.R.S.A.”**, means the Department of Sport & Recreation in South Africa.
- **“Treasurer”** means the Treasurer of MAASA elected in terms of the provisions of this Constitution.
- **“Vice-President”** means the Vice-President of MAASA elected in terms of the provisions of this Constitution.
- **“W.A.D.A”** means the World Anti-Doping Agency.
- **“Year”** means a calendar year.

### 3. INTERPRETATIONS

- a. The headings to the clauses or paragraphs of this Constitution are for descriptive purposes only and shall not be used in the interpretation hereof.
- b. Unless the context indicates a contrasting intention, the singular shall include the plural and vice versa.
- c. Any words importing one gender include the other.

### 4. NAME, EMBLEM AND COLOURS

This is the Constitution of the body known as "The Mounted Archery Association of South Africa and shall be abbreviated to "MAASA". This Association is the national body duly recognised by the South African Equestrian Federation for the governing of the sport of Mounted Archery within South Africa.

- 4.1. The colours of MAASA shall be the colours of the South African flag namely red, black, green, white, blue, and yellow.
- 4.2. The emblem shall be a portrayal, as set out below:



- 4.3. All regions and Provinces will use the emblem as supplied by MAASA together with the emblem of their respective Region or Province, and when awarding Colours certificates, adding the wording indicating their Province/Region, as approved by the Regional or Provincial Sports Council or relevant structures.
- 4.4. Any other Regional and/or Provincial emblems/badges must be separate to the MAASA emblem or badge and must adhere to the relevant body's guidelines, e.g., Regional/Provincial Sports Council or other relevant regulatory bodies and Sponsors.

## **5. HEADQUARTERS**

The National Office Headquarters shall be in Gauteng Province, Republic of South Africa, and shall remain at that place until the Council shall decide that the National Office shall be moved to another place, provided that the National Office shall always be at a place within the Republic of South Africa. The persons of contact for the National Office shall be the President and the Secretary of MAASA.

## **6. AREA OF JURISDICTION OF MAASA**

The geographical area of jurisdiction of MAASA shall be the Republic of South Africa as indicated by the Provincial and Regional boundaries.

## **7. OFFICIAL LANGUAGE**

The official language of MAASA in the case of any dispute will be English.

## **8. FINANCIAL YEAR**

The financial year of MAASA shall be from 1 January to 31 December of each year with effect from 1 January 2019.

## **9. AFFILIATION**

MAASA is an Ordinary Member of the SAEF (South African Equestrian Federation), which is the registered and recognized national equestrian federation in South Africa. MAASA is also a member of SASCO (South African Sports Confederation and Olympic Committee) and is further regulated

by SRSA. In addition, MAASA is internationally affiliated to IHAA (International Horseback Archery Alliance).

## 10. OBJECTS OF MAASA

The Mission of MAASA is to develop and promote the sport of mounted / horseback archery in South Africa, and to encourage the growth of the sport, sportsmanship and good horsemanship at all levels.

MAASA Vision Statement: MAASA aims to bring the sport of mounted / horseback archery to all provinces in South Africa, with focus on underdeveloped regions, to assist in building new tracks and competition venues, and to assist in recruiting new riders, coaches and instructors. We also focus on supporting our athletes in their journey towards National Colours and aim to prepare them to compete internationally.

The objects of MAASA are:

- 10.1. To be and to operate and function as the autonomous controlling and administrative body of the sport of Mounted Archery/Horseback Archery within the area of its jurisdiction.
- 10.2. To direct, develop, promote, and administer the Sport of Mounted Archery/Horseback Archery within the area of its jurisdiction in accordance with sound business and financial principles.
- 10.3. To ensure that the encouragement, promotion, development and administration of the Sport of Mounted Archery/Horseback Archery, whether same be at National Provincial, Regional 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, such principles are more fully set out in Schedule 1 of the Rules and Regulations of MAASA.
- 10.4. To promote sportsmanship and fair play at all levels of the sport, free of any interference.
- 10.5. To apply annually to be a member of SAEF and to abide by their Constitution, Rules and Regulations, as well as to affiliate to APPLICABLE INT FEDERATION/ASSOCIATION (should the need so arise, and as directed by SAEF) and/or any other national or international sports body as the General Council upon the recommendation of the national executive may decide to cooperate with SAEF and SASCOC (through SAEF) if required, in particular as regards the participation of Mounted Archery/Horseback Archery Athletes in all Multi-Code Games and Events.
- 10.6. To advance the objects of MAASA and to associate itself with all such other lawfully constituted Associations and Organisations as shall be decided by MAASA Council, whether within or without the area of jurisdiction of MAASA and irrespective of whether or not such other Associations or Organisations be connected with the sport of Mounted Archery/Horseback Archery.
- 10.7. To uphold and enforce the rules of MAASA as prescribed by the international body or bodies that MAASA affiliates to from time to time and to encourage and promote the highest standard of sporting behaviour in connection with the performing of Mounted Archery/Horseback Archery
- 10.8. To uphold and enforce any code of conduct pertaining to the sport of Mounted Archery/Horseback Archery approved by the international body or bodies that MAASA affiliates to, and/or its corresponding MAASA Region, any other code of conduct decided upon by MAASA.
- 10.9. To encourage the appointment of coaches at all levels within the Equestrian community



- 10.10. To select representative Athletes at all levels for participation in any tournaments whether same be local or international.
- 10.11. To award local and international colours in terms of the criteria laid down in the MAASA Rules and Regulations
- 10.12. To recognize and accept the jurisdiction, rules and regulations of the South African Institute for Drug-free Sports ("SAIDS") as well as the code of the World Anti-Doping Agency ("WADA") and the Anti-Doping Regulations and Fair Play Rules as defined by IHAA, which regulations may be amended from time to time.
- 10.13. To promote the appointment and education of Judges and Officials

## **11. CONSTITUTION AND LEGAL CORPORATE PERSONALITY**

- 11.1. MAASA shall be a universitas with a full legal personality including the rights to sue and be sued in its own name and to hold property whether movable or immovable or otherwise in its own name and, notwithstanding any change in the composition of its Members from time to time, shall have perpetual succession.
- 11.2. No member or office bearer of MAASA shall have any right to its assets nor incur any liability for its obligations.
- 11.3. No member or office bearer of MAASA shall incur any personal liability in respect of any of the obligations, financial, legal, or otherwise, of MAASA.
- 11.4. 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.

## **12. APPLICATION OF PROVISIONS OF THE NONPROFIT ORGANIZATIONS ACT, 1997 AND THE INCOME TAX ACT NO 58 OF 1962**

The following provisions, in addition to any provisions which may be dealt with elsewhere in this Constitution, of the Non-profit Organisations Act, 1997, as amended (the "NPO Act"), and the Income Tax Act No 58 of 1962 (the "Income Tax Act") shall at all times apply and be adhered to while this constitution is in operation:

### **12.1. Body Corporate MAASA shall:**

- 12.1.1. Exist in its own right, separately from its members.
- 12.1.2. continue to exist even when its membership changes and there are different office bearers.
- 12.1.3. consist of the chosen President, Vice President and Treasurer
- 12.1.4. be able to own property and other possessions; and
- 12.1.5. be able to sue and be sued in its own name; and
- 12.1.6. carry out its aims and objectives in a non-profit manner, with an altruistic and/or philanthropic intent.

### **12.2. Management**

- 12.2.1. Fiduciary Responsibility for MAASA shall be jointly and severally born by the President, Vice President, and the Treasurer, who shall not be connected persons.

- 12.2.2. Considering the Structure of MAASA, it is recorded that no single person holding any office within MAASA, at any level of the structure, shall control the decision-making powers of MAASA, whether directly or indirectly
- 12.2.3. Any decisions regarding the governing and finances of MAASA as a corporate entity shall require a consensus reached between the 3 directors (President, Vice President and Treasurer) of two thirds majority.

### **12.3. Income and Property**

- 12.3.1. MAASA shall keep a record of everything it owns.
- 12.3.2. MAASA may not give any of its money or property to its members or office bearers provided that a member or office bearer may be paid a reasonable amount for work done for MAASA by such member or office bearer, the necessary approvals having been obtained. No remuneration paid to any employee, office bearer, member or other person shall be excessive, having regard to what is generally considered reasonable in the sector and in respect of the service rendered and such remuneration shall not economically benefit any person which is not consistent with MAASA's aims and objectives.
- 12.3.3. A member of MAASA shall only be reimbursed for expenses as such member has paid out for or on behalf of MAASA upon presentation of relevant documentation.
- 12.3.4. No funds will be distributed to any person other than while fulfilling its aims and objectives and/or while delivering a public benefit activity.

### **12.4. Finance**

- 12.4.1. No activity of MAASA shall directly or indirectly promote the economic self-interest of any fiduciary, employee or office-bearer of MAASA otherwise than by way of reasonable remuneration for the services provided.
- 12.4.2. MAASA accounting records and reports must be prepared, approved, and signed off by the duly appointed auditing / accounting firm, and shall be submitted to the Director of Non-profit Organisations within 6 (six) months of the financial year-end of MAASA.
- 12.4.3. The National Treasurer will finalise the overall financial statements for MAASA by February each year to be delivered to the duly appointed Accounting Firm.
- 12.4.4. All approved financial records of the previous financial years shall be available for inspection by a Member at the National Office during office hours, with the necessary documentation.
- 12.4.5. MAASA shall not be party to, nor shall it knowingly permit (or shall have permitted) itself to be used as part of any transaction, operation or scheme in respect of which the sole or main purpose is the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under the Income Tax Act or any other Act administered by the Commissioner.
- 12.4.6. No resources will be used, directly or indirectly, to support, advance or oppose any political party.

### **12.5. Donations Received**

- 12.5.1. MAASA shall not accept any donation which is revocable at the instance of the Donor for reasons other than MAASA's material failure to conform to designated purposes and/or conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of Section 18A of the Income Tax Act.

- 12.5.2. A Donor (save for another public benefit organisation, institution, board or body which is exempt from tax in terms of s10(1) (cA)(i) of the Income Tax Act and which has as its sole or principal object the carrying on of any public benefit activity) may not impose any conditions to such donation 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.

#### **12.6. Minutes and Inspection**

- 12.6.1. The MAASA Council shall ensure that all resolutions of MAASA, proposed and passed at AGM's and/or General Meetings are recorded in a register (written and/or electronic) provided for that purpose, and are available for scrutiny by any member of MAASA as may be requested.
- 12.6.2. Detailed minutes must be kept of all AGMs, General Meetings, MAASA Council Meetings, sub-committee, or task team meetings, Provincial and Regional Committee Meetings
- 12.6.3. The operational requirements in respect of minutes of all MAASA meetings are set out in Article 2 of the MAASA By-Laws

#### **12.7. Indemnity**

- 12.7.1. No member or office bearer of MAASA shall have any right to MAASA's assets nor incur any liability for its obligations.
- 12.7.2. The office bearers of MAASA are indemnified against all losses, charges, costs, damages and all other expense and liability they may incur or be put to concerning the bona-fide execution of their duties as office bearers of MAASA.

#### **12.8. Dissolution**

Upon the dissolution of MAASA, the remaining assets of MAASA shall be transferred to either:

- 12.8.1. Another public benefit organisation, which has been approved in terms of s30 of the Income Tax Act), with similar aims and objectives as those of MAASA; or
- 12.8.2. Another institution, board or body which is exempt from the payment of income tax in terms of s10(1) (cA)(i) of the Income Tax Act, which has as its sole or principal object the carrying on of any public benefit activity which is similar with the aims and objectives as those of MAASA; or
- 12.8.3. Any department of state or administration in the national, provincial, or local sphere of government of South Africa contemplated in s10(1)(a) or (b) of the Income Tax Act.

### **13. GOVERNANCE OF MAASA**

The following constitutes the overall governance structures and systems of MAASA and are the key principles and values underpinning the governance of MAASA:

- 13.1. To operate in a transparent and accountable manner
- 13.2. To be legally compliant and implement good governance principles and practices.
- 13.3. To promote, support and uphold fairness and rule of healthy competition.
- 13.4. To contribute to transformation of the sport development sector in terms of race and class status

#### **13.5. Conflict of Interest**

- 13.5.1. To prevent "conflict of interest" as far as possible, a committee member will be precluded from taking part in any discussions in respect of, or being involved in any

decision making process in respect of any matter out of which they, or any family member, business associate or any business or association in which they, or any family member may have a financial interest or derive a benefit, whether financial or not, and whether such interest or benefit is direct or indirect, may gain financial benefit or any other benefit.

- 13.5.2. Should the office bearer have a conflict of interest in any matter on the agenda, he/she shall not be entitled to remain in the meeting room during the committee's deliberation of the item to which the conflict of interest refers.
- 13.6. In the event of a dispute as to a conflict of interest:
  - 13.6.1. at a Regional level, the decision of the relevant Provincial Committee shall be final and binding.
  - 13.6.2. at a Provincial level, the decision of the MAASA National Council shall be final and binding.
  - 13.6.3. at a National level, the decision of the MAASA National Council shall be final and binding.
- 13.7. Proceedings that involve someone in respect of whom an objection has been raised will be considered null and void.
- 13.8. In the event that an elected or co-opted committee member is the owner, an employee or in any other way financially invested with a show-holding body at which venue any MAASA shows may be held, such committee member shall be precluded from being part of, participating in or being present at any discussions or decision making in respect of any venue related issues to be dealt with by the committee.
- 13.9. In the event that more than one member of a family is elected onto or co-opted onto any committee structure of MAASA at any level, this shall comprise a conflict of interest in terms of this clause, and only one member of the family shall be entitled to have a vote in respect of any matter to the exclusion of the other family members, and this conflict of interest shall be declared in terms of the provisions of clause 13.5.2 above, and shall expressly be subject to the provisions of clause 13.8 above. For the purpose of this clause, such conflict in respect of family relationships shall include, but not be limited to:
  - 13.9.1. spouses, life partners
  - 13.9.2. children / stepchildren
  - 13.9.3. siblings and half siblings
  - 13.9.4. parents and in-laws
- 13.10. **Code of Conduct**
  - 13.10.1. Every elected, co-opted or appointed member of any of MAASA's Council or Committees, whether at Regional, Provincial or National level, shall be required to sign and accept the MAASA Committee or Council Member Code of Conduct as per Article 13 of the MAASA By-Laws, which may be amended from time to time, prior to taking up their position within any such Council or Committee.
  - 13.10.2. In the event that a Committee Member refuses to sign such Code of Conduct, they shall be relieved of their duties within MAASA, and shall not be entitled to be involved in any manner, whether directly or indirectly, with the business of MAASA
  - 13.10.3. In the event that any individual participates within the committee structure of MAASA without having signed the Code of Conduct, they shall be liable to face a disciplinary process.

## 14. MEMBERSHIP

- 14.1. Existing MAASA members must renew their membership annually in the form of payment of membership fees for that year.
- 14.2. MAASA consists of three categories of members, and one category of Athletes, namely:
  - 14.2.1. **Ordinary Members** shall be those members as defined by their geopolitical areas and made up of their Provincial / regional / club structures as set out in this Constitution, and as such they shall be obliged to promote, develop and participate in the sport of Mounted Archery/Horseback Archery, as well to ensure as the development of Mounted Archery/Horseback Archery Athletes through constructive coaching and capacity building.
  - 14.2.2. **The Special Members** shall be bodies representative of current Mounted Archery/Horseback Archery Athletes, coaches and officials known as the Athlete's Representative, Coaching and Judging Head, and established from individual MAASA enthusiasts participating in the sport of Mounted Archery/Horseback Archery, as defined in this Constitution. Such Members shall at all times have direct representation on the MAASA Council.
  - 14.2.3. **Associate Member(s)** shall comprise those bodies who have made application and been accepted as Associate Members to the Sport of Mounted Archery/Horseback Archery and are recognised as a body specifically catering for their membership within a confined organisation and/or area, namely, Schools and Tertiary Education (e.g., SANESA) and any other body duly accepted. An application may made to the MAASA President in the form determined by the MAASA Council from time to time, enclosing a copy of its duly adopted Constitution, a declaration that it will adhere to the Constitutions of SASCOC and MAASA, a complete membership list and such other information as may be required by the MAASA Council. The MAASA President shall submit applications for affiliation at the next MAASA Council meeting for consideration and the MAASA Council shall in turn submit all such applications, with a recommendation, to the next Annual General Meeting
  - 14.2.4. **Athletes** shall mean each individual participant in the sport, who together with his horse shall make up one competitor. Such Athlete may apply to join MAASA by way of filling out the requisite application form as may be produced by MAASA and amended from time to time. MAASA 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 MAASA. The aforesaid fees shall be collected directly by MAASA by way of any mechanism that it may establish for such purpose.
  - 14.2.5. **Social** members shall mean individuals who are affiliated to MAASA and pay annual membership fees, but who do not compete, but may vote on Mounted Archery matters through their club and provincial structures or may vote on behalf of a junior member of whom they are the legal guardian.
  - 14.2.6. MAASA 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 MAASA.
  - 14.2.7. MAASA may, by a two-thirds majority vote taken solely for this purpose, 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 MAASA.

- 14.2.8. In matters of mutual interest, MAASA 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.
- 14.2.9. The current ordinary members shall be:
- 14.2.9.1. Western Cape Provincial Discipline Association
  - 14.2.9.2. Gauteng Provincial Discipline Association
  - 14.2.9.3. Eastern Cape Provincial Discipline Association-
  - 14.2.9.4. Free State Provincial Discipline Association-
  - 14.2.9.5. Limpopo Provincial Discipline Association
  - 14.2.9.6. Kwazulu Natal Provincial Discipline Association -
  - 14.2.9.7. Northern Cape Provincial Discipline Association
  - 14.2.9.8. North West Provincial Discipline Association-
  - 14.2.9.9. Mpumulanga Provincial Discipline Association
- 14.2.10. The jurisdiction of Members shall be limited by the boundaries of the provinces, in compliance mutatis mutandis with SASCOG, they presently represent but shall, within a period of two years from adoption of their Provincial Constitution, fall within the undermentioned geo-political Provinces / Regions.
- 14.3. There shall be nine (9) Provincial members, categorized and made up of the following Regions:
- 14.3.1. In the Province of Western Cape (Cape Town)
    - 14.3.1.1. West Coast (Malmesbury)
    - 14.3.1.2. Boland (Stellenbosch)
    - 14.3.1.3. Overberg (Swellendam)
    - 14.3.1.4. Eden (George)
    - 14.3.1.5. Central Karoo (Beaufort West)
    - 14.3.1.6. Cape Town Unicity (Cape Town)
  - 14.3.2. In the Province of Northern Cape (Kimberley)
    - 14.3.2.1. Namakwa (Springbok)
    - 14.3.2.2. Pixley-ka-Seme (De Aar)
    - 14.3.2.3. Siyanda (Upington)
    - 14.3.2.4. Kgalagadi (Kathu)
    - 14.3.2.5. Frances Baard (Kimberley)
  - 14.3.3. In the Province of the Eastern Cape (Bisho)
    - 14.3.3.1. Cacadu (Grahamstown)
    - 14.3.3.2. Amathole (East London)
    - 14.3.3.3. Chris Hani (Queenstown)
    - 14.3.3.4. uKhahlamba (Aliwal North)
    - 14.3.3.5. OR Tambo (Umtata)
    - 14.3.3.6. Alfred Nzo (Mount Ayliff)
    - 14.3.3.7. Nelson Mandela (Port Elizabeth)

- 14.3.4. In the Province of Free State (Bloemfontein)
  - 14.3.4.1. Xhariep (Trompsberg)
  - 14.3.4.2. Motheo (Bloemfontein)
  - 14.3.4.3. Lejweleputswa (Welkom)
  - 14.3.4.4. Thabo Mofutsanyana (Phuthaditjhaba)
  - 14.3.4.5. Fezile Dabi (Kroonstadt)
- 14.3.5. In the Province of Kwazulu-Natal (Pietermaritzburg)
  - 14.3.5.1. Ugu (Port Shepstone)
  - 14.3.5.2. Umgungundlovu (Pietermaritzburg)
  - 14.3.5.3. Uthukela (Ladysmith)
  - 14.3.5.4. Umzinyathi (Dundee)
  - 14.3.5.5. Amajuba (Newcastle)
  - 14.3.5.6. Zululand (Ulundi)
  - 14.3.5.7. Umkhanyakude (Mtubatuba)
  - 14.3.5.8. uThungulu (Richards Bay)
  - 14.3.5.9. iLembe (Kwa Dukuza)
  - 14.3.5.10. Sisonke (Ixopo)
  - 14.3.5.11. Ethekwini (Durban)
- 14.3.6. In the Province of Mpumalanga (Nelspruit)
  - 14.3.6.1. Gert Sibande (Standerton)
  - 14.3.6.2. Nkangala (Witbank)
  - 14.3.6.3. Ehlanzeni (Nelspruit)
- 14.3.7. In the Province of Limpopo (Polokwane)
  - 14.3.7.1. Mopani (Giyani)
  - 14.3.7.2. Vhembe (Thohoyandou)
  - 14.3.7.3. Capricorn (Polokwane)
  - 14.3.7.4. Waterberg (Bela-Bela)
  - 14.3.7.5. Sekhukhune (Groblersdal)
- 14.3.8. In the Province of North West (Mafikeng)
  - 14.3.8.1. Bojanala (Rustenberg)
  - 14.3.8.2. Central (Mafikeng)
  - 14.3.8.3. Bophirima (Vryburg)
  - 14.3.8.4. Southern (Klerksdorp)
- 14.3.9. In the Province of Gauteng (Johannesburg)
  - 14.3.9.1. Sedibeng (Vereeniging)
  - 14.3.9.2. Johannesburg (Johannesburg)
  - 14.3.9.3. Ekurhuleni (Germiston)
  - 14.3.9.4. Metsweding (Bronkhorstspuit)

14.3.9.5. Tshwane

14.3.9.6. West Rand

## **15. RIDERS**

- 15.1. All riders participating in a Competition of MAASA shall be a bona fide member of a club affiliated with MAASA, as well as be a paid-up member of SAEF before riding in any official graded MAASA event.
- 15.2. Provision is made for Social MAASA members to participate in non-competitive capacity at MAASA events. These members do not need to be a member of SAEF. Non-competitive members will not be eligible for MAASA gradings or national and provincial colours and will not be covered under MAASA/SAEF insurance on competition days.
- 15.3. Save in cases involving fraud, corruption or a breach of sporting ethics on the part of a rider or the member club with which he/she has purportedly been registered, a particular member shall be deemed to have been properly registered with that member club.
- 15.4. . No rider shall be able to enter to compete in any MAASA show unless the rider, parent and the instructor accept the MAASA Code of Conduct, which is published and available on the MAASA website, as amended from time-to-time.
- 15.5. Any breach of the respective Codes of Conduct will render the rider, parent, or instructor liable to disciplinary processes.

## **16. SHOWHOLDING BODIES**

- 16.1. Any show holding body that MAASA uses for any MAASA qualifiers or graded events needs to do the following:
  - 16.1.1. Apply to MAASA to become a registered and approved show holding body by filling in the show holding body application form.
  - 16.1.2. Sign a standard Service Level Agreement with MAASA
  - 16.1.3. Ensure that all events held at their venue comply with the General Regulations and Rules and code of conduct of MAASA as published from time to time.
  - 16.1.4. Always ensure that proper and comprehensive insurance is in place to cover all accident or incidents that may occur during an equestrian show held by this show holding body, or failing this, indemnify MAASA from any responsibility from any incident that occurs.
  - 16.1.5. Ensure adherence to all safety regulations and legislation as is required for the holding of sporting events.
  - 16.1.6. Comply with the requirements set out in all applicable laws, rules or regulations, and standards, as amended from time to time, including but not limited to, the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010), and the SANS Standard 10366: 2012.
- 16.2. MAASA retains the right to decide which show holding bodies are to be used for qualifiers and events.
- 16.3. Where more than one show holding body applies to host a large event such as provincials or nationals the MAASA committee will review the applications and decide which venue would be more suitable for the specific competition.



## **17. POWERS OF MAASA TO CARRY OUT ITS OBJECTIVES**

- 17.1. MAASA shall have all such powers and authorities as shall be necessary or desirable or conducive of achieving any and all of the objects of Mounted Archery/horseback archery. These powers and authorities shall be exercised by the MAASA 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 MAASA shall include those set out in Clauses 17.1.1 to 17.1.17 below.
- 17.1.1. To acquire by purchase, exchange, hire, sub-lease, donation or otherwise movable and/or immovable property of any kind.
  - 17.1.2. 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 MAASA.
  - 17.1.3. To enter contracts of any and all kinds necessary to carry out, give effect to or secure the objects of MAASA.
  - 17.1.4. From time to time, in accordance with sound business and financial principles to invest the funds of MAASA in such property or assets or other security as may be deemed advisable.
  - 17.1.5. To employ, suspend or dismiss and remunerate employees, professional assistants, and experts.
  - 17.1.6. To arrange allowances, gratuities and bonuses to employees or ex-employees of MAASA or the dependants of such persons, and to support or subscribe or make donations to any charities or other institutions, clubs, societies, and funds.
  - 17.1.7. To regulate relations between its Members and MAASA or its members or individual mounted archery/horseback archery Athletes.
  - 17.1.8. To invite the patronage of any person or persons as it may consider advisable.
  - 17.1.9. To insure against losses, damage, risk, and liability of all kinds
  - 17.1.10. To draw, make, accept, endorse, execute, negotiate, and issue cheques, promissory notes, bills of exchange, warrants and other negotiable or transferable instruments.
  - 17.1.11. To institute, conduct, defend, compound or abandon any legal proceedings by and against MAASA or its officers or otherwise concerning the affairs of MAASA, or the action of its Members, and also compound and allow time for payment or satisfaction of any debts due or any claims or demands made by or against MAASA.
  - 17.1.12. To raise money whether by subscription or levies which are to be paid to MAASA by the 1<sup>st</sup> day of March each year from its Members inclusive of clubs, tertiary institutions, and or any other associations or organisations which are affiliated directly or indirectly to MAASA on behalf of ordinary Mounted archery/horseback archery 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.
  - 17.1.13. To contribute or subscribe to bodies with aims similar to the aims of MAASA and invest monies upon such security and in such manner as it may from time to time determine.
  - 17.1.14. To borrow and guarantee or otherwise secure the repayment of money in such manner and in such terms as it may think fit.
  - 17.1.15. To make and pass rules, by-laws or regulations and to add to, repeal or alter such rules, by-laws or regulations, with or without penalties for the carrying out, administration and implementation of this Constitution and the attainment of the objects of MAASA.

17.1.16. 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 Mounted archery/horseback archery Athlete or club or association or organisation connected or concerned with Mounted archery/horseback archery 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 MAASA Council, including those of SAIDS, SASCOC 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, MAASA shall have the power to suspend or ban any Mounted archery/horseback archery Athlete, Member, or club from participating in any championship or event.

17.1.17. 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 MAASA by its Members, former Members or any other persons or body.

## **18. MEMBERSHIP AND TERMINATION OF MEMBERSHIP**

- 18.1. Any Association, Club or individual who wishes to become an Associate Member of MAASA shall apply in writing to MAASA Council to be admitted as an Associate Member and shall furnish a copy of its constitution (where relevant) and all such information as MAASA may require deciding upon its application.
- 18.2. No Association Club or Individual shall be admitted to membership of MAASA unless MAASA Council is satisfied that the constitution of such Association substantially complies with the requirements contained in the MAASA By Laws and/or that the club or individual applying is in general good standing with the Association and can be considered a benefit to the sport.
- 18.3. MAASA Council's decision to admit or refuse any application for membership shall be referred to the next meeting of the Council for ratification.
- 18.4. **Requirements for Membership**
- 18.4.1. No club shall be a member of MAASA if not registered with SAEF.
- 18.4.2. All athletes in South Africa will be expected to be a full member of an affiliated club, and of SAEF as a prerequisite in order to participate in graded qualifiers.
- 18.4.3. Provision is made for social MAASA members that are not members of a club or of SAEF to compete in non-competitive MAASA classes. Non-competitive riders will not be graded or eligible for provincial or national colours and will not be covered by MAASA/SAEF insurance on competition days.
- 18.5. **Rights of Members**
- 18.5.1. To participate in the Provincial and/or Regional committees of MAASA,
- 18.5.2. To receive notices and the agenda in advance of Annual General Provincial and/or Regional Meetings within the prescribed time and to exercise their voting rights.
- 18.5.3. To draw up proposals for inclusion in the agenda of the Provincial and/or Regional AGM's
- 18.5.4. To nominate candidates for Provincial and/or Regional Committees of MAASA to be elected and appointed at the Provincial and/or Regional AGM's.
- 18.5.5. To be informed of the affairs of MAASA through the official structures of MAASA.

- 18.5.6. To participate in competitions (wherever relevant) and other activities organized by MAASA.
- 18.5.7. To exercise all the rights arising from the Constitution, Rules and Regulations of MAASA, subject to other provisions in this Constitution and applicable regulations.
- 18.6. Responsibility of Members**
- 18.6.1. Athletes, parents, instructors, officials, committee members, and employees shall respect the principles of loyalty, integrity and sportsmanship recognised by MAASA, SAEF, SASR and SASCOG and any relevant international governing body MAASA may be affiliated to.
- 18.6.2. Member Clubs are responsible for the conduct of their riders, officials and personnel, and supporters and any other person exercising an official function at an event or event sanctioned by the Member Club or any of its affiliates.
- 18.6.3. Member Clubs are obliged to ensure that they are represented at the Regional or Provincial Annual General Meeting, as may be appropriate, either in person by way of a duly nominated representative or alternatively by way of a Proxy form which must be submitted in accordance with the procedure laid down in the MAASA By Laws from time-to-time.
- 18.7. Suspension of Members**
- 18.7.1. MAASA shall have the right to impose the suspension of members, their affiliates, and officials / athletes subject to a due process of the Disciplinary Committee.
- 18.7.2. A suspended member / affiliate / official shall temporarily lose his /hers/ its membership rights. Other members may not entertain any sporting or official contact with a suspended member.
- 18.7.3. MAASA shall recognise the suspension of members imposed by SAEF or SASCOG.
- 18.8. Expulsion of Members**
- 18.8.1. MAASA may expel a member, its affiliate / official / athlete if the Disciplinary Committee renders a verdict of repeated violations of the constitutional obligations and breaches of regulations, directives, or decisions of MAASA and other International Governing Bodies SAEF and SASCOG.
- 18.8.2. MAASA shall recognise the suspension of members imposed by SAEF or SASCOG.
- 18.9. 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 MAASA Council and shall comply mutatis mutandis with the SAEF constitution.
- 18.10. The right of each existing and future Member to have one or more representative teams participate in the various events and championships which are held or staged under the auspices of MAASA shall be determined by MAASA Council, which may vary such rights from time to time.
- 18.11. Any Member which ceases to operate a viable structure or contributing positively, 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.
- 18.12. Any member of any classification may, at any time, resign from MAASA. Such member must give notice by not later than 31 December of each year. Such member may give notice of resignation to the National Office via email. Any member so resigning shall continue to be liable for any monies due and owing by such member, to MAASA at the date of their resignation.

- 18.13. It is specifically provided that any party (member/individual/athlete/parent/coach) referred to in this constitution shall not be entitled to approach any court of law, or officer thereof, on any matter whatsoever, until such party has exhausted all internal revenues within the provisions of this Constitution. Should this occur, the party may be subject to immediate suspension of membership, resulting the loss of good member standing, as decided by majority vote of Council.

## **19. VOTING RIGHTS**

- 19.1. The voting rights set out in this clause shall apply in respect of any and all meetings of the Council.
- 19.2. Ordinary Members shall each have 1 (one) vote.
- 19.3. Special Members shall each have 1 (one) vote. Associate Members shall each have 1 (one) vote.
- 19.4. 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.
- 19.5. Only Members whose representatives are personally present at the meeting concerned shall have the right to vote.
- 19.6. Each Special Member, Ordinary Member or Associate Member will be entitled to nominate one representative to attend and to vote at any general meeting. Such nominations shall be in writing, addressed to the CEO/President and must be received by the National Office not less than 72 (seventy-two) hours prior to the time for the commencement of that meeting.

## **20. ANNUAL GENERAL MEETING (“A.G.M”)**

- 20.1. An A.G.M. shall be held once in every year provided that not more than fifteen months shall elapse between one A.G.M. and the next
- 20.2. MAASA Council shall decide the date, time and place on which each A.G.M. shall be held, provided that unless there is good reason to the contrary, it shall be held at a venue to be determined by the MAASA Council or at such other place as MAASA Council may determine and that the A.G.M. is held in within 4 (four) months from the end of the financial year.
- 20.3. **The following persons shall be entitled to attend and speak at the A.G.M.:**
- 20.3.1. All members of MAASA Council
- 20.3.2. Not more than 1 (one) representative of the Special Members, and not more than 1 (one) representative of the Associate Members.
- 20.3.3. The Patrons.
- 20.3.4. All Honorary Life Members
- 20.3.5. Any other person who may be invited by MAASA Council to do so.
- 20.4. **The business to be transacted at an A.G.M. shall be:**
- 20.4.1. To read the notice convening the Meeting
- 20.4.2. To read and confirm the Minutes of the previous A.G.M., Special General and General meetings, and to consider any matters arising therefrom.
- 20.4.3. To receive and consider the Annual Report of the President, for the period since the date of the previous A.G.M.

- 20.4.4. To adopt with or without modification, the audited Annual Financial Statements for the period since the date of the previous A.G.M., 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 MAASA Council as per the decision of the A.G.M.
- 20.4.5. To appoint the auditors of MAASA to hold office until the next A.G.M.
- 20.4.6. To consider and to adopt with or without modification, or to reject any recommendations of MAASA Council.
- 20.4.7. To consider all nominations by MAASA Council of persons to be Patrons or Honorary Life Members and to accept or to reject any such recommendation or nomination.
- 20.4.8. To elect the MAASA Council in terms of clause 18 as read with clause 19.
- 20.4.9. To discuss and consider any matter of which 30 (thirty) days written notice has been given.
- 20.5. Notice of each A.G.M. shall be sent to all the Members, Members of MAASA Council, Patrons and Honorary Life Members not less than 45 (Forty-Five) calendar days prior to the date of the A.G.M.
- 20.6. Not less than 21 (twenty-one) calendar days prior to the date of any A.G.M., copies of the Agenda for that A.G.M. and the Annual Financial Statements for the financial year preceding the date of the A.G.M. shall be disseminated to all Members, Patrons and Honorary Life Members by post, and/or by hand, and /or by fax, and/or by electronic mail.

## **21. ORDINARY GENERAL MEETING (“O.G.M”)**

- 21.1. Subject to the terms of this Constitution the MAASA Council shall be the highest authority of Mounted archery/horseback archery and shall determine its policy and decide upon its budget.
- 21.2. The Ordinary General Meeting of the Council shall be held on such date and at such place as MAASA Council shall determine provided that unless there are good reasons to the contrary.
- 21.3. The following persons shall be eligible to attend and speak at meetings of the Council:
  - 21.3.1. All the persons referred to in clause 20.3 save those referred to in sub-clauses 18.7 and 18.8.
- 21.4. Notwithstanding anything to the contrary herein, no Honorary Life Member shall be entitled to attend or speak at the Ordinary General Meeting but may do so upon the invitation of MAASA Council.
- 21.5. Notice of any Ordinary General Meeting of the Council shall be sent to Ordinary, Special and Associate Members 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 MAASA Council.
- 21.6. The text of any motion which any Member wishes to be put to and considered by any Ordinary General Meeting shall be received not less than 30 (thirty) calendar days prior to the date of such meeting by the National Office 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, not less than 10 (ten) calendar days prior to such date.
- 21.7. The business to be transacted at the O.G.M. shall be:
  - 21.7.1. to read the notice convening the meeting.

- 21.7.2. to read and confirm, with or without amendments, or to reject the minutes of the previous Ordinary General Meeting as the case may be, as well as the minutes of any S.G.M. held in the interim, and to consider any matters arising therefrom.
- 21.7.3. to consider and to adopt, with or without modification, or to reject, any Resolution of which due notice has been given.
- 21.7.4. 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 MAASA Council.
- 21.7.5. 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 21.6 hereof or such resolution has been ratified at the next Ordinary Council meeting.

## **22. SPECIAL GENERAL MEETING (“S.G.M”)**

- 22.1. An S.G.M. of Members shall be convened:
  - 22.1.1. By resolution of MAASA Council, or
  - 22.1.2. Upon the written requisition of not less than 5 (five) Members, addressed to the CEO/President and delivered to the National Office provided that such written requisition shall state the exclusive purpose for which the S.G.M. is to be called and the text of the motion to be put to the meeting.
- 22.2. Within 14 (fourteen) calendar days after receipt of the resolution or requisition referred to in sub-clause 22.1.2 the CEO/President shall send written notification to all Members, which notice shall specify the time, date and place of the S.G.M., which time, date and place shall have been determined by MAASA 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 S.G.M. and the text of motions to be put to and considered by the meeting.
- 22.3. No business other than that stated in the notification, referred to in sub-clause 22.2, shall be transacted at the S.G.M.
- 22.4. Only the persons referred to in 20.3 excluding those referred to in sub-clause 18.7 and 18.8 shall be entitled to attend and speak at S.G.M.'s.

## **23. GENERAL PROVISIONS RELATING TO A.G.M'S, O.G.M'S AND S.G.M'S**

The following provisions shall apply to all A.G.M.'s, O.G.M.'s and S.G.M.'s:

- 23.1. A.G.M.'s, O.G.M.'s and S.G.M.'s shall, subject to the terms of this constitution, be held at such time and place as shall be decided by MAASA Council.
- 23.2. The chairperson of any A.G.M., O.G.M., or S.G.M. 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.
- 23.3. Each member of MAASA 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.
- 23.4. A quorum shall consist of 50% (fifty per centum) plus 1 (one) of the Ordinary Members in good standing.
- 23.5. 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 present and entitled to vote, shall constitute a quorum and may transact the business of that meeting.

- 23.6. Where a meeting has been adjourned as aforesaid, the CEO/President shall, upon a date not later than 3 (three) calendar days after the adjournment disseminate a written notice to each Member stating:
- 23.6.1. the date, time place to which the meeting is adjourned.
  - 23.6.2. the matter before the meeting when it was adjourned.
  - 23.6.3. the grounds for the adjournment, which notice shall have been settled by the President.
  - 23.6.4. 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.

## **24. MAASA COUNCIL**

- 24.1. The MAASA National Council shall consist of the following persons:
- 24.1.1. The three (3) Directors of the Non-Profit Organisation which consists of the President, the Vice President, and the Treasurer.
  - 24.1.2. The Secretary
  - 24.1.3. At least 2 (two) but up to 9 (nine) members made up of the Presidents of each of the provincial structures referred to under clause 14.2.9.
  - 24.1.4. A Representative of each of the Special Members
  - 24.1.5. An associate member.
  - 24.1.6. Provided that at no stage shall there be less than 2 (two) women who shall occupy any of the positions referred to above.
  - 24.1.7. Minimum of 4 (five) and Maximum of 6 (Six) members holding the following portfolios.
    - 24.1.7.1. Judging, Officials & Coaching Portfolio
    - 24.1.7.2. Finance and Administration Portfolio
    - 24.1.7.3. International Affiliation Liaison Portfolio
    - 24.1.7.4. Technical, Venues & Schedules Portfolio
    - 24.1.7.5. Marketing, Public Relations and Communications Portfolio
    - 24.1.7.6. Veterinary and Horse Welfare Portfolio
  - 24.1.8. MAASA shall have the right to appoint, where needed, the following sub-committees, or distribute the portfolio among the members of MAASA Council.
    - 24.1.8.1. National Judicial Committee
    - 24.1.8.2. National Transformation and Development Committee
    - 24.1.8.3. National Grading and Selection Committee

- 24.1.9. Any individual who is a Provincial President of SAEF may not at the same time be a member of the MAASA Council.
- 24.2. MAASA Council Meetings shall be deemed to be validly constituted notwithstanding the fact that at any time there are no fewer than 2 (two) women as members thereof.
- 24.3. MAASA Council may co-opt other persons as members in order to discharge specific functions provided that no co-opted member shall have a vote and provided further that although the predominant criterion for co-option shall always be merit, MAASA Council shall, as far as possible, seek to preserve a balance of men and women members.
- 24.4. Members of MAASA Council shall vote on all resolutions by a show of hands.
- 24.5. Members of MAASA Council shall decide on all matters by a simple majority vote.
- 24.6. Each member of MAASA Council shall have 1 (one) vote, and the President of any meeting of MAASA Council shall have a second or casting vote, in the event of an equality of votes, save and except at an Elective Annual General Meeting where the MAASA COUNCIL shall have no vote after item 20.4.7 of the AGM's Agenda.
- 24.7. The chairperson of any meeting of MAASA Council shall be the President, or in his or her absence the Vice-President or in his or her absence such other Member of MAASA Council as shall have been appointed at that meeting by the Members of MAASA Council present and entitled to vote.
- 24.8. A term in office will be 3 years. No person may serve for more than 2 (two) consecutive terms as President, nor may any person serve for more than 2 (two) consecutive terms as Vice-President.
- 24.9. MAASA Council shall meet not less than 4 (four) times per annum provided that it shall not be necessary for MAASA Council to meet in those months in which one of the two bi-annual general meetings are held.
- 24.10. A quorum of Members of MAASA Council shall consist of not less than 4 (four) such Members with a minimum of 2 (two) provinces referred to in clause 14.2.9, and if there is not a quorum present at the appointed time and place for any meeting of MAASA Council or if there is not a quorum present during the whole of the meeting until proceedings have been duly concluded and declared by the chairperson of that meeting to have been concluded, such meeting shall stand adjourned until a date, time and place to be determined by those members of MAASA Council who are present at that meeting provided that such date shall not be more than 10 calendar days after such meeting; and at such adjourned meeting those members of MAASA Council present and entitled to vote shall constitute a quorum and may transact the business of that meeting.
- 24.11. 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 MAASA Council who were not present at the meeting of the date, time and place to which the meeting has been adjourned.
- 24.12. Except where otherwise stated herein and subject to the provisions of this constitution, MAASA Council shall be vested generally with all such powers and authorities as are necessary to promote and attain the objects of Mounted archery/horseback archery and, without in any way limiting the generality of the foregoing, MAASA Council shall have all such powers and authorities as are necessary to carry out the duties and functions referred to in Clause 17.
- 24.13. MAASA Council shall control all expenditure of the funds of the Association and shall not incur any liability nor enter into any commitment which cannot be discharged out of the funds of the Association.
- 24.14. No cheque or promissory note drawn on behalf of MAASA shall be valid unless signed by any 2 (two) of the President, the Vice-President, the Treasurer, or any other employee of MAASA who has been authorised by MAASA Council to have signing powers.



- 24.15. MAASA Council shall be entitled to make any and all by-laws or regulations necessary to promote the aims and objects of the Association and such by-laws and/or regulations shall be binding upon members. Such regulations shall be ratified at an Ordinary General Meeting.
- 24.16. MAASA Council may delegate the exercise of any of its powers and functions to one of its Members or to a sub-committee of MAASA.
- 24.17. In addition to the foregoing, MAASA Council shall:
  - 24.17.1. undertake and perform all such duties and functions as shall be decided by the Council.
  - 24.17.2. consider and, if thought fit, approve the separate constitutions, by-laws, rules and regulations of each Member, and any amendments or alterations thereto.
  - 24.17.3. generally, undertake and perform all such duties and obligations as are reasonably required to achieve the objects of Mounted archery/horseback archery, and to implement the policies to be followed by Mounted archers/horseback archers.
  - 24.17.4. formulate recommendations and resolutions for the consideration of the Council and to prepare the agenda for Council meetings.
  - 24.17.5. subject to the provisions of the Constitution, make, amend, vary, repeal, and enforce rules, by-laws, and regulations.
  - 24.17.6. 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 MAASA 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 MAASA or the activities of Mounted archery/horseback archery, 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 MAASA shall be deemed to be under the auspices of MAASA.
  - 24.17.7. impose and collect levies, subscriptions, dues, and imposts.
  - 24.17.8. arrange, control, regulate and promote events, championships, and any other forms of competition.
  - 24.17.9. 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. In particular, MAASA Council may from time to time appoint a suitable person to act as the CEO of MAASA and shall determine his or her powers, duties, remuneration and privileges. Such person shall be an ex officio member of the MAASA Council with no voting rights at any MAASA Council or general meetings.
  - 24.17.10. decide upon and resolve any dispute between any Members, and/or Club, and/or persons who are members of such clubs.
  - 24.17.11. subject to 14.3 above, determine the area/s or jurisdiction of Members and vary or alter such areas from time to time when necessary.
  - 24.17.12. co-opt any person to MAASA Council as may be required to achieve the objects of MAASA or fulfil any purpose incidental thereto.
  - 24.17.13. form sub-committees, consisting of one or more persons, for any purpose incidental to the objects and powers of MAASA and, subject to the

- constitution, by-laws, rules and regulations, delegate such of its powers to such sub-committees as may be required.
- 24.17.14. appoint special advisers and consultants, for any purposes, and terminate such appointment/s.
  - 24.17.15. accept or reject any application for membership subject to ratification by the Council.
  - 24.17.16. open accounts with any recognised commercial banking or financial institution and invest any funds of MAASA and pay any such funds to any person (natural, corporate, or otherwise) who has a valid claim for payment against MAASA.
  - 24.17.17. decide upon the criteria for the award of National Colours and appoint National Selectors for the selecting of teams to whom Colours may be awarded.
  - 24.17.18. ensure that full and proper books of accounts are kept in accordance with sound accounting principles.
  - 24.17.19. ensure that the said books of account and all records of MAASA finances and assets are duly audited each year as soon as is practicable after the financial year end of MAASA which shall be December of each year and that annual financial statements are prepared.
  - 24.17.20. deal with any question or issue arising out of or relating to or incidental to non-racialism as described in the schedule one hereto.
  - 24.17.21. 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.
  - 24.17.22. address any question or issue or matter concerning or incidental to development including budgeting for and expenditure on development.
  - 24.17.23. approve the employment and termination of employment of staff by MAASA 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.
  - 24.17.24. decide any question, issue or matter relating to emblems, colours, or anthems for MAASA.
  - 24.17.25. make recommendations on any question or issue relating to the affiliation to or disaffiliation from any macro or other body.
  - 24.17.26. decide any question or issue relating to the use of MAASA and/or Mounted archery/horseback archery facilities and/or other facilities incidental thereto and/or the standard thereof.
- 24.18. MAASA 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 MAASA Council seems fit.
  - 24.19. It is recognised that it is desirable for all provincial bodies themselves to negotiate and achieve unified provincial bodies. Notwithstanding this, MAASA 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.
  - 24.20. Any member of MAASA Council who, without having first obtained leave of absence from MAASA Council, shall otherwise than in circumstances beyond his or her control, not attend 3 (three) consecutive meetings of MAASA Council, of which meetings due notice has been given, shall be deemed to have resigned from MAASA Council.

- 24.21. No member of MAASA Council shall be entitled to any remuneration, but all members of MAASA 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 MAASA Council.
- 24.22. The Secretary shall send to all Members, and to all members of the MAASA Council:
- 24.22.1.1. Written notification of all meetings of MAASA Council (excluding emergency meetings), and the proposed Agenda, not less than 5 (5) calendar days prior to the date of the proposed meeting.
  - 24.22.1.2. Copies of the minutes and resolutions of all management meetings of MAASA Council, within 10 (ten) calendar days after the date of the relevant meeting.
- 24.23. Any Member, of any classification, shall be entitled to have a representative attend and speak, but not vote, at any meeting of MAASA Council; provided such Member shall have submitted written notification to the CEO of such intention and the full details of any matter such member is desirous of raising at such Meeting, not less than 10 (ten) calendar days prior to the date of such meeting.

## **25. ELECTION OF THE PRESIDENT, VICE-PRESIDENT, TREASURER AND THE OTHER MEMBERS OF MAASA COUNCIL**

- 25.1. Each Member in good standing with SAEF and MAASA shall be entitled to nominate 1 (one) person for election as President, 1 (one) person for election as Vice-President, 1 (one) person for election as Treasurer and 1 (one) person for election for each Council position as referred to in clauses 24.1 to 24.1.5.
- 25.2. Each ordinary member as referred to in clause 14.2.1 shall appoint one representative to serve on its respective structure on the MAASA Council.
- 25.3. Each nomination shall be in writing, shall be seconded by any Member and shall be signed by the nominee to indicate his or her acceptance of the nomination.
- 25.4. It shall be permissible for the same person to be nominated for more than one office/position. The nomination for any alternative post is conditional upon him or her not being elected to the first post for which he or she is nominated.
- 25.5. A valid nomination for any of the posts referred to in sub-paragraphs 24.1.1 to 24.1.3 inclusive and 24.1.7 shall, in the event of the nominee being defeated in an election for the post concerned, be deemed to be a valid nomination for election as a member without portfolio in terms of sub-paragraph 24.1.4.
- 25.6. In the event of the nominee being elected to one of the posts referred to in sub-paragraph 24.1.7 and appointed as a representative of an ordinary member, the nominee shall be entitled to 1 (one) vote on the MAASA council.
- 25.7. All such written nominations shall be received by the National Office not less than 30 (thirty) calendar days prior to the date of the next A.G.M.
- 25.8. If no nominations are received for the election of the President or the Vice-President, or both, the President or the Vice-President, shall continue in office, if available, until the next A.G.M.; failing which at the first meeting of MAASA Council after that A.G.M., the members of MAASA Council shall elect a person to act as the President or the Vice-President, or both until a President or Vice-President, as the case may be, is duly elected at a meeting of the Council.
- 25.9. The retiring President, the retiring Vice-President and the retiring Treasurer shall be eligible for re-election without nomination, provided the committee shall have received written notification from such persons of their willingness to continue in office, if re-elected.

- 25.10. If there is more than one nomination for any of the posts of President, Vice-President, and Treasurer then such posts shall be elected separately by ballot, such elections to be held in the sequence aforesaid
- 25.11. If the number of men thus nominated plus those elected to one or more of the posts referred to in sub-paragraphs 24.1.1 to 24.1.3 inclusive and 24.1.7 is two or fewer, then the men thus nominated shall be deemed to be elected and there shall be a ballot only in respect of the remaining vacancies.
- 25.12. If the number of women thus nominated plus those elected to one or more of the posts referred to in sub-paragraphs 24.1.1 to 24.1.3 inclusive and 24.1.7 is two or fewer, then the women thus nominated shall be deemed to be elected and there shall be a ballot only in respect of the remaining vacancies.
- 25.13. If the number of persons thus nominated is such that, together with those elected to the specific posts referred to in sub-paragraphs 24.1.1 to 24.1.3 inclusive, the number of men exceeds two and the number of women exceeds two, then there shall be a ballot in respect of all nominees.
  - 25.13.1. until there is a total of three men elected to MAASA Council, those men who receive the highest number of votes amongst the men candidates shall be deemed to be elected.
  - 25.13.2. likewise, until there is a total of two (2) women elected to Exco those women who receive the highest number of votes amongst the women candidates shall be deemed to be elected.
  - 25.13.3. thereafter the remaining positions on MAASA Council shall be filled by the candidates who have received the highest number of votes irrespective of the gender of the candidates.
- 25.14. Each person who votes shall record a vote for not more and not less than the number of vacancies.
- 25.15. No member of MAASA Council shall represent any Member, of any classification, at any meeting of Mounted archery/horseback archery or MAASA Council.

## **26. ASSOCIATE MEMBERS**

- 26.1. Any association or organisation which wishes to become an Associate Member of MAASA shall apply in writing to MAASA Council to be admitted as such and shall furnish a copy of its constitution and all such information as MAASA Council may require to decide upon its application.
- 26.2. MAASA 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 MAASA Council may consider fit.
- 26.3. Any decision by MAASA 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.
- 26.4. Notwithstanding anything else herein contained it shall be competent for MAASA Council, with the ratification of the Council, to create quasi-independent and quasi-autonomous bodies or associations having their own constitutions and members for the purpose of better achieving any of the objects of MAASA. The constitution, by-laws and regulations of such bodies or associations shall at all times be subject to the approval and ratification of MAASA which shall at all times have the power to dissolve and/or withdraw recognition of any such body or association.

## **27. HONORARY LIFE MEMBERS**

- 27.1. MAASA Council shall, from time to time, nominate any person who has rendered notable and meritorious service to MAASA and/or in the promotion of the sport of Mounted archery/horseback archery 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 A.G.M. 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 A.G.M., to receive advance notice and to make preferential bookings in respect of any event or championship held under the auspices of MAASA.
- 27.2. All past presidents of MAASA may become an Honorary Life Member of MAASA if so nominated and such appointment is ratified at an AGM.

## **28. PATRONS**

- 28.1. MAASA Council may from time to time nominate any person whom MAASA Council considers to be fit and desirable to be a Patron of MAASA 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 MAASA.
- 28.2. 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 MAASA Council from time to time.

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

- 29.1. 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 MAASA, by way of subscription or otherwise howsoever.
- 29.2. The Patrons, the President, the Vice-President, the Director, all members of MAASA Council, the Treasurer, all officials, servants, agents and persons (natural, corporate or otherwise) acting on behalf of MAASA, in terms of this Constitution and under delegated powers from the Members in General Meeting or from MAASA 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 MAASA, from whatever cause arising, provided such person/s acted in good faith.

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

This Constitution may be altered or varied, 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 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.

## **31. NOTIFICATION**

For the purposes of this Constitution, all notifications by MAASA 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 MAASA; but all notifications to MAASA by any person (natural, corporate or otherwise) or any such Member shall only be effective from the date of receipt thereof by the CEO. In no respects shall any postal authority be, or be deemed to be, the agent of MAASA.

## **32. INTERPRETATION OF THIS CONSTITUTION**

Any disputes 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 MAASA and another national sports federation, or between a member of the MAASA Council and a Member or individual shall be referred to SAEF who may refer the matter to SASCOC (The South African Sport Confederation and Olympic Committee) or the designated statutory body determined by the appropriate government department, for resolution through mediation or expedited arbitration. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.

## **33. HORSE PASSPORTS AND INFECTIOUS DISEASES**

- 33.1. It is the law that all equines need official equine passports or recognised identity documents when being transported, even within the same area.
- 33.2. No horses are allowed to participate at any graded MAASA event without a valid SAEF passport and AHS and Influenza vaccinations need to be up to date, stamped and signed by a veterinarian.

## **34. NATIONAL FLAG AND NATION EMBLEMS (PROTEA & NATIONAL COAT OF ARMS)**

No rider/competitor may display on his person, horse, equipment or any other means, the South African flag or any other National emblem, National Coat of Arms or the emblem of the Protea, in any manner or format at any show/event of MAASA, except when expressly permitted by the relevant authorities and the MAASA National Council.

## **35. CODE OF CONDUCT**

The MAASA Council / Committees Code of Conduct is set out in Article 13 of the MAASA By-Laws.

## **36. DISSOLUTION OR WINDING UP OF MAASA**

- 36.1. MAASA 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 MAASA shall have been given to all Members
- 36.2. Upon dissolution or winding up of MAASA, all the property and assets of MAASA, 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 MAASA, at the discretion of the Members.

## **37. JUDICIAL COMMITTEE**

The MAASA Council shall appoint the members of the Judicial Committee and delegate such powers to this Committee to include, but not be limited by the following:

- 37.1. To assist MAASA with legal advice.
- 37.2. Set up and continuously update a disciplinary code for both participants and management, adopted by Council.
- 37.3. Chair disciplinary hearings when requested, and adjudicate, mediate, and arbitrate upon legal and disciplinary matters.

- 37.4. The Judicial Committee shall comprise of three members of which at least one must have a legal background.
- 37.5. Every member of the Judicial Committee shall have one vote each at their meetings and hearings.

### **38. DISPUTE RESOLUTION**

- 38.1. 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 MAASA members and MAASA Exco members (i.e. the MAASA directors), or between MAASA Exco members, shall be referred to SAEF, and thereafter SASCO, for resolution through mediation or expediated expedited arbitration in terms of the procedure for the resolution of disputes in sport.
- 38.2. In the event of arbitration in terms of the foregoing, such resolution shall be final and binding on the parties to the dispute.
- 38.3. In recognition of the desire to resolve all disputes in the Mounted Archery fraternity as amicably and effectively as possible, it is required of all Members of MAASA 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 the above provisions of this Constitution, specifically providing for the resolution of disputes through the mechanisms provided for.
- 38.4. Recourse to the High Courts or Magistrates Courts by a party to any Association-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.
- 38.5. 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 article (including the holding of an arbitration as envisaged in Clause 43 Schedule 4 - Disputes, on an urgent basis), no ordinary member, associate member or individual falling under the jurisdiction of the SAEF shall approach a Court of Law to decide on a dispute it has with a member, or individual affiliated to the SAEF or MAASA or with the SAEF itself or with MAASA itself.

This Constitution was adopted by majority vote via a Resolution by the Membership present at the Annual General Meeting held at PRETORIA on the 10<sup>th</sup> February 2022.

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DJ HORN

**PRESIDENT, MAASA**

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CHJ KRÜGER

**VICE PRESIDENT, MAASA**

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P WIUM

**TREASURER, MAASA**

## **39. APPENDIX ONE – MAASA COUNCIL CODE OF CONDUCT**

### **Introduction**

The Mounted Archery Association of South Africa (MAASA) is a Non-Profit Organization, affiliated with the South African Equestrian Federation (SAEF) and the South African National Equestrian School Association (SANESA).

MAASA strives to promote the age-old discipline of Mounted Archery or Horseback Archery. This is done through the formation of clubs dedicated to the promotion, understanding, development and training of athletes, both horse and rider, in the various disciplines and variations thereof that is found in the modern Mounted Archery arena.

This Code has been established to set out the standards of conduct to which MAASA Board & Committee members must adhere in the performance of their duties. MAASA also requires that this Code binds members of its committees. Each Board and committee member has an obligation to know, understand and comply with the policies contained in the Code and the values upon which they are based.

### **Intent and Scope**

The Code applies when a person acts in a capacity as a Board member of MAASA or as a member of one of MAASA's committees, including working groups which the Board may set up from time to time. This includes attendance at Board and/or committee meetings, fitness to deal with inquiries and any time s/he represents MAASA as a Board or committee member. It sets out in written form the agreed standards which inform the conduct of members in the performance of their duties.

This Code provides a framework of reference against which members must measure their activities. The Code is not a substitute for a member's responsibility and accountability to exercise good judgement. Members should seek guidance when in doubt as to the proper course of action as it is the responsibility of each individual to ensure that their actions reflect the ethical standards reflected in the Code.

The Code is binding. It is issued to all Board and committee members on appointment. Each member must familiarize herself/himself with it and sign their acceptance to abide by the Code during their term of office.

### **Objectives**

The following are the objectives of the Code:

- To establish an agreed set of ethical principles to which all members of the Board and committee members will adhere.
- To promote and maintain confidence and trust in MAASA leadership.
- To encourage and promote the development of good, ethical business practices.
- To prevent the development or acceptance of unethical business practices.
- To ensure that all potential conflicts of interest are disclosed.



## **Statutory and Regulatory Context**

This Code requires Board and Committee members to act at all times in accordance with the law and, in particular with but not limited to, the following:

- The National Sport and Recreation Act, (Act No 110 of 1998) and the National Sport and Recreation Amendment Act (Act No 18 of 2007)

## **Meetings**

- Board and Committee members must use all reasonable endeavours to attend all Board meetings and any committees of which they are a member. Should there be circumstances in which members are unable to attend a meeting, they should send their apologies in writing/per email as soon as possible to the Secretary or to the relevant committee secretary.
- Should a Board or Committee member fail to attend more than three consecutive meetings without a valid excuse, they will be excused from their duties on the Board / Committee. This will be seen as a resignation (voluntary termination).
- Attendance of committee / board meetings may be conducted online or telephonically via conference call.
- Where a member is unable to fulfil their role or meet assigned deadlines repeatedly, they will be required to discuss their position with the President of the Association, or alternatively be asked to step down from their position on the committee.
- Such a decision will only take place via a disciplinary hearing and majority vote by the committee and cannot be taken by any one individual, including the President of the association.
- Members' attendance and participation as part of the committee will form part of the members' annual performance review and particular consideration will be given to meetings where a member has not attended and has not given notice of their absence.

Members are expected to:

- Ensure that they fully understand the role of the Board/committee and their roles and responsibilities on the committee.
- Prepare well for meetings, read all communication in advance of meetings and seek advice or support from the Secretary where necessary.
- Actively and constructively participate in discussions and decisions.
- Make objective decisions based on the interest of the sport and the merits of the issues presented.
- Ensure that the Board/committee conducts its business fairly.
- Declare any perceived conflict of interest in advance of any agenda item at MAASA meetings.
- Behave with courtesy and respect towards fellow committee members and MAASA members.
- Actively ensure that the Board/Committee complies with its statutory and administrative requirements.
- Fully comply with MAASA's policies and procedures and report infringements by other members to the Board for action.
- Act at all times in the interest of the sport of mounted archery.

## **Collective Responsibility of Board and Committee Members**

In the interests of organizational integrity, clarity and accountability, it is important that decisions of the Board and the Committees of the Board are properly represented outside of MAASA.

In order to safeguard the authority of MAASA, the principle of collective responsibility operates in relation to the business of the Board, its committees and working groups. Therefore, all members acting in an official capacity are expected to abide by the decisions of the Board and its committees and not to publicly adopt, promote or engage in a position, a view or a course of conduct which in the reasonable opinion of the Board or committee does not reflect the position, view or approach of the Board or committee as articulated in such decisions. Should a member have an opinion which differs from the official MAASA stance and states the personal opinion publicly it must be made clear in such communication that this is a personal opinion and not an official statement on behalf of the organization.

Engagement with the media on behalf of the Board or committee will be through the President of the Association, or a duly nominated and approved representative, only.

## **Guiding Principles**

The values that MAASA strives to achieve are:

- **Transparency:** MAASA shares information about its work and accepts responsibility to use organization resources efficiently, improve its systems, and keep its membership informed.
- **Trust:** MAASA acts with honesty and integrity, not compromising the truth.
- **Leadership:** MAASA leads by example, that is, doing the right thing for the right reasons and not compromising core principles.
- **Respect:** MAASA treats its membership with mutual respect and sensitivity. MAASA respects all individuals and values their contributions.
- **Equality and fairness:** MAASA strives for equality and fairness in its dealings with its members, athletes, members of the public and organizations.

## **Conflicts of Interest**

In the interests of proper standards of conduct, the activities of the Board and its committees must always be conducted in an objective manner and be seen to be so conducted.

A conflict of interest arises when a Board or committee member's interests or opportunity for gain or profit are, or could be interpreted as being, in conflict with those of MAASA. Any interests of a member's family or other connected persons or bodies which could involve a conflict of interest should also be disclosed.

All members must confirm their commitment to the disclosure of any employment and/or business interests which may be – or be seen to be - in conflict, or in potential conflict, with the objectives and activities of MAASA.

Members must ensure that:

- They do not influence or seek to influence a decision to be made in relation to a matter.
- They absent themselves from any meeting or part of a meeting at which the conflict of interest or potential conflict of interest is discussed.
- They do not take part in any deliberation of the Board or committee in relation to a matter where a conflict of interest or potential conflict of interest arises.
- They do not vote on a matter where a conflict of interest arises.
- MAASA's resources are used in pursuit of MAASA business and are not used for personal gain, directly or indirectly.

- Gifts, hospitality or preferential treatment should neither be given nor accepted where such action could be perceived as affecting the ability of the donor or the recipient to make an independent judgement on MAASA business.

The disclosure of a conflict of interest or potential conflict of interest will be recorded in the minutes of the meeting at which it is considered.

Following election, re-election, appointment to the Board or to a committee of the Board, each member shall be expected to furnish to the Board Secretary a completed Declaration of Interests (**Appendix 1**), which supplies details relating to the member's employment and all other relevant interests which could involve a conflict of interest or could materially influence the member in relation to her/his performance of her/his functions as a member of the Board or of a committee.

Those members holding office at the time of the Code's adoption by the Board shall be expected to furnish such a declaration following its adoption.

Where it is relevant in any matter that arises, each Member will keep the Secretary advised of all relevant changes in their circumstances so as to ensure that these disclosures are up to date at all times. The onus is on each member to identify an actual or potential conflict of interest and to take appropriate action to manage the conflict in favour of performing their duties as a Board or committee member in the public interest.

This information is held in a Register of Interests and is accessible only by the President of the Association, the Vice President of the Association and the Secretary. Where an individual Board or committee member becomes aware of non-compliance with such obligations, they should immediately bring this to the attention of the President or Vice President with a view to having the matter addressed.

## **Loyalty**

Board and committee members must acknowledge their responsibility to be loyal to MAASA and fully committed in all its business activities while mindful that the organization itself must at all times take into account the interest of its membership.

## **Fairness**

Board and committee members must:

- Commit to fairness in all business dealings.
- Treat members equally.
- Act professionally in the discharge of their duties.
- Make fair decisions based on evidence.
- Give reasons for decisions made.
- Demonstrate lack of bias.
- Provide a fair hearing for all parties in matters of dispute.

## **Information and confidentiality**

Due to the nature of their positions, Board and committee members are privy to information and material which may be sensitive or confidential to the organization and its members.

Board and committee members should respect the confidentiality of sensitive information held by MAASA or discussed at Board meetings and/or committee meetings. This includes personal information, information received in confidence and any other information sensitive to the reputation of MAASA.

Board and committee members are required to sign the MAASA's Confidentiality Agreement Form **(Appendix 2)**

Board and committee members should ensure that there is not, during a member's term of office or thereafter, without the specific approval of the Board, or an officer authorized to act on behalf of the Board, any disclosure by the Board member of any information whatsoever relating to proceedings at Board meetings, or any other confidential information relating to MAASA or its business, functions or transactions, other than to properly authorized persons, within or acting for MAASA.

Board members should ensure that there is support by the Board and Committee of MAASA for the provision of access to general information relating to MAASA's activities in a way that is open and enhances its accountability to the membership.

The requirement not to disclose privileged or confidential information does not cease when membership of the Board or Committee ceases. Board and committee members have a duty of on-going non-disclosure of privileged or confidential information even after their retirement or resignation from their role.

Former Board and Committee members are required to dispose of any documentation they hold relating to the business of MAASA.

The Secretary will communicate with all retiring and / or resigning Board and Committee members in terms of these and other obligations.

## **Breach of the Code**

Any minor breach of the Code will be dealt with in the first instance informally, for example by the President of the Association or the chair of a committee or another member drawing the breach to the member's attention during a meeting or similar.

If the action is repeated, a final warning in writing will be issued to the offending member.

If a member is concerned that another member may be in breach of the Code, they should raise their concerns with the President of the Association or the chair of the committee as appropriate.

However, where there is evidence of a deliberate, serious or continued breach of the Code, this will be taken up by the President or the committee chair in a special convened meeting if appropriate. If necessary, the President will seek legal advice on how to proceed and/or initiate an external investigation if deemed appropriate.

## **Resignation from the Committee**

Committee members are not obliged to give advance notice before resigning from the committee. It is however required that the resignation be submitted in writing, per email and sent to the directors of MAASA before their resignation comes into effect.

*As per the MAASA constitution:*

- o *Any Member which ceases to operate a viable structure or contribute positively, as defined in this Constitution 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.*
- o *Any member of any classification may, at any time, resign from MAASA. Such member must give notice by not later than 30 September of each year. Any member so resigning shall continue to be liable for any monies due and owing by such member, to MAASA at the date of their resignation.*

**Responsibilities and review**

- The Code shall be circulated to and retained by each Board and committee member as well as other relevant parties whether invited to participate in MAASA working groups or committees, or otherwise.
- This Code should be read in conjunction with MAASA's published policies and procedures.
- The Code will be reviewed and updated when necessary and at least once during the term of the Board.
- Any revisions to the Code must be considered and approved at a meeting of the Board of MAASA.

***I have read and agree to abide by the above Code during my tenure of office as a Board or Committee member of MAASA.***

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**Name**

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**Signature**

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**Date**

## Appendix 1 – MAASA Declaration of Interests Form

I, \_\_\_\_\_, as a Director / Board / Committee member of the Mounted Archery Association of South Africa (MAASA) have set out below my interests in accordance with the organization's conflicts of interest policy.

<b>Name</b>	
<b>Address for correspondence</b>	
<b>Current role/position</b>	
<b>Cell phone number</b>	
<b>Email address</b>	

Details of interest and whether it applies to you or, where appropriate, a member of your immediate family or some other close personal connection:

Current employment and any previous employment in which you continue to have a financial interest	
Appointments (voluntary or otherwise) e.g., trusteeships, directorships, local authority membership, tribunals etc.	
Membership of any professional bodies, special interest groups or mutual support organizations.	
Investments in unlisted companies, partnerships and other forms of business, major shareholdings and beneficial interests.	
Gifts or hospitality offered by external bodies in the last 12 months.	
Any contractual relationship with MAASA.	
Any other conflicts that are not covered by the above	

*To the best of my knowledge, the above information is complete and correct. I undertake to update as necessary the information provided, and to review the accuracy of the information on an annual basis. I give my consent for it to be used for the purposes described in the conflicts of interest policy and for no other purpose.*

**Name:** .....

**ID Number:**.....

**Signature:** .....

**Date:** .....

#### 40. 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, e.g., 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 sport 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 is 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 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 (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 regarding non-racialism shall apply equally in respect of religion and discrimination on the grounds of a person's religious beliefs.

#### **41. SCHEDULE TWO – AFFILIATES TO MAASA**

Eligibility requirements for Ordinary members, Special Members and Associate Members in terms of clause 14.2 of the Constitution of MAASA.

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 Mounted archery/horseback archery 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:
  - a. The Association recognises and adopts the Schedule One.
  - b. The Association may not become a member or affiliate to any other body without the prior written consent of MAASA Council.
  - c. 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 SAEF through the MAASA 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.

## **42. 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 always 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 Five 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 while 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:
  - 1.6.1 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.
  - 1.6.2 The undertaking or activity is:
    - 1.6.2.1 integral and directly related to the sole object of the Association; and
    - 1.6.2.2 carried out or conducted on a basis substantially the whole of which is directed towards the recovery of cost, and
    - 1.6.2.3 which would not result in unfair competition in relation to the taxable entities?
  - 1.6.3 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
  - 1.6.4 The undertaking or activity is approved by the Minister by notice in the Gazette, having regard to
    - 1.6.4.1 the scope and benevolent nature of the undertaking or activity
    - 1.6.4.2 the direct connection and inter-relationship of the undertaking or activity with the sole purpose of the Association
    - 1.6.4.3 the profitability of the undertaking or activity, and
    - 1.6.4.4 the level of economic distortion that may be caused by the tax-exempt status of the Association carrying out the undertaking or activity.
  - 1.6.5 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 organization, 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 No remuneration will be paid to any employee, office bearer, member or person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered.
- 1.11 The Association will submit the required Income Tax Returns annually together with the relevant supporting documents.
- 1.12 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.
- 1.13 The Association has not and will not use its resources directly or indirectly to support, advance or oppose any political party.

#### **43. SCHEDULE FOUR - DISPUTES**

Any disputes 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 the Department of Sport and Recreation (SRSA) or the South African Confederation of Sport and Olympic Committee (SASCOC) or between a member and the National Executive Committee or members of MAASA shall be referred to the SAEF to deal with, in terms of their constitution, failing which same shall be referred to SASCOC to deal with in terms of their Constitution, Disputes Resolution Council for resolution through mediation or expedited arbitration in terms of the Rules and Procedures for the Resolution of Disputes in Sport, prevailing at the time such dispute is so referred. In the event of arbitration in terms of the above, such resolution shall be final and binding on the parties to the dispute.

#### 44. RECORD OF CHANGES

Ref	Description	Date of Change
Clause 25.1	Incorrect referencing – changed ref <b>24.1.2</b> to <b>24.1</b> ; and ref <b>24.1.15</b> to <b>24.1.5</b>	AGM 4/02/23
Clause 21.7.5	Incorrect referencing – changed ref <b>12.6</b> to <b>21.6</b>	AGM 4/02/23
Clause 2	Definitions and Abbreviations – remove <b>WHAF means World Horseback Archery Federation</b>	AGM 4/02/23
Clause 9	Affiliation – remove “... <b>as well as WHAF (World Horseback Archery Federation).</b> ”	AGM 4/02/23