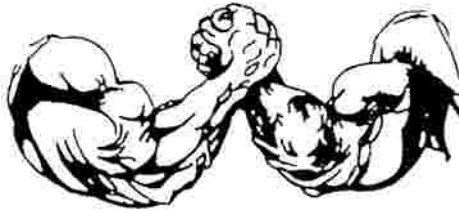


SOUTH AFRICAN



ARM WRESTLING FEDERATION

**CONSTITUTION
OF THE SOUTH AFRICA
ARM WRESTLING FEDERATION
(SAAWF)**

(February 2004; July 2009)

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1. Name

The name of the Federation is and shall be the SOUTH AFRICAN ARM WRESTLING FEDERATION ("the Federation"), hereinafter called SAAWF.

2. Legal status

2.1 The Federation is and shall continue to be a distinct and separate legal entity with the power to acquire hold and alienate property of every description.

2.2 The Federation is a juristic person having perpetual succession and can act and be acted against in its own name.

2.3 The property and funds of the Federation rest in the Federation as a juristic person and no member of the Federation shall be liable for the debts of the Federation.

2.4 The SAAWF is a non-profitable organisation, and will apply all funds raised or obtained, to promote armwrestling as a sport in SA.

3. Interpretation

3.1 "Sport" means the game/sport of Armwrestling

3.2 Pronouns of any gender include corresponding pronouns of the other gender.

3.3 Headings shall not be treated as forming part of this Constitution; as such headings are for convenience of reference only.

4. Policy

The Federation shall, in carrying out its objects and in all its activities and functions at all levels -

4.1 observe the principles that:

4.1.1 the sport should be played, administered and promoted on a non-racial and democratic basis;

4.1.2 all persons, irrespective of race, colour, creed or gender, should have the right, in whatever capacity, to participate in the sport.

4.1.3 shall forbid any form of discrimination based on race, colour, creed or gender.

5. Objects

The main objects and powers of the Federation are:

- 5.1 to promote and administer the sport throughout South Africa;
- 5.2 to be affiliated to the South African Sports Commission as a member of such Commission;
- 5.3 to enforce the playing rules for the sport, as determined by; the National Executive Committee (NEC) of the SAAWF;
- 5.4 to approve facilities for national and international events to be run under the auspices of the SAAWF;
- 5.5 to select athletes to represent the sport in international competition;
- 5.6 to decide upon the nature, award and protection of national and other colours;
- 5.7 to hear and decide appeals against a decision, of its members;
- 5.8 to act as a controlling body for the selection of individual competitors or teams of competitors to represent South Africa in international competitions;
- 5.9 to appoint a national executive committee that will manage the Federation and its finances;

In order to give effect to such aims and objects the Federation shall have such further subsidiary objects and powers as set out below.

6. Subsidiary objects and powers of the Federation

In pursuance of the main objects and powers of the Federation, the Federation shall have the following further objects and powers:

- 6.1 to enter into such arrangements with appropriate authorities as the Federation may deem conducive to its objects or any of them, and to obtain from such authorities any rights, privileges and concessions which the Federation may deem advisable to obtain; and, whenever the Federation deems it necessary, to apply to any authority to authorise the doing and performing of any object of the Federation, or for any authority deemed necessary in connection therewith;
- 6.2 to accumulate capital for any purpose of the Federation, either by capitalising unexpended income or otherwise, and to appropriate any of the Federation's assets for specific purposes, either conditional or unconditional;

- 6.3 to subscribe, administer and invest the funds of the Federation in:
 - 6.3.1 any recognised banking, trust and other financial institution;
 - 6.3.2 mortgage bonds, participation bonds and securities issued or guaranteed by government, municipal and local authorities or public utility corporations in South Africa;
 - 6.3.3 the purchase of land, buildings, debentures, securities and all kinds and descriptions of movable and immovable property, and in savings accounts and fixed deposits, and in pension and growth funds, and in shares in government and municipal stock, with specific power to sell, lease, mortgage, dispose of, give in exchange, work, develop, build, improve, turn to account and deal with all or any part of the property and rights of the Federation, on any terms which may from time to time be deemed fit by the Federation;
- 6.4 subject to the provisions of paragraph 6.3 above, to invest and deal with any monies of the Federation not immediately required for carrying on the business of the Federation, upon such securities and in such manner as may from time to time be determined by the Federation, and to realise, vary, reinvest or otherwise deal with such securities;
- 6.5 to borrow, raise and secure the payment of money in such manner as the Federation may deem fit, and to pledge, mortgage or otherwise secure, for the repayment of such monies, all of any of the property and assets of the Federation;
- 6.6 to draw, make accept, endorse, discount, execute and issue promissory notes, bills of exchange and other negotiable or transferable instruments, and to open and operate banking and other accounts in the name of the Federation;
- 6.7 to effect assurances of all descriptions, including assurances against accidents of any description, against liability to pay compensation for injuries happening to or sustained by any employee, official, administrator and player of or connected with the Federation, against liability to pay damages to any person in consequence of such accident, and to pay the premiums and other monies required to keep such policies of assurance of full force and effect;
- 6.8 to make payment towards medical aid of any employee and ex-employee and to grant pensions, allowances and ex gratia payments; and
- 6.9 to do all such other things as are incidental or conducive to the attainment of the above objects, whether main or subsidiary.

7. Limitations

The income and property of the Federation whence so ever derived shall be applied solely towards the promotion of its objects, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise to the members of the Federation. Provided that nothing contained in the Constitution shall prevent payment by the Federation of reasonable remuneration to any officer or servant of the Federation or to any member for any service actually rendered to the Federation.

8. Membership and qualification for membership

8.1 The following associations shall become members of the Federation upon completion of their application for affiliation, which application shall be submitted to the National Executive Committee:

8.2 In addition to the existing membership, membership shall be open to: any person able to participate in armwrestling (men, woman, children, and disabled) honorary members.

8.3 Such bodies shall become members upon their application for membership being submitted to and approved by the Executive Committee of the Federation. Members joining during a year shall be liable to pay a pro-rata portion of the annual subscription for that year.

8.4 All entrance fees payable by new members shall become due and payable within thirty days after affiliation.

9. Fees

9.1 Annual subscriptions shall be due and payable annually in advance by 1 March of each year.

9.2 The Executive Committee shall give at least one month's notice to all members of its intention to increase any annual subscription and such increase shall be effective on the date stipulated by the Executive Committee.

10. Rights and privileges of members

10.1 A member who has discharged all his duties in terms of this Constitution shall be:

10.1.1 entitled to speak and vote at a General Meeting;

10.1.2 eligible to be elected as a member of the Executive Committee; only after term (of 1 year) proven sound leadership / management.

10.1.3 entitled to all the rights and privileges derived from his membership of the Federation.

10.2 All members shall be bound by the Constitution, regulations and rules of the Federation.

11. Termination or suspension of membership

11.1 A member may resign from the Federation on written notice given to the secretary. Upon such resignation he shall not be entitled to a refund of any fees or amounts paid in respect of any period after the date of resignation.

11.2 If any member should fail to pay any amount owing to the Federation, whether for subscriptions, levies or membership fees - sixty (60) days or otherwise, then his membership of the Federation may be terminated by the Executive Committee on written notice to his last-known address. The Executive Committee may in its discretion reinstate such person on the payment of all arrear amounts and upon such further terms as the Executive Committee may decide.

11.3 No member who has failed to pay his subscription within two months after it became due is allowed to remain a member while his or her subscription is unpaid.

11.4 The Executive Committee shall have the power to take such steps as it may deem fit against any member failing to comply with, or contravening this Constitution, any rules or regulations of the Federation, any resolutions adopted and resolutions made by the Federation or its Executive Committee.

11.5 The Executive Committee may cause the name of any member whose membership is terminated or who is suspended to be published or made known to the general public.

11.6 No member will be allowed to participate in any competitions / tournaments presented by the SAAWF, whose membership fees are not paid up to date.

11.7 Provincial Associations will be accountable for members of their provinces, for proof of payment of their membership fees and registration, before participation in any SAAWF event.

12. Bodies

12.1 The principal constituent bodies of the Federation are:

12.1.1 the Annual General Meetings;

12.1.2 the National Committee;

- 12.1.3 the National Executive Committee;
- 12.1.4 National Executive Management Committee (min 3, max 5 members of NEC), appointed by the NEC from time to time.
- 13. Executive Committee
 - 13.1 The Executive Committee shall consist of:
 - 13.1.1 the President;
 - 13.1.2 the Vice-President;
 - 13.1.3 the Secretary;
 - 13.1.4 the Chief Executive Officer;
 - 13.1.5 the Treasurer;
 - 13.1.6 the Public Relations Officer (PRO);
 - 13.1.7 the Development Officer;
 - 13.1.8 the Disabled Representative;
 - 13.1.9 the National Coach;
 - 13.1.10 the Woman's desk;
 - 13.1.11 the National Referee;
 - 13.1.12 the Provincial Co-ordinator; and
 - 13.1.13 the Legal Advisor.
- 14. Nomination and election of executive committee members
 - 14.1 The members of the Executive Committee shall be elected every 2 years at the Annual Meeting of the National Committee;
 - 14.2 Nomination in writing of members to be elected as members of the Executive Committee shall be delivered to the secretary of the Federation at least fourteen days before the date of the holding of the Annual General Meeting at which the election is to take place, provided that the current members of the Executive Committee shall be eligible for re-election without nomination to their respective offices.

- 14.3 Nominations for membership of the Executive Committee shall be signed by the proposer and a secondment and shall be accompanied by acceptance in writing by the candidate.
- 14.4 Voting for the election of the Executive Committee members shall be by secret ballot.
- 14.5 Election for Chairman and Vice-Chairman of the Executive Committee shall at the first committee meeting of the National Committee after the Annual General Meeting from their members elect:
 - 14.5.1 a Chairman;
 - 14.5.2 a Vice-Chairman;
 - 14.5.3 a President;
 - 14.5.4 a Vice-President; and
 - 14.5.5 a Chief Executive Officer.
- 15. Meetings of the Executive Committee
 - 15.1 The President, or in his absence the Vice-Chairman, shall act as the Chairman of the Federation and the Executive Committee.
 - 15.2 Should both the Chairman and Vice-Chairman not be present at any meeting of the Executive Committee, the members thereof present shall elect a Chairman from their number at that meeting.
 - 15.3 The Executive Committee shall meet from time to time as required. No less than seven days notice must be given by the Secretary to the members of the Executive Committee of all meetings of the Executive Committee unless all members of the Executive Committee agree to accept shorter notice.
 - 15.4 The quorum for a meeting of the Executive Committee shall be a majority of the members of the Executive Committee.
 - 15.5 Any decision by the Executive Committee shall be by majority vote by show of hands of the members present at the meeting. Each member present shall have one vote. No voting by proxy shall be permitted.
 - 15.6 The chairman shall [SHALL NOT] have a casting vote additional to his deliberate vote.

15.7 The Chairman shall cause minutes to be kept of the names of the members of the Executive Committee present at any meeting together with minutes of all resolutions and all proceedings taken at such meeting. All such minutes shall be duly entered into books properly kept and provided for that purpose. Any such minutes or an extract therefrom signed by the chairman shall be prima facie evidence of the matters therein stated.

16. Termination of office of Executive Committee members

16.1 Each elected member of the Executive Committee shall hold office for the period concluding with the end of the Annual General Meeting after that in which he was elected. Upon expiry of such period such member shall automatically retire from office but shall be eligible for nomination and re-qualification of the Executive Committee.

16.2 A member of the Executive Committee shall cease to hold office if:

16.2.1 he resigns his office by notice in writing to the Federation;

16.2.2 he is or becomes of unsound mind;

16.2.3 he surrenders his estate as insolvent or his estate is sequestrated;

16.2.4 he is convicted of an offence which involves dishonesty;

16.2.5 he is or becomes disqualified from being appointed or acting as a director of a company;

16.2.6 he ceases to be a member of any of the Federation's constituent members;

16.2.7 on death.

16.3 The Executive Committee shall have the right to co-opt any member of its constituent members as a member of the Executive Committee to fill any vacancy should a member cease to hold office.

16.4 The Federation at a Special General Meeting may remove any Executive Committee member before the expiry of his term of office and appoint another Executive Committee member in his place to hold office for the unexpired part of the term of office of the Executive Committee, provided that the intention to vote upon his removal from office was specified in the notice convening the meeting.

17. Powers of the Executive Committee

The management and control of the affairs of the Federation shall vest in the Executive Committee which shall have the full power and authority to do any act, matter or thing

pertaining to the affairs of the Federation save where the Constitution specifically provides that a particular matter is reserved to be dealt with by a General Meeting. The Federation may in general meeting repeal, approve or amend any decision of the Executive Committee but no decision of the General Meeting shall invalidate any action taken by the Executive Committee in accordance with this Constitution. Without in any way limiting its general power and authority, the Executive Committee shall have the following further particular powers:

- 17.1 to affiliate the Federation with acknowledged national and international controlling bodies for the sport and in particular to affiliate the Federation as a member of the South African Sports Commission;
 - 17.2 to appoint representatives and delegates in accordance with the requirements of the above bodies;
 - 17.3 to enforce the international and national playing rules for the sport;
 - 17.4 to approve, organise and determine conditions for national and international tours;
 - 17.5 to obtain, alienate, mortgage or lease movable or immovable property of any description;
 - 17.6 to administer the finances of the Federation;
 - 17.7 to make any regulations, by-laws, rules or take any resolution or decisions that are necessary or expedient in order to achieve the objects of the Federation;
 - 17.8 to form or appoint sub-committees for special or general purposes and to delegate powers to such sub-committees and to delegate to any sub-committee or sub-committees all or any of the authorities conferred on the Executive Committee by this Constitution;
 - 17.9 to institute, defend and conduct any legal proceedings by and against the Federation concerning the affairs of the Federation.
18. Annual General Meeting (AGM)
- 18.1 The General Meeting of members of the Federation constitutes the supreme decision-making body of the Federation.
 - 18.2 An Annual General Meeting of members of the Federation shall be held within sixty days after the end of the financial year of the Federation.
 - 18.3 An Annual General Meeting shall be convened by the Secretary giving notice in writing to all members.
 - 18.4 Notice of the date, time and place for the holding of the Annual General Meeting shall be posted by letter and sent by facsimile (where members have given notice of their facsimile number to the secretary) to each of the members of the Federation at its registered address

and facsimile number, as appearing from the register of members, at least thirty days before the date fixed for the holding of such meeting.

18.5 Notice of the terms of any resolution to be proposed at an the Annual General Meeting shall be lodged with the Secretary at least ten days before the date fixed for such meeting.

18.6 Notice of any proposed resolution adding to, rescinding or amending any part of this Constitution shall be given as provided for below.

19. Proceedings at annual general meetings

19.1 The ordinary business to be done at the Annual General Meeting shall be as follows:

19.1.1 to confirm the minutes of the previous Annual General Meeting and any Special General Meeting held since the previous Annual General Meeting;

19.1.2 to receive and consider the report of the Executive Committee and the Federation's financial statements for the preceding financial year;

19.1.3 To consider and if applicable to pass any resolutions concerning the affairs of the Federation of which due and proper notice is given;

19.1.4 To consider and pass, if applicable, any resolution adding to, rescinding or amending any part of this Constitution.

19.2 The Chair at an Annual General Meeting shall be taken by the Chairman of the Federation or in his absence, by the Vice-Chairman. Should both be absent, the members shall elect a Chairman for the meeting from among the other members of the Executive Committee present, or, failing their presence, the Chairman shall be elected from among those members present at the relevant General Meeting.

19.3 The Chairman of the Annual General Meeting shall not have a casting vote in addition to his deliberative vote.

20. Special General Meetings

20.1 Special General Meetings must be convened by the Executive Committee in the event of:

20.2 Notice of the Special General Meeting (which notice shall state what the object/s of the meeting so called is/are) must be given by the secretary to each member at his/her registered address (or faxed to his/her facsimile number) at least fourteen days prior to the meeting. Such notice shall stipulate the time, date and venue of the Special General Meeting.

20.3 No other matter other than that specified in the notice will be dealt with at the Special General Meeting.

20.4 An inadvertent omission to notify a member shall not invalidate the holding of the meeting or any resolution taken.

20.5 The Chair at any Special General Meeting shall be taken by the Chairman of the Federation or in his absence, by the Vice-Chairman. Should both be absent, the members shall elect a Chairman for the meeting from among the other members of the Executive Committee present, or, failing their presence, the Chairman shall be elected from among those members present at the Special General Meeting.

21. Quorum at General Meetings

21.1 Quorum will be formed with 20% of members in good standing present.

21.2 In the case of an Annual General Meeting or Special General Meeting, if no quorum is present, the General Meeting shall be postponed to a date and time stipulated by the NEC.

22. Adjournment of General Meetings

The Chairman of any General Meeting may, with the consent of the meeting decided by a majority vote of members of the meeting, adjourn the meeting from place to place and from time to time. No business shall be transacted at any adjourned meeting other than that business left unfinished at the meeting from which the adjournment took place.

23. Voting at General Meetings

23.1 All members who are in good standing with the Federation shall be entitled to vote at an Annual or Special General Meeting of members.

23.2 Each member shall have one vote.

23.3 Voting shall be by way of a show of hands or by way of ballot in the discretion of the Chairman.

23.4 Vote by proxy shall not be permitted.

23.5 The Chairman or any other person acting as Chairman shall not have a casting vote additional to his deliberative vote.

23.6 A vote by ballot may be demanded by not less than 50% of members present at the meeting.

23.7 Should any such ballot be demanded it shall be taken in such a manner and at such time as the Chairman of the meeting may direct.

23.8 A declaration by the Chairman of the meeting of the result of a show of hands or a ballot, shall be conclusive.

24. Decisions on resolutions

Voting at General Meetings shall be by simple majority, save in respect of those items mentioned in the paragraph below.

25. Amendments to the Constitution

25.1 The Constitution of the Federation shall not be amended save by resolution adopted by a majority of two-thirds of the members present at an Annual or Special General Meeting of members for which due and proper notice has been given.

25.2 Notice of the intention to amend the Constitution, if required, if to be dealt with at an Annual General Meeting, shall be given in writing, by the intending mover of the amendment to the Constitution not later than twenty days prior to the date fixed for such meeting; and the Secretary shall give written notice of the intended amendment to all members at least ten days prior to the date of the relevant meeting.

25.3 If it is required that any such amendment be dealt with at a Special General Meeting, written notice thereof must be given to the Secretary and the Secretary shall within ten days of receipt of such notice call a Special General Meeting of the Federation by giving at least twenty days written notice of the intended amendment to all members.

26. Disputes

26.1 The Secretary, shall, in accordance with the following procedures attempt to resolve any disputes arising out of or in connection with the enforceability of this Constitution or the application and interpretation of its provisions, or any dispute between any of the members of the Federation or between a member of the Federation and the Federation.

26.2 Written notification of the dispute must be referred to the Secretary from any member, who it party to the dispute, or by any office holder of the Federation itself.

26.3 Such notice must:

- 26.3.1 be marked for the attention of the Secretary;
- 26.3.2 be transmitted by facsimile or e-mail to the Federation's facsimile number or email address.
- 26.3.3 be copied to all parties to the dispute; and
- 26.3.4 briefly set out the nature of the dispute so submitted.
- 26.3.5 The Secretary shall take such steps as he/she deems necessary to satisfy himself/herself regarding the circumstances and the nature of the dispute so notified, including consultation with all parties to the dispute and if necessary with members of the Executive Committee.
- 26.3.6 The Secretary shall in consultation with the parties and by way facilitation or mediation attempt to resolve the dispute as expeditiously as possible.
- 26.4 Where the dispute cannot be so resolved by the Secretary, any party to the dispute or the Secretary himself/herself, may submit the dispute to the Dispute Resolution Centre of the South African Sports Commission for resolution in accordance with the Commission's Rules for the Resolution of Disputes in Sport.
- 26.5 In recognition of the desire to resolve all disputes in the sport as amicably and effectively as possible, all members of the Federation are required to incorporate in their own constitutions a dispute resolution clause in terms substantially the same as this section of the Constitution and specifically provide for the referral of disputes for resolution through the mechanisms provided for by the South African Sports Commission's Dispute Resolution Centre.
- 27. Books of account
 - 27.1 The Executive Committee shall cause proper books and records to be kept containing a full account of all transactions entered into by the Federation. Any statements required shall be inspected and prepared therefrom and certified by the Chairman or auditor.
 - 27.2 All monies received must be deposited to the credit of the Federation in its bank account and all disbursements must be by cheque or EFT, signed by any two members of the Executive Committee or any one member of the Executive Committee together with the Secretary.
- 28. Register of Members

All members shall communicate their addresses, telephone and facsimile numbers from time to time to the Secretary who shall keep a register of the names of such members and of their addresses, telephone and fax numbers.

29. Dissolution

29.1 The Federation may be dissolved by a resolution passed at a Special General Meeting called for that purpose, provided that such resolution is passed by a majority of two-thirds of the members present and entitled to vote at such meeting and such resolution is confirmed at a Special General Meeting held not less than thirty days thereafter by a majority vote of members entitled to be present and vote thereon.

29.2 Upon its dissolution the assets of the Federation remaining after the satisfaction of all its liabilities shall be given or transferred to some other association or institution having objects similar to the objects of the Federation, to be determined by the members of the Federation at the second Special General Meeting, and failing such determination by the Court.

30 Code of Conduct

Note: This section will cover the conduct of executive, officials and athletes alike both during championships and between championships.

30.1 All executive, officials and athletes are expected to conduct themselves in a manner that is expected of ladies and gentlemen.

30.2 SAAWF views the use of performance enhancement drugs as unethical and strictly forbids it. SAAWF follows the same doping guidelines as the South African Institute for Drug-free Sport (SAIDS) (July 2009).

Athletes may be subject to drug testing and if found positive may face the following consequences.

- (a) If an athlete refuses to take the test or attempts to manipulate the test, both actions will be regarded as guilt and therefore a positive result.
- (b) The first time offence will result in a one year suspension. A second offence will result in a possible lifetime suspension.
- (c) If any athlete is found to be dealing or trafficking in illegal or banned substances they will be suspended for a period of time to be decided by the Disciplinary Sub-Committee.
- (d) Any athlete found to test positive will be stripped of their medals/trophies and standings.

