



DRAFT CONSTITUTION OF HEXBALL SOUTH AFRICA

1. NAME

- a. The name of the association shall be Hexball South Africa

2. AIMS AND OBJECTIVES

- a. The main business of the association shall be to
 - i. Promote, develop and grow Hexball in South Africa;
 - ii. Act as the controlling body for the sport in South Africa;
 - iii. Prepare a team for international participation as and when is required;
 - iv. Prepare and host a National Championships at least once every two years;
 - v. Affiliate and/or be recognised the the appropriate national, continental and international sport organisations;
- b. The secondary objectives or the association shall be to
 - i. Assist in the training and development of administrators, and ensure that they are duly compensated and/or recognised for their work;
 - ii. Create commercial opportunities for sports entrepreneurs and promoters;
 - iii. Build an attractive sport for investors and sponsors;
 - iv. Ensure self-sustainability for the sport at all levels;
 - v. Create equal and fair play opportunities countrywide;

3. JURISDICTION

Hexball South Africa shall have jurisdiction in the Republic and over its members, officials and athletes through HSA membership, wherever they may be at the time while engaging in HSA or their own activities.

4. MEMBERSHIP

- a. The members of HSA shall consist of the following:
 - i. Provincial Hexball federations affiliated to HSA annually;
 - ii. Associate members operating at a national level and who organise national competitions on a regular basis may be granted such status at an Annual General Meeting or Special General Meeting convened for this purpose. This includes but is not limited to:
 1. National Schools Sports Federations;
 2. National Tertiary Learning Sports Federations;
 3. National Veterans Sports Federations;
 - iii. Honorary members who have rendered meritorious service to HSA may be granted such status at an AGM or SGM convened for this purpose. Equally, the AGM or SGM may revoke such membership on good cause being shown to them. Honorary members will not have voting rights.



- b. Termination of membership
HSA may, by two-thirds majority resolution at a General Meeting, revoke and cancel the memberships contemplated above, in which event the relevant member will cease forthwith to be a member of HSA.
- c. Expulsion
 - i. A Member may be expelled from membership of the HSA. The proposal to do so must be notified to the Member concerned at least sixty (60) days in advance. The proposal must be included in the agenda and a decision must be approved by a two-thirds majority. Only Members not being considered for expulsion are eligible to vote. An expulsion may include the following reasons:
 - 1. Refusal to pay any liabilities due to HSA.
 - 2. Refusal to comply with the provisions of the Constitution or the regulations pertaining thereto.
 - 3. Bringing HSA into disrepute and being unrepentant.
 - ii. Any decision made to terminate membership of a member of HSA, will be effective immediately but subject to the guidelines for appeal as laid out by the HSA.

5. SUBORDINATE STATUS OF MEMBERS

- a. Members shall be subordinate to HSA and must comply with the Constitution of HSA and any directives issued by HSA from time to time.
- b. Members' constitutions and any rules or regulations formulated thereunder shall be approved by HSA and shall not be in conflict with the constitution of HSA.

6. GOVERNANCE

a. The Council

- i. A Council hereinafter referred to as "HSA Council", who shall be the supreme governing and decision-making body of the HSA, shall govern the HSA and reserves its rights in terms of this constitution to change, amend or repeal any decision taken by any other body, Sub Committee of the HSA or the HSA NEC.
- ii. Members of Council and HSA NEC must disclose any criminal charges pending or criminal record to the HSA NEC. Council will then decide on whether the member may serve as an administrator.
- iii. No member of HSA who has been previously found guilty of financial maladministration in any sport may serve as administrator in the structures of HSA.
- iv. Members serving on the NEC and Council must declare all possible conflicts of interests prior to any meeting where agenda items may have bearing.
- v. The HSA Council will comprise a mandated representative each from the members as outlined in Article 4, and the HSA NEC.



- vi. Each province represented at the Council shall hold a single vote and the NEC shall itself collectively hold one vote and for all intents and purposes be regarded as one member of HSA Council. The Chairperson will additionally hold a deciding vote to break any ties.
- vii. Quorum for any HSA Council Meeting shall be the presence of more than 50% of its members.
- viii. The HSA Council will be presided over by the President of HSA, or in his absence the Vice President of HSA. The Chief Administrative Officer of the NEC shall be the secretary of the Council.
- ix. In the event that both the president and vice president are absent, then the HSA Council may elect any person from its midst to act as the Chairperson. The same rule would apply in the absence of the secretary.
- x. Apart from the Annual General Meeting, the HSA Council is bound to meet not less than once in each calendar year.

b. The National Executive Committee

- i. The National Executive Committee of the HSA hereinafter referred to as the NEC shall conduct the day-to-day business of the HSA.
- ii. The NEC shall be elected from the body of the HSA Membership according to the following:
 - 1. The term of election will be for four calendar years.
 - 2. An NEC official may only be re-elected for their post twice, for a maximum of three consecutive terms.
 - 3. In addition to any other person that the HSA Council may elect to the NEC, the NEC shall comprise the President, Vice President, Chief Administrative Officer (CAO), who will be the Secretary, Chief Financial Officer (CFO), who will be the Treasurer, Development Officer, Technical Officer and Player Representative.
 - 4. The NEC shall meet as many times as is necessary to conduct the business of the HSA but shall not meet less than four times per calendar year.
 - 5. Quorum for NEC meetings is a minimum of three members of which one should be the President and one shall be the CAO.
 - 6. NEC Meetings may be conducted in person or via any electronic means available, which will include but not be limited to conference telephone calls or Internet conference meetings.
 - 7. NEC Members may in the performance of their duties utilise e-mails, Whatsapp and any other communications means to distribute any relevant documents.
- iii. DUTIES OF THE NEC
 - 1. The President or in his absence the Vice President shall act as chairperson of all NEC, HSA Council or any other meeting amongst the members of the HSA. The president or in his absence the Vice President will occupy a position of right on any Committee, sub committee of the HSA within its entire jurisdiction. The president



has overall day-to-day responsibility for the proper and efficient management, administration and performance of the association whose duties will include but not be limited to the following:

- a. To manage the day-to-day affairs of the association and liaise with his executive on a regular basis in order to complete a smooth flow of communications between all levels of management.
 - b. To manage and oversee the various aspects of operation of the association and achieve specific goals and delivery within certain target dates.
 - c. To ensure that the overall strategy, planning and analysis of existing targets are done within the framework of the Constitution of the HSA.
 - d. To oversee the implementation of proper fiscal management.
 - e. To uphold, defend and achieve the dictates of the Constitution of the HSA.
 - f. To be familiar with the current mood of HSA's members and be well versed in current external issues affecting the sport of Hexball.
 - g. To chair and manage all meetings of the HSA NEC and HSA Council.
 - h. To report to the HSA Council.
 - i. To act as media liaison and oversee all marketing strategies or delegate these duties accordingly.
2. **The Vice President**, in addition to all the duties of a president and in acting in the place of the president when he is absent; shall have duties that will include but not be limited to the following:
- a. To develop, record and amend HSA policy on an ongoing basis, in addition to maintaining the HSA Handbook and tracking changes to the HSA Constitution.
 - b. To research and ensure that HSA stays abreast of the latest World Standards and trends in operation and management and to advise NEC to these changes as and when necessary.
 - c. To report to the president and in his absence to the Council of the HSA.
3. In addition to **the CFO** being responsible for the finance and accounting operations of the HSA, including financial reporting, and compliance with accepted finance and accounting standards and regulatory requirements, the CFO's portfolio will include but not be limited to:
- a. To manage any and all of the assets of the HSA.
 - b. To ensure that the company's reported financial statements, and financial well being are accurate, free from error and



- misrepresentations, and are in compliance with all applicable standards and regulatory requirements.
- c. To participate in the association's strategic and financial planning processes and setting financial goals in support of operations and strategic directions.
 - d. Planning and managing the finances of the entire association.
 - e. Producing an annual budget and cash flow projection analysis for the year.
 - f. Setting up various accounts and ensuring that these accounts remain within budget.
 - g. Producing monthly trial balances.
 - h. Reporting on a quarterly basis, on the financial well-being of the association to the president and Council and providing assurance that financial reporting is accurate, error-free, and free from misrepresentation.
 - i. Assuring compliance with accepted financial accounting standards
 - j. To discharge all the financial policies of the HSA.
4. In addition to **the CAO** being responsible for the secretarial, administration and communication of the HSA, this portfolio will include but not be limited to:
- a. Function as the facilitator and communications directorate between the NEC and members of the HSA and to facilitate the flow of email and telephone communication, from various sectors and route them to the correct NEC office.
 - b. Manage the HSA calendar of events and ensure that all materials and logistics for upcoming meetings and events are in place and that all role players are clear on the HSA expectation and that their due deliveries are on track. In addition, handle and put in place all logistical aspects of meetings in conjunction with the CFO.
 - c. Maintain a well organised electronic and hardcopy filing system.
 - d. Assemble quarterly reports for Council Meetings from submissions from all other NEC Members and compile these into a book.
 - e. Provide all general and specific administrative support (typing, faxing, taking meeting minutes, preparing agendas etc).
 - f. Keeping accurate records of all meetings of the HSA and making such records of minutes available to the delegates of that meeting in draft form within 7 working days after the end of that meeting.



7. MEETINGS

a. NOTIFICATION OF MEETINGS

- i. The secretary may notify members of meetings by either registered letter, by e-mail, by text message or by sms or if so desired by all or a combination of the aforementioned methods. NEC meetings require a minimum of 48 hours notice. Council meetings require a minimum of 21 days notice.
- ii. An Agenda must accompany notification of meeting and a deadline for submissions of additional items must be set. Agendas must be set at least 2 days prior to a NEC meeting and all pertinent documents or information supplied to NEC members. Agendas must be set at least 7 days in advance of a Council Meeting and all pertinent information to the Agenda must be distributed for consideration. The CAO is responsible for the finalization of Agendas and distribution of information.
- iii. The delivery notice or sent or read confirmation of any of the notification methods above will be deemed as confirmation that the notice has been delivered.
- iv. Meetings should be attempted to be held physically but may be held electronically if after considering geographical, economic or circumstantial factors it is considered most beneficial to hosting the meeting.

b. GENERAL MEETINGS

- i. Notwithstanding that dates for general or ordinary HSA Council Meetings can be set at the closing of a HSA NEC/ Council Meeting, the secretary may post a notice to hold a general or ordinary meeting of HSA Council by sending a notice to Councillors not less than 30 days prior to the date of such a meeting.
- ii. The notice of this meeting shall include but not be limited to:
 1. Date, time and venue of the meeting.
 2. Proposed agenda
 3. Requests for specific submissions to be included in the final agenda.
- iii. In the event that a special resolution is to be tabled at any meeting, the secretary needs to provide notice of such a resolution to all HSA Council Members at least 21 days prior to the meeting.

c. SPECIAL MEETINGS

- i. The secretary is compelled to schedule a Special Meeting of the HSA Council on the petitioned request by at least four affiliate members to do so. Such request must state clearly the reason for the meeting request and the agenda for such.
- ii. Such a Special Meeting must be held within 40 days of the secretary receiving such request, and may be conducted online.
- iii. Such a Special Meeting will be closed only to the agenda and business for which the Meeting was requested.



- iv. This meeting will be conducted in the same manner as any other HSA Council Meeting.

d. AGM

- i. The AGM is the highest institution of the HSA and will occur every year at a date fixed by the HSA NEC and communicated by the secretary at least 30 days prior to the meeting.
- ii. The members of the AGM shall be the HSA Councillors and NEC (collectively) and will be the only mandated persons eligible to cast votes. Any member of the HSA is welcome to attend the AGM and air his/ her views, comments and or queries, but will however be disallowed from entering into or taking part in any voting process. The agenda for the AGM shall include but not be limited to:
 - 1. Debate/Approval of Annual Reports from the President
 - 2. Debate / Approval of Annual Reports from the Treasurer
 - 3. Debate / Approval of Annual Reports from the Secretary
 - 4. Debate / Approval of Annual Reports from the Technical Officer
 - 5. Debate / Approval of Annual Reports from the Auditors
 - 6. Players' Representative Report
 - 7. Acceptance, expulsion or suspensions of members
 - 8. Approval of budget for next Financial Year
 - 9. Fixing of Membership Fees
 - 10. Approval of Constitutional Changes
 - 11. Elections and by-elections whenever necessary
- iii. Quorum for an AGM shall be more than 50% of the members of the HSA NEC/Council. Should quorum not be realised within an hour of the allotted time for the AGM, then the President may:
 - 1. Allow a further 30 minutes to realise quorum.
 - 2. Reschedule the meeting to be held within not less than 7 days and not more than 30 days, in which case however many delegates attend shall form the quorum for the meeting.
- e. Meetings may be called by whatever geographical, economic or circumstantial factors is most beneficial to hosting the meeting thus a meeting may require members to be either physically or electronically present depending on the means by which the meeting will be held.

8. MOTIONS OR VOTES OF NO CONFIDENCE

- a. The NEC, by a resolution adopted with a supporting vote of at least two thirds of its members, may remove any member from office on the grounds of -
 - i. a serious violation of the Constitution or policies of the HSA;
 - ii. serious misconduct that brings disrepute to the HSA;
 - iii. repeated absence from meetings without apology;
 - iv. inability to perform the functions of his/her office; or



- v. inability to complete tasks for which he/she is responsible for.

9. VOTES, VOTING & VOTING RIGHTS

- a. Every member of the HSA who is eligible to vote shall do so personally according to her/ his own conscience.
 - i. Should a member who is eligible to vote not be able to attend a voting session or a meeting wherein he would be required to vote, then such a member may mandate anyone of his choice who is a member of the HSA to vote on his behalf by proxy and utilise the authorised proxy form for this purpose.
 - ii. All proxy votes will only be recognised if lodged with the secretary on the official Proxy Form or in writing, at least 24 hours before a meeting.
- b. The person performing the duties of chairperson shall not be allowed to take part in any voting process of any meeting of the HSA, except in the event of a tie in voting.
- c. In the event that the voting process is tied by equal votes for and against, then the chairperson of that meeting or voting process shall enjoy the privilege of a deciding vote to break any tie or deadlock.
- d. At the request of any member of a meeting or a voting process, or subject to the discretion vested in the chairperson of that meeting or voting process, voting can be conducted by secret ballot. At all other times voting may be done by a show of hands except in an election process.
- e. In an election process all votes will be conducted by secret ballot.
- f. In all voting a majority vote will be deemed to be sufficient to win a vote or pass a motion, except in voting on special resolutions.
- g. In the event of special resolutions, a minimum of three-quarters (75%) majority is required.
- h. Notwithstanding the democratic rights of a Province to elect a Provincial Manager from their midst, in the event of non performance, lack of necessary skills, gross neglect of HSA membership and any other reason that the NEC might have which indicates that the elected Provincial manager is not serving the best interests of its members and/or is neglecting his responsibilities towards the HSA, the NEC may, upon application by whatever means necessary to the HSA Council, appoint a new Provincial Manager as a replacement within that Province.
- i. In circumstances where an entire Provincial Committee commits acts of gross neglect, non performance and or does not serve the best interests of its members, the NEC may at its discretion place under curatorship the membership of the entire Province.

10. SPECIAL RESOLUTIONS

- a. A special resolution may be passed by three-quarters (75%) or more of the voting delegates of a HSA Council Meeting assenting thereto to effect any of the following:
 - i. To change the name of the organisation
 - ii. To change the rules of the organisation



- iii. To change any part of the constitution
- iv. To amalgamate with another Association or Federation
- v. To dissolve the HSA and distribute its assets
- b. A special resolution will only be passed and come into effect in the following manner:
 - i. A notice must be sent to all HSA Council Members or representatives of its affiliates advising that a meeting is to be held to consider a special resolution at least 21 days prior to the meeting.
 - ii. The notice of the meeting must provide complete details of the nature and definition of the special resolution.
 - iii. The meeting must have a quorum of more than 60% of its members.
 - iv. Three-quarters or more of the members present must vote in favour of the resolution in order to pass such a resolution.
 - v. The provisions of the Constitution shall be added, repealed or amended by resolution(s) at any AGM, or an SGM convened expressly for that purpose. Such resolution(s) shall be deemed to have been passed if they are carried by a minimum of two-thirds of majority.
 - vi. All changes and/or amendments to the constitution shall come into force immediately, unless otherwise stated, following the approval by an AGM, or SGM.

11. CONFLICT OF INTEREST

The NEC shall adopt a conflict of interest policy governing transactions between the HSA and its NEC members and/or other persons holding positions specified in such policy. Each person covered by such policy shall disclose any potential conflicts of interest according to the procedures set forth in the policy.

12. LEGISLATION

a. **Autonomy**

HSA is the only recognized representative for Hexball in South Africa to SASCOC and all recognised Continental and International Organizations and any other relevant entity.

b. **Constitution and By-Laws.**

The legislation of the HSA consists of:

- i. The Constitution describing all principles and fundamental aspects of the organisation, and other matters under control of the council, to be decided upon by the Annual General Meeting (AGM).
- ii. The Constitution empowers the council to enact from time to time By-laws for proper administration. Amendments or additions to the by-laws can be effected at any HSA meeting and ratified at the following AGM. The by-laws may include:
 - 1. The HSA Seasonal manual.



2. Disciplines, Rules, Regulations and Tournament Rules.
 3. Article 30 of the IOC Olympic Charter.
 4. SAIDS Anti-Doping Code & Anti-Doping Rules, as well as WADA rules.
 5. Affiliation/Registration Fees.
 6. Discipline, Disputes, Law and Penalty Regulations.
 7. Promotion & Sponsorship.
- iii. The HSA constitution is binding on all its members.

13. HSA Seasonal Manual (By-laws):

The HSA Seasonal Manual shall contain the following:

- a. Rules of play pertaining to Hexball.
- b. Annual membership fee structure.
- c. Disciplinary code and procedure.
- d. Bidding and hosting of National Championships.
- e. Provincial and National Manager Selection Guidelines
- f. Formats of play to be employed at league level, provincial championships and national tournaments.
- g. Information pertaining to the use of the Scoring Platform employed by HSA