

SOUTH AFRICAN MASTERS WATERPOLO ASSOCIATION

CONSTITUTIONAL LAWS

1992

1. TITLE

The Association shall be called the "SOUTH AFRICAN MASTERS WATERPOLO ASSOCIATION" (SAMWA) and shall be affiliated to the South African Amateur Swimming Association through the South African Waterpolo board.

2. OBJECTS

The object of SAMWA is to control and promote Masters waterpolo in South Africa.

3. MEMBERS

a) AFFILIATED MEMBERS

All South African Provincial Masters Waterpolo Associations shall be eligible for membership of, and affiliation to SAMWA. The area bodies which shall come under the control of such Associations will be the same as those laid down by SAASA.

b) ASSOCIATE MEMBERS

The SAMWA in General Meeting may admit other Provincial or National non-racial Masters waterpolo organisations as Associate Members.

Associate members shall be entitled to one (1) representative who may attend meetings of SAMWA and enter into discussions on matters relevant to the affairs of such Associated Members, but shall have no vote at such meetings.

4. COLOURS

The colours used by the Provincial Associations shall follow those defined by SAASA.

5. APPLICATION FOR MEMBERSHIP

- a) All applications for membership of SAMWA shall be made in writing and must be accomplished by a fee of One Hundred Rand (R100.00), (which shall be refunded if the application is not approved), together with a copy of the constitution and rules of the applicant and any other information that the SAMWA may require.
- b) Such applications shall only be considered at a General Meeting of SAMWA and may be accepted only if passed by 50% of those present and eligible to vote.

6. ANNUAL SUBSCRIPTIONS

- a) The annual subscription payable by all Affiliated Members shall be One Hundred Rand (R100.00), payable in advance by not later than 1st October in each year.
- b) Should any member be more than two (2) months in arrear with its subscription, its delegate shall not have the right to attend any meeting of SAMWA and all rights and privileges arising from its membership of SAMWA shall be suspended until all arrears due to SAMWA shall have been paid. The defaulting Member shall, notwithstanding the foregoing suspension of rights and privileges, continue to remain liable to SAMWA for the fulfilment of all its obligations.
- c) Notwithstanding anything hereinbefore contained, a Member which fails to pay its annual subscription by 31st September following its due date, shall *ipso facto* be removed from membership and may only be re-admitted on making an application for reinstatement which shall not be considered until the applicant shall have made payment of all amounts owing by it to SAMWA.
- d) Each Affiliated Association shall pay to SAMWA on or before the 15th January of each year, a *per capita* levy for each Masters waterpolo player and official registered at the immediately preceding 15th December as a Member of such Association. The amount of the *per capita* levy shall be reviewed annually. Any increase shall be determined by the Executive and ratified at the Annual General Meeting. The remittance shall be accompanied by the schedule indicating, in statistical form, the number and class of the registered Members of each Association, and the total membership of such Association as at 15th December.

7. ADMINISTRATION

- a) The day to day affairs of the Association shall be conducted by the Executive Officers, each of whom shall have a vote at all meetings of the Association. Such Executive Officers shall be Members of the Association that they represent and shall be appointed in writing. Such written appointments shall be in the hands of the Honorary Secretary before the commencement of the meeting.
- b) The Executive Officers of SAMWA shall consist of a President, Honorary Secretary (PRO), and Honorary Treasurer.

The officers of SAMWA shall consist of a President, Honorary Secretary (PRO), Honorary Treasurer, and a Provincial Representative of each Affiliated Masters Waterpolo Association, all of whom shall have full voting writes at all meetings.

- c) The Executive Officers of SAMWA shall be elected annually at the Annual General Meeting of SAMWA.
- d) All Affiliated Associations shall have the right to nominate Officers, but the written acceptance of nomination by each nominee other than retiring Officers, shall be furnished by the Association making the nomination. Such nominations shall be in the hands of SAMWA twenty one (21) days prior to the date of the Annual General Meeting, and all nominations shall be in the hands of Member Associations fourteen (14) days before such a meeting.
- e) The President shall, in addition to his deliberating vote, have a casting vote in the event of an equality of votes on any resolution.
- f) The President shall have the right to appoint Officers to fill any vacancies which occur between General Meetings.
- g) Alternate representatives, whether for the period of one (1) year or more for one (1) or more meetings, may be appointed by an Association. Such appointments shall be notified to the Honorary Secretary of SAMWA in writing.
- h) No person shall be entitled to act as a delegate for more than one Association, and no Provincial Representative shall be entitled to act as a Representative for any other Association.

8. POWERS OF THE ASSOCIATION

The management and control of SAMWA shall be exercised through the President of SAMWA and the Representatives of the Affiliated Associations assembled in General Meeting.

SOUTH AFRICAN MASTERS WATERPOLO CONSTITUTION

Without in any way derogating from the general powers of SAMWA, the following powers may *inter alia* be exercised at a General Meeting:

- a) The power to lease or hire movable and immovable property in the name of SAMWA, where it shall appear to be the best interest of SAMWA and upon such terms as it may deem expedient to be utilised solely for the purpose of conducting the sporting and social activities controlled and promoted by SAMWA.
- b) The power to purchase in the name of SAMWA such movable property as may be considered requisite and necessary to be utilised solely for the purpose of conducting the sporting and social activities controlled and promoted by SAMWA.
- c) The power to discipline any Affiliated Association, or any Member thereof, which or who, in its opinion, has been guilty of any misconduct warranting such action. At all times control of registered Members shall be exercised by SAMWA through the Provincial Association where the member is registered.
- d) The power to add to, alter or revoke any of the Articles of Constitution of SAMWA at any Annual or Special General Meeting, provided that no such addition, alteration or revocation shall be considered unless twenty one (21) days' notice of motion in writing shall have been given to the Honorary Secretary and to each Affiliated Association at least fourteen (14) days before such a meeting. Such proposed addition, alteration, revocation to become effective, shall require a two thirds (2/3) majority of those present and voting. Any amendments to the Constitution shall be submitted to the South African Waterpolo Board.
- e) The power to arrange, suspend or abandon any or all of its competitions or in their stead substitute others.
- f) To appoint delegates to international and other congress meetings.

9. POWERS OF THE EXECUTIVE

The Executive shall have the following powers:

- a) To deal with all matters of a routine nature during the periods between the General Meetings of SAMWA and which matters are not specifically required to be dealt with in a General Meetings in terms of these Laws.
- b) In particular to purchase such stationery, office equipment and other movable property as may be reasonably required for the purpose of carrying on the affairs of SAMWA; to issue permits in terms of these Laws; to give rulings within its powers on matters referred to the SAMWA by its Affiliated Members; to oversee the Annual Provincial Waterpolo Tournament and generally to do all such things as may be necessary for the proper conduct and management of the affairs of SAMWA.

SOUTH AFRICAN MASTERS WATERPOLO CONSTITUTION

- c) To act as Holders in Trust of all trophies, monies and other property of SAMWA, and to deal with the same as SAMWA may decide.
- d) To compel where advisable any Association or individual, before removing any trophy won by such Association or individual, to provide adequate security against loss or damage to, or non-return of such trophy.
- e) To conduct, institute or defend legal proceedings on behalf of SAMWA and be empowered to take evidence on commission.
- f) To deal with all matters of dispute and/or emergency arising out of and/or concerning the proper conduct and running of the National Tournament.
- g) To act in any case of emergency.
- h) To ensure that all persons selected to represent South Africa at Masters Waterpolo are provided with a suitable uniform at the expense of SAMWA.
- i) To employ part-time paid secretarial, technical and clerical assistance and if found necessary, full-time paid secretarial and technical and/or clerical and/or other necessary assistance or aid.
- j) To appoint *ad hoc* committees to advise the Executive Committee on urgent matters and to investigate specific matters or problems, and to report thereon to the President and to the Executive.
- k) The Officers of SAMWA referred to in clause 7.b) and 7.c) above, are in their personal capacities and/or in their capacities as Officers of SAMWA hereby, and shall hereafter be, indemnified against, and free from personal liability for, the actions and/or debt and/or liabilities, contractual and/or delictual and/or otherwise of SAMWA.

10. MEETINGS

a) General Meetings

- (i) A quorum at all General Meetings shall consist of not less than 50% of the Provincial Representatives.
- (ii) All General Meetings shall be open to Members of Affiliated Associations and to the Press, except when the meeting is resolved into Committee by the President.
- (iii) A full record of minutes of the proceeding of all General, Executive and other meetings shall be kept. Copies of the minutes of all General and Executive Meetings shall be forwarded to the Honorary Secretary of each Affiliated Association and copies of General Meeting minutes only to each of such Association's Representatives as early as possible, but not later than twenty one

SOUTH AFRICAN MASTERS WATERPOLO CONSTITUTION

(21) days after the date of the meeting. The minutes shall be read at the next meeting of SAMWA or the Executive as the case may be, and after confirmation, be signed by the Chairman of the meeting. The minutes of the Annual General Meeting shall be noted at the next Executive Meeting and confirmed at the following General Meeting. Copies of the minutes of the Annual General Meeting shall be forwarded to South African Waterpolo Board.

- (iv) General Meetings shall be held as provided for in these Laws and additional General Meetings may be held whenever considered necessary by the Executive, and shall be held upon a requisition signed by not less than four (4) Affiliated Associations.
- (v) If, within fifteen (15) minutes from the time appointed for any General Meeting a quorum is not present, the meeting shall stand adjourned to the same time on the next day. Representatives being notified of the place. If at such adjourning meeting there is no quorum, the Members then present shall be entitled to proceed with the business on the Agenda only.
- (vi) The Chairman, with the consent of the meeting, may adjourn any meeting from time to time. When such adjourned meeting is reconvened only such business remaining unfinished shall be transacted.
- (vii) No resolution shall be rescinded at the same meeting unless a motion is carried by a two thirds (2/3) majority of the Members present and eligible to vote.
- (viii) The President, or, in his absence, a member of the Executive (elected at the meeting), shall be the Chairman of the meeting. In the absence of a Member of the Executive, the meeting shall elect a Chairman.

b) Annual General Meeting:

The AGM of the SAMWA shall be held on the day immediately prior to the National Tournament at the centre where the National Tournament takes place. At such meeting the following shall be decided upon:

- (i) Confirmation and adoption of minutes of previous Annual General Meeting.
- (ii) Confirmation and adoption of the report of the Honorary Treasurer and the Financial Statements of SAMWA for the previous year.
- (iii) Adoption of the President's report.
- (iv) Election of the Office Bearers:
 - (1) President
 - (2) Treasurer
 - (3) Secretary/PRO
 - (4) Provincial Representatives

- (v) Centre for the following year's Tournament.

When the Tournament is held at an Inland venue in one year, it should be held at a Coastal venue the following year if at all possible.

Any province applying to stage the Tournament shall undertake the full responsibility, organisation and financial, for the running of the Tournament, with the approval of the Executive.

- (vi) Any matters of which due notice shall have been given, including election of a Selection Committee.

- (vii) Any further matters of a general nature.

c) Selection Committees

- (i) The selection Committee(s) shall be elected at a General Meeting, and shall consist of five (5) Members, not more than two (2) of whom may reside in the area of jurisdiction of any one Affiliated Association.
- (ii) Selections for participation in international events shall be according to the rules laid down by the host nation, subject to FINA rules being applied.

11. NOTICE OF MOTION AND AGENDAS

Notice of any motion to be moved at a General Meeting and the Annual General Meeting referred to in sub-laws 10.a) and 10.b) respectively shall be forwarded to the Honorary Secretary of SAMWA so as to reach him/her at least twenty one (21) days before the date of the meeting, and the Agenda of each meeting and in the case of the Annual General Meeting, the President's Report, shall be despatched so as to reach the Honorary Secretary of each Affiliated Association fourteen (14) days before the meeting.

12. FINANCE AND HONORARIA

- a) SAMWA may refund all necessary expenses incurred by any Members thereof whilst engaged in the work of SAMWA, or grant any sum to any Officer or Officers in recognition of services rendered, provided that such action shall not prejudice the Amateur Status of such recipients and that thirty (30) days clear notice of the amount recommended to be granted shall be given to all Associations.
- b) The Honorary Treasurer shall keep proper books of account which shall be open to inspection by Provincial Representatives. The financial year shall terminate on the last day of February each year, after which the Honorary Treasurer shall frame a Balance Sheet and Income and Expenditure Account. A copy thereof shall be forwarded to the

SOUTH AFRICAN MASTERS WATERPOLO CONSTITUTION

Honorary Secretary of each Affiliated Association to reach him at least fourteen (14) days before the Annual General Meeting.

- c) No profits or gains shall be distributed to any person, and the funds of the SAMWA shall be utilised solely for the objects for which SAMWA has been established.
- d) Upon dissolution of SAMWA, the remaining assets after payment of all debts shall be given or transferred to another organisation with objects similar to those of SAMWA and which is itself exempt from income tax, or to such other organisation or organisations as 50% of Provincial Representative in General Meeting may decide.
- e) SAMWA shall open and maintain an account with a registered commercial bank and the account shall be operated upon by any two (2) of the following – the President, Honorary Secretary or Honorary Treasurer.
- f) SAMWA may deposit monies not immediately required for its use in registered Building Societies or Savings Banks, and shall have the power to invest in Government and Municipal Stock.
- g) Honoraria shall be determined by SAMWA in General Meeting in the case of case of the Honorary Secretary and shall be determined by the Executive in all other cases which may arise.

13. AMATEUR LAWS AND PROFESSIONALISM

- a) The Amateur Law as defined by FINA shall be binding on SAMWA.
- b) A professional may not:
 - (i) Be a Member of the Executive of SAMWA
 - (ii) Be a Member of a National Selection Committee
 - (iii) Represent his province at a SAMWA meeting
 - (iv) Act as an official at any Tournament

14. APPEALS

- a) Any Affiliated Association may appeal to the South African Waterpolo Board against any decision of the Executive given in terms of clauses 8 and 9.
- b) SAMWA on receipt of an appeal against disciplinary action taken by an Affiliated Association against any Member of such Association, may in its discretion, alter such decision, and/or increase or decrease the penalty imposed.

15. AWARDS

a) Honours Award

- (i) The award may be granted to a competitor or official who, by virtue of an outstanding performance, has brought honour to SAMWA.
- (ii) The Award of such honour may be proposed by either a Provincial Association or by the Executive, and shall be determined by a General Meeting. Any such proposal shall be accompanied by a citation in writing. Voting shall be by a ballot, and the Award shall only be granted if the proposal is carried by two thirds (2/3) of those present and eligible to vote. The procedure shall be laid down in law 11 of the Constitution.

b) National Colours

The awarding of National Colours shall be subject to SAASA rules. The team Members, managers and coaches shall be selected by a Selection Committee appointed at a General Meeting.

16. BYE_LAWS

The SAMWA shall have power to make all such bye-laws as may be necessary to carry out the objects and intent of these articles and for the betterment of Masters waterpolo. All such bye-laws shall be binding on all Affiliated Provincial Associations and Members thereof.

17. LAWS AND BYE-LAWS GOVERNING THE SPORT

- a) Where no provision is made in these laws regarding the conduct of the sport, the SAMWA may:
 - (i) Apply to the parent body, that is SA Waterpolo Board, for a ruling.
 - (ii) Be guided by accept the laws and rulings of the ASA (England).
- b) The technical laws as set out in the FINA handbook and in any of its bulletins, with regard to waterpolo, shall be binding on all completions held in the Republic and shall become operative immediately after receipt of FINA notification unless FINA fixes a date, or unless the SAMWA shall decide otherwise, having regard to prevailing conditions and circumstances.

18. INTERPRETATION OF THE LAWS

The interpretation of these laws or any other question not provided for herein shall be referred to the Executive for decision by a two thirds (2/3) majority of those present and voting at a General Meeting, which decision shall be binding, except on matters relating to FINA amateur and technical laws when such decisions shall be subject to appeal to SA Waterpolo Board.

ADDENDUM TO THE CONSTITUTION DATED 1992

ADDENDUM “A”

1. AGE GROUPINGS AND RESTRICTIONS

- a) The average age of the seven (7) youngest players in a team shall determine which age group that team enters.
- b) No past or present International player shall be permitted to play, unless that player turns thirty (30) years of age in the year of the tournament.
- c) Ages shall be taken as the 31st December of the year in which the event takes place.
- d) Teams with less than seven (7) players shall not be permitted to enter an event.
- e) Teams who have less than nine (9) players may borrow from another team, provided that the borrowed players ages meets or exceeds the average age of the team's seven (7) youngest players.
- f) No team may borrow players at all if they already have nine (9) fit and able players.
- g) Relaxation from any of these restrictions may be allowed provided written representation is made to the SAMWP Board and the Board agrees in writing.

ADDENDUM TO THE CONSTITUTION DATED 1992

ADDENDUM “B”

2. AFFILIATION AND CAPITATION TO SWIM SOUTH AFRICA

- a) Anyone may capitate with Swim South Africa (SSA) at any time.
- b) Swim South Africa was previously referred to as South African Amateur Swimming Association.
- c) If a local waterpolo team wishes to attend an international waterpolo tournament that is affiliated to World Masters, then those team members would have to be capitated to Swim South Africa.
- d) At the 2024 AGM of SA Masters Waterpolo the following was passed by majority vote without any objections or abstentions: ***the reference to all SA waterpolo players having to be capitated to SSA should be removed from the SA Masters Waterpolo Constitution.***