

CONSTITUTION



EASTERN CAPE ACADEMY OF SPORT

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PREAMBLE

The main purpose for establishing the Eastern Cape Academy of Sport according to the Constitution is to enhance the level of performance of talented athletes and coaches to ensure development pathways resulting in more representative teams. The Eastern Cape Academy of Sport will cater for the needs of talented athletes as well as coaches, administrators and officials in the Eastern Cape Province and offer a broad range of support services that would optimally enhance the performance of South African Athletes.

Although the focus of the Eastern Cape Academy of Sport will primarily be on provincial athletes and coaches, the infrastructure developed would be able to support athletes and coaches at a national level.

The Eastern Cape Academy of Sport will support and become a tool for the implementation of a co-ordinated national plan for the development of athletes, coaches, administrators and officials thus becoming a hub of sports development in the province.

1. NAME, CONSTITUTION AND LEGAL PERSONALITY

- 1.1 The name of the organisation to which the constitution relates shall be the “Eastern Cape Academy of Sport” (herein referred to and known by the acronym “ECAS”)
- 1.2 The ECAS is a Voluntary Association having a corporate identity, separate from that of its members, which is entitled to own property, whether movable or immovable or otherwise, and to sue and be sued in its own name and, notwithstanding any change in the composition of its membership from time to time, shall have perpetual succession.
- 1.3 All immovable property or other rights relating to immovable property, which might be obtained by the ECAS from time to time, shall be registered in the name of ECAS.
- 1.4 The liability of the members of the ECAS for debts of the ECAS is restricted to the outstanding affiliation fee, if any, owed by them from time to time and such members shall have no interest in any of the property or accumulated income of the ECAS.

2. Definitions

2.1. In this Constitution, any by-laws or regulations of ECAS, unless inconsistent with the context, the singular includes the plural and vice versa and persons shall include body corporate.

“ECAS”: Shall mean the Eastern Cape Academy of Sport

“Days”: When any particular number of days is prescribed for the doing of any act, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on a public holiday, in which case the days shall be reckoned exclusively of the first day and exclusively also of every Sunday or public holiday.

“MEC”: Shall mean the member of the Executive Council of the Eastern Cape Government responsible for sport and recreation in the province.

“Notice”: Shall, unless the context indicates otherwise, mean a written communication, which has been delivered to the addressee by ordinary, or registered post to its address as notified by it and recorded in the records of the ECAS, sent by or telefaxed transmission or electronic mail transmission, to the number notified by the addressee and recorded in the records of the ECAS. Any notice sent by post shall be deemed to have been received by the addressee within 10 (ten) days of the proven date of posting. Any notice sent by tele-fax or electronic mail transmission shall be deemed to have been received by the addressee on the day after the proven date of telefaxed or electronic mail transmission.

“SASCOC”: Shall mean the South African Sport Confederation and Olympic Committee in terms of the South African Sports Commission Act, Act No 109 of 1998.

“ECSC”: Shall mean Eastern Cape Sports Confederation

“Priority Code”: Shall mean the codes selected by SASCOC and accepted onto the ECAS programme

3. INDEMNITY

- 3.1. Every office bearer, official or employer of the ECAS shall be indemnified by the ECAS against all costs, losses and expenses, which he or she may incur or become liable for by virtue of any reason or any act or omission in the discharge of his or her duties, unless the loss in question is caused by his or her own gross negligence, dishonesty or bad faith.
- 3.2. Office Bearers, officials and employees of the ECAS shall be indemnified by the ECAS against pecuniary loss sustained by reason of legal proceedings, arising out of whatsoever cause, instituted against the ECAS or against any such office bearer, official or employee in his or her respective capacity – provided the indemnity conveyed herein shall not extend to private personal acts of such office bearers, official or employee outside the cause and scope of their employment (in the case of employee) and acts outside the official appointment and the office in the ECAS (in the case of office bearer)

4. JURISDICTION

- 4.1 The area of Jurisdiction within which services will be rendered shall be mainly in the Eastern Cape Province but shall include other areas of the Republic of South Africa.

5. PROVINCIAL ACADEMY COMMISSION OF ECAS

- 5.1 The ECAS shall be managed and administered by a Provincial Academy Commission. The Commission shall have power to manage and administer the affairs of the Academy at its absolute discretion.

5.2. The Composition of the Provincial Academy Commission shall be as follows:

5.2.1

- Provincial Sports Confederation (Excluding the President): PSC nomination
- Athletes Representative: PSC nomination
- Coaches Commission representative: PSC nomination
- Provincial Federation representative: PSC nomination
- Medical Commission representative: PSC nomination
- School sport structure representative: Government nomination
- SALGA representative: Government nomination
- Provincial Department representative – Government nomination
- The remaining two members will be at the discretion of the provincial MEC
- SASCOG Manager Team Preparation and Academies – Ex Officio
- The ECAS Academy Manager – Ex Officio

5.3 The quorum for meetings shall be 50% plus one

5.4 The Commission will meet at least quarterly

5.5 Meeting dates shall be determined by the chairman

5.6 Each member shall receive at least 7 (seven) days written notice of Commission Meetings except where otherwise provided.

5.7 The Commission shall meet quarterly and report to the SASCOG, ECSC and the MEC.
Such reports include:

5.7.1 Activities of the reporting period (Quarterly)

5.7.2 Financial Reports

5.7.3 Projected activities for the next reporting period (quarterly)

5.8 District Academies will have regional Coordinating Committees responsible for monitoring the activities of District programmes.

5.9 The District Coordinating Committee will be guided by a Term of Reference, which will be formulated by the Provincial Academy Commission.

5.10 The composition of the District Coordinating Committee shall be as follows:

5.10.1 A Representative from the District Sport Confederation (Chairperson)

- 5.10.2 A Representative from the Department of Sport, Recreation, Arts and Culture (District Office)
- 5.10.3 A Representative from the Host Institution – hosting the District Academy
- 5.10.4 A Sport Science Representative – from the hosting Tertiary Institution in the District
- 5.10.5 A Representative from Local Government, representing Municipalities
- 5.10.6 District Academy Coordinator (Secretariat)

6. POWERS OF THE COMMISSION OF THE ECAS

Subject to the provisions of this Constitution and to any decision of the Commission, it shall have the authority to do anything or take any steps which might be done by the ECAS in the furtherance of its objects and policies decided upon by the ECAS which, without limiting the generality of the afore-going, shall include the powers to:

- 6.1. Appoint employees, agents and officials as it deems fit and to invest them with powers as it deems expedient and to determine their duties, fix and vary their salaries and emoluments (if any) and to suspend or discharge any such person in line with applicable legislation.
- 6.2. Institute and defend legal actions
- 6.3. Attend to all matters of discipline
- 6.4. Act as the executive arm of the ECAS and be charged with the overall responsibility for the management of the affairs of the ECAS.
- 6.5. Appoint auditors
- 6.6. Co-opt additional members when required with the necessary approval of stakeholders

- 6.7. Purchase or acquire in any way land, buildings, agencies, shares, debentures and any other kind of movable or immovable property.
- 6.8. Manage, insure, sell, lease, mortgage, dispose of, give in exchange, work, develop, build on, improve, or in any way otherwise deal with all or any part of its property and assets.
- 6.9. Enter into contracts whether within or outside the Republic of South Africa and to execute any contracts, deeds and documents in any foreign country after consultation with the SASCO and the MEC.
- 6.10. Invest funds not immediately required in the name of the ECAS with a registered financial institution as defined in Section 2 of the Financial Institutions (Investments of funds) Act of 1984.
- 6.11. Accept donations and legacies and raise funds on behalf of the ECAS subject to the express limitation that should the services of a fundraiser be made use of for the collection of contributions, the expenses (remuneration, retainer and /or commission included) may not exceed 20% (twenty percent) of the total proceeds of the collection.
- 6.12. Open and operate a bank account.
- 6.13. Make, draw, issue, execute, accept, endorse and discount promissory notes or bills of exchange and any other kind of negotiable or transferable instruments.
- 6.14. Undertake and execute any trust and participate in any trust.
- 6.15. Act as principals, agents or contractors.
- 6.16. Make, vary and repeal by-laws, standing orders or rule for the due and proper regulation for the affairs of ECAS and due and proper functioning of its officials, employees and agents.
- 6.17. Initiate, institute or defend legal proceedings, arbitration, mediation, and/or any other form of appropriate dispute resolution procedure.

- 6.18. Cause minutes to be kept, keep the register required and cause a record of all resolutions passed at meetings of the Commission and every resolution passed to be inserted in the minute book provided for the purpose.

7. OBJECTIVES

The Objectives of the ECAS shall at all times be to:

- 7.1. Operate within the national plan for academies of sport as determined from time to time by the National Sport Umbrella Body.
- 7.2. Enhance the level of performance of talented athletes, coaches, administrators and officials and increase the rate of sports development.
- 7.3. Create a structured performance development pathway for talented athletes, coaches, administrators and officials.
- 7.4. Assist in changing the composition of sports teams so that they reflect the demography of the South African Society.
- 7.5. Implement programmes to identify, nurture and develop sporting talent as part of a national plan.
- 7.6. Provide quality support services (defined in the blue print on Academies of Sport) to the elite and talented athletes and coaches in the province.
- 7.7. Ensure a holistic approach is taken toward the development of talented athletes and coaches including the provision of appropriate life skills.
- 7.8. Enhance the education of individuals and groups by means of training opportunities for talented athletes, coaches, administrators and technical officials.
- 7.9. Ensure quality coaching is provided to elite and talented athletes in the province.
- 7.10. Overcome fragmentation and duplication in the delivery of support services in the province to talented athletes and coaches.
- 7.11. Facilitate applied research with a view to enhance athlete and coach performance.

- 7.12. Make use of cutting edge ethical sports technology to enhance talented athlete's and coaches' performance.
- 7.13. Contribute to a national database on elite athletes.
- 7.14. Provide access to relevant information on the latest trends in sports training, coaching, science, team sport analysis programmes and other related topics.
- 7.15. Provide education on banned substances in conjunction with the SA Institute for Drug-Free Sport.
- 7.16. Provide education on HIV/AIDS with particular reference to the sporting fraternity.
- 7.17. Use international best practice in high performance sport within budget constraints for the benefit of talented athletes and coaches.
- 7.18. Ensure close cooperation and implement co-operative programmes with the National and Provincial Sports Federations in the delivery of the Academy's programmes.

8. AMMENDMENTS TO THE CONSTITUTION.

- 8.1. The Constitution of the ECAS shall not be amended save by resolution(s) adopted by a majority of two-thirds of the members present at a Commission meeting of members for which due and proper notice has been given.
- 8.2. Notice of the intention to amend the Constitution, if required to be dealt with at a Commission Meeting, shall be given in writing by the proposer of the amendment to the Constitution not later than twenty (20) days prior to the date fixed for such a meeting. The Manager shall give written notice of the intended amendment to all members at least ten (10) days prior to the date of the relevant meeting.
- 8.3. If it is required that any such amendment be dealt with at a Special General Meeting, written notice thereof must be given to the Manager of the ECAS and he or she shall within ten 10 days of receipt of such notice call a Special General Meeting by giving at least twenty (20) days written notice of the intended amendment to all members.

9. DISPUTES

- 9.1. The Chairman shall, in accordance with the following procedures attempt to resolve and disputes arising out of or in connection the enforceability of this Constitution or the application and interpretation of its provisions, or any dispute between any of the members of the ECAS or between a member of the ECAS and the Commission.
- 9.2. Written notification of the dispute must be referred via the Manager to the Chairperson from any person, who is party to the dispute.
- 9.3. Such notices must:
 - 9.3.1. Be marked for the attention of the Manager.
 - 9.3.2. Be transmitted by facsimile or electronic mail to the ECAS's facsimile number or electronic mail address.
 - 9.3.3. Be copied to all parties of the dispute.
 - 9.3.4. Briefly set out the nature of the Dispute so submitted.
- 9.4. The Chairperson shall take such steps as he or she deems necessary to satisfy him or herself regarding the circumstances and the nature of the dispute so notified, including consultation with all parties to the dispute and if necessary with Commission Members of the ECAS.
- 9.5. The Chairperson shall in consultation with the parties and by way of facilitation or mediation attempt to resolve the dispute as expeditiously as possible.
- 9.6. Where any dispute cannot be so resolved by the Manager, any party of the dispute or the Manager him or herself, must submit the dispute to the ECSC and if no result is achieved within a reasonable period of time then to SASCO.
- 9.7. The Commission shall be empowered to make any regulations, bye-laws or rules that it may deem necessary or expedient in order to achieve its objects and/or to ensure the proper conduct of its members, athletes, coaches, technical officials and administrators including but not limited to regulations, bye-laws or rules governing doping control.

- 9.8. The regulations, bye-laws or rules shall be binding upon the members, athletes, coaches, technical officials and administrators as may be prescribed by the Commission in such regulations, bye-laws or rules.
- 9.9. The Commission shall have the power to take such steps as it may deem fit against any of the persons referred to above who fail to comply with or who contravene any such regulations, bye-laws or rules. The term “such steps” shall specifically include (but not to the exclusion of any other measure) expulsion, suspension and/or the expulsion of exclusion.

10. FINANCES

- 10.1. The ECAS shall open and operate a banking account with a registered banking institution in the Republic of South Africa.
- 10.2. The Commission shall cause proper books and records be kept containing a full account of all transactions entered into by the ECAS. Any statements required shall be inspected and prepared there from and certified by the Chairperson on behalf of the Commission and the auditor.
- 10.3. All monies received must be deposited to the credit of the ECAS in its bank account and all disbursements must be by cheque or electronic transfer.
- 10.4. The signatories to the said bank account shall be the Financial Administrator, and any of the 2(two) Board Members, appointed to do so.
- 10.5. The office of the Manager shall be responsible for keeping proper books of account that shall record all monies received by the ECAS, and such books shall be reconciled regularly with the banking account of the ECAS.
- 10.6. The Manager shall procure and ensure that annual financial statements, complying with generally accepted accounting practices, are prepared as soon as practically possible after the end of each financial year (1st April – 31st March) and presented to the Commission for consideration and adoption. These financial statements must be submitted for auditing before the end of May of each financial year.

10.7. The audited financial statements shall be presented by the Manager to the ECAS Commission for discussion and adoption or rejection at the Commission Meeting which shall be held no later than four months after the end of the financial year to which the statements relate and to this end shall ensure that a copy of the audited financial statements is sent to each member entitled thereto no later than twenty-one (21) days prior to the scheduled date of the said General Meeting. The audited financial statements as well as the annual report of the ECAS must be submitted to the MEC and the SASCO before the end of August of each financial year.

10.8. The financial year end shall be the last day of March of each year.

11. REGISTER OF COMMISSION MEMBERS

11.1. All Commission members shall communicate their addresses, telephone, electronic mail addresses and facsimile numbers from time to time to the Manager who shall keep a register of the names of such Commission members and of their addresses, telephone, electronic mail and facsimile numbers.

12. DISSOLUTION

12.1. The ECAS may be dissolved by a resolution passed at a Special Commission meeting and after full consultation (written and verbal motivation) with all constituents; provided that such a resolution is passed by a majority of two-thirds of the Commission members present and entitled to vote at such a meeting and at least 21 Twenty-one days written notice of the Special Commission Meeting was given.

12.2. Upon dissolution, the assets of the ECAS 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 ECAS, to be determined by the members at the Special Commission Meeting, and failing such determination by the court.

13. SHORT TITLE

This Constitution shall be called the “Constitution of the Eastern Cape Academy of Sport” as may be amended from time to time, and comes into effect 13th August 2004

The latest amendments were made to the Constitution on the 4th July 2014, and has been adopted by the members concerned.

Signed at Port Elizabeth on this 4th day of July 2014

By the Members duly authorised thereto.

NAME

CAPACITY

Ms J Miggels

Eastern Cape Sport Confederation

Mr L April

Athlete Representative

Mr D Miller

Coaches Commission

Mr M Mhletywa

Federation Representative

Dr L Bayeni

Medical

Mr B Hendrikse

School Sport

Ms K Msimka

SALGA

Mr B Makubalo

DSRAC

Ms T Mlonyeni

DSRAC Representative

Prof Rosa Du Randt

DSRAC Representative